

Requested by Representative LIVELY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4069**

1 On page 1 of the printed bill, delete lines 5 through 28 and delete page
2 2 and insert:

3 **“SECTION 1.** ORS 461.547 is amended to read:

4 “461.547. (1) **Each biennium,** the Oregon [*State Lottery Commission*]
5 **Department of Administrative Services** shall transfer an amount equal
6 to 2.5 percent of the net **forecasted** receipts from video lottery games allo-
7 cated to the Administrative Services Economic Development Fund to coun-
8 ties for economic development activities. Ninety percent of the moneys shall
9 be distributed to each county in proportion to the gross receipts from video
10 lottery games from each county. Ten percent of the moneys shall be distrib-
11 uted in equal amounts to each county. **The Oregon State Lottery Com-**
12 **mission shall determine and shall inform the department of the**
13 **amounts to be transferred under this subsection.**

14 **“(2) During the first quarter of each biennium:**

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

19 **“(b) The commission shall determine and inform the department**
20 **of the amount that each county would have received under subsection**
21 **(1) of this section in the previous biennium had the transfer been**

1 based on the net actual receipts determined under paragraph (a) of
2 this subsection in place of the net forecasted receipts described in
3 subsection (1) of this section;

4 “(c) If the amount determined for a county under paragraph (b) of
5 this subsection is greater than the actual amount received under sub-
6 section (1) of this section by the county in the previous biennium, the
7 department shall disburse the difference to the county; and

8 “(d) If the amount determined for a county under paragraph (b) of
9 this subsection is less than the actual amount received under sub-
10 section (1) of this section by the county in the previous biennium, the
11 department shall decrease one or more future disbursements to the county
12 under subsection (1) of this section until the amount of the difference
13 has been deducted.

14 “[2)] (3) As used in this section:

15 “(a) ‘Gross receipts from video lottery games’ means the amount of money
16 inserted into video lottery games plus the value of any free game prizes used
17 by players for subsequent games.

18 “(b) ‘Net actual receipts from video lottery games’ means the
19 amount of money that is received from the operation of video lottery
20 games after the payment of prizes but prior to any other payment.

21 “[b)] (c) ‘Net forecasted receipts from video lottery games’ means the
22 amount of money that is forecasted to be received from the operation of
23 video lottery games, after the payment of prizes but prior to any other pay-
24 ment, in the last revenue forecast published in the previous biennium
25 by the department.

26 “SECTION 2. The amendments to ORS 461.547 by section 1 of this
27 2018 Act become operative on July 1, 2019.

28 “SECTION 3. ORS 320.005 is amended to read:

29 “320.005. As used in ORS 320.005 to 320.150, unless the context requires
30 otherwise:

1 “(1) ‘Amusement device’ means a video lottery game terminal, including
2 but not limited to any electronic, mechanical-electronic or nonmechanical
3 device that:

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

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

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

7 “(d) Displays possible prizes on the device.

8 “(2) ‘Department’ means the Department of Revenue.

9 “[3] ‘Net receipts’ has the meaning given the term ‘net receipts from video
10 lottery games’ under ORS 461.547.]

11 “(3) **‘Net receipts’ means the amount of money that is received from**
12 **the operation of video lottery games after the payment of prizes but**
13 **prior to any other payment.**

14 “(4) ‘Operate’ means to make an amusement device available for use by
15 the public for gain, benefit or advantage.

16 “(5)(a) ‘Person’ means every individual, partnership (limited or not), cor-
17 poration (for-profit or not-for-profit), company, cooperative, joint stock com-
18 pany, joint venture, firm, business trust, association, organization,
19 institution, club, society, receiver, assignee, trustee in bankruptcy,
20 auctioneer, syndicate, trust, trustee, estate, personal representative or any
21 group of individuals acting as a unit, whether mutual, cooperative, fraternal,
22 nonprofit or otherwise.

23 “(b) ‘Person’ includes this or another state, a municipal corporation,
24 quasi-municipal corporation or political subdivision of this or another state,
25 and the agencies, departments and institutions of this or another state, ir-
26 respective of the nature of the activities engaged in or functions performed,
27 but does not include the United States or a foreign government or any
28 agency, department or instrumentality of the United States or of any foreign
29 government.

30 “(6) ‘Tax year’ means a period of 12 months beginning July 1 and ending

1 the following June 30.

2 **“SECTION 4. (1) During a biennium in which any provision of law**
3 **requires a transfer of moneys from the State Lottery Fund to the**
4 **Public Employees Retirement Fund, if State Lottery Fund revenues**
5 **received, after constitutionally required distributions, in the preceding**
6 **biennium exceed the State Lottery Fund revenues estimated to be re-**
7 **ceived, after constitutionally required distributions, in the biennium**
8 **beginning July 1, 2017, in the first estimate under ORS 291.349 in the**
9 **biennium beginning July 1, 2017:**

10 **“(a) The amount transferred to counties under ORS 461.547 (1) must**
11 **be calculated as if no transfers to the Public Employees Retirement**
12 **Fund described in this subsection had been made; and**

13 **“(b) The amounts described in ORS 461.547 (2)(a) and (b) must be**
14 **calculated as if no transfers to the Public Employees Retirement Fund**
15 **described in this subsection had been made.**

16 **“(2) It is the intent of the Legislative Assembly that the amounts**
17 **transferred to counties under ORS 461.547 not be affected by a transfer**
18 **of moneys from the State Lottery Fund to the Public Employees Re-**
19 **tirement Fund described in subsection (1) of this section.**

20 **“SECTION 5. This 2018 Act takes effect on the 91st day after the**
21 **date on which the 2018 regular session of the Seventy-ninth Legislative**
22 **Assembly adjourns sine die.”.**

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