

A-Engrossed
House Bill 2320

Ordered by the House April 5
Including House Amendments dated April 5

Sponsored by Representative LIVELY, Senator THOMSEN, Representative SMITH G, Senator HANSELL; Representatives BARRETO, BOLES, BONHAM, FAHEY, GOMBERG, HAYDEN, MCKEOWN, REARDON, RESCHKE, SMITH DB, Senators BENTZ, KNOPP, MANNING JR (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides that fixed percentage of certain forecasted video lottery revenues[, *adjusted for certain allocations to Regional Solutions Program,*] be transferred to counties for economic development.

Provides that disbursements to counties from video lottery revenues be adjusted to compensate for differentials between [*previous*] biennium's forecasted revenues and actual revenues.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to lottery revenues; creating new provisions; amending ORS 320.005 and 461.547; and pre-
3 scribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 461.547 is amended to read:

6 461.547. (1) **Each biennium**, the Oregon [*State Lottery Commission*] **Department of Adminis-**
7 **trative Services** shall transfer an amount equal to 2.5 percent of the net **forecasted** receipts from
8 video lottery games allocated to the Administrative Services Economic Development Fund to coun-
9 ties for economic development activities. Ninety percent of the moneys shall be distributed to each
10 county in proportion to the gross receipts from video lottery games from each county. Ten percent
11 of the moneys shall be distributed in equal amounts to each county. **The Oregon State Lottery**
12 **Commission shall determine and inform the department of the amounts to be transferred**
13 **under this subsection.**

14 **(2) During the eighth fiscal quarter of each biennium:**

15 **(a) The commission shall determine and inform the department of the amount of net**
16 **actual receipts from video lottery games allocated to the Administrative Services Economic**
17 **Development Fund in the biennium;**

18 **(b) The commission shall determine and inform the department of the amount that each**
19 **county would have received under subsection (1) of this section in the biennium had the**
20 **transfer been based on the net actual receipts determined under paragraph (a) of this sub-**
21 **section in place of the net forecasted receipts described in subsection (1) of this section;**

22 **(c) If the amount determined for a county under paragraph (b) of this subsection is**
23 **greater than the actual amount received under subsection (1) of this section by the county**
24 **in the biennium, the department shall, during the first fiscal quarter of the subsequent**
25 **biennium, disburse the difference to the county; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(d) If the amount determined for a county under paragraph (b) of this subsection is less**
2 **than the actual amount received under subsection (1) of this section by the county in the**
3 **biennium, the department shall decrease one or more future disbursements to the county under**
4 **subsection (1) of this section until the amount of the difference has been deducted.**

5 [2] **(3)** As used in this section:

6 (a) “Gross receipts from video lottery games” means the amount of money inserted into video
7 lottery games plus the value of any free game prizes used by players for subsequent games.

8 (b) “Net **actual** receipts from video lottery games” means the amount of money that is received
9 from the operation of video lottery games after the payment of prizes but prior to any other pay-
10 ment.

11 (c) “Net **forecasted receipts from video lottery games**” means the amount of money that
12 **is forecasted to be received from the operation of video lottery games, after the payment of**
13 **prizes but prior to any other payment, in the last revenue forecast published in the previous**
14 **biennium by the department.**

15 **SECTION 2. The amendments to ORS 461.547 by section 1 of this 2019 Act become oper-**
16 **ative on July 1, 2020.**

17 **SECTION 3.** ORS 320.005 is amended to read:

18 320.005. As used in ORS 320.005 to 320.150, unless the context requires otherwise:

19 (1) “Amusement device” means a video lottery game terminal, including but not limited to any
20 electronic, mechanical-electronic or nonmechanical device that:

21 (a) Displays a ticket through the use of a video display screen;

22 (b) Is available for consumer play upon the payment of consideration;

23 (c) Determines winners through the element of chance; and

24 (d) Displays possible prizes on the device.

25 (2) “Department” means the Department of Revenue.

26 (3) “Net receipts” has the meaning given the term “net **actual** receipts from video lottery
27 games” under ORS 461.547.

28 (4) “Operate” means to make an amusement device available for use by the public for gain,
29 benefit or advantage.

30 (5)(a) “Person” means every individual, partnership (limited or not), corporation (for-profit or
31 not-for-profit), company, cooperative, joint stock company, joint venture, firm, business trust, asso-
32 ciation, organization, institution, club, society, receiver, assignee, trustee in bankruptcy, auctioneer,
33 syndicate, trust, trustee, estate, personal representative or any group of individuals acting as a unit,
34 whether mutual, cooperative, fraternal, nonprofit or otherwise.

35 (b) “Person” includes this or another state, a municipal corporation, quasi-municipal corporation
36 or political subdivision of this or another state, and the agencies, departments and institutions of
37 this or another state, irrespective of the nature of the activities engaged in or functions performed,
38 but does not include the United States or a foreign government or any agency, department or
39 instrumentality of the United States or of any foreign government.

40 (6) “Tax year” means a period of 12 months beginning July 1 and ending the following June 30.

41 **SECTION 4. This 2019 Act takes effect on the 91st day after the date on which the 2019**
42 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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