

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB403

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Reeves

3. Committee: Passed the Senate

4. Title: Charitable gaming.

5. Summary: Provides that electronic gaming, defined in the bill as charitable gaming conducted primarily by use of an electronic device, is restricted to social organizations and is limited to such organizations' social quarters. The bill provides that all receipts attributable to electronic gaming shall be reported to the Department of Agriculture and Consumer Services and shall be subject to application, audit, and administration fees.

The bill eliminates exceptions in current law for veterans and fraternal organizations. Without the exceptions, such organizations shall be subject to two prohibitions that, under current law, apply to all other organizations: (i) they are prohibited from offering bingo, instant bingo, pull tabs, or seal cards outside of their home locality and (ii) they are prohibited from offering such games at a Department of Alcoholic Beverage Control-licensed location unless they hold the license.

Additionally, the bill contains an enactment clause requiring an appropriation in a general appropriation act passed in 2022 by the General Assembly.

6. Budget Amendment Necessary: Yes, Front Page and Item 404 of HB/SB30, as Introduced.

7. Fiscal Impact Estimates: Preliminary.

7a. Expenditure Impact: Department of Corrections Item 404

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2023	50,000	General Fund

7b. Revenue Impact: Front Page

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2023	1,787,000	General Fund
2024	1,787,000	General Fund
2025	1,787,000	General Fund
2026	1,787,000	General Fund
2027	1,787,000	General Fund
2028	1,787,000	General Fund

8. Fiscal Implications: It is anticipated that this bill will have a general fund expenditure and revenue impact. The bill contains an enactment clause requiring an appropriation in a general appropriation act passed in 2022 by the General Assembly

It is anticipated that this bill will have a general fund expenditure impact on correctional facilities, though that impact cannot be determined. According to the Virginia Criminal Sentencing Commission, not enough information is available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. According to the Compensation Board's most recent Jail Cost Report (November 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice. See the Virginia Criminal Sentencing Commission's impact statement for more detail.

Additionally, it is anticipated that this bill will have a general fund revenue impact. According to § 18.2-340.31, Code of Virginia, organizations must pay an audit and administration fee of 1.375 percent of total receipts, unless specifically exempted by the statute. This bill requires all social quarters to pay an audit and administration fee set by the Virginia Department of Agriculture and Consumer Services (VDACS) of not more than the 1.5 percent plus a mandatory fee set at 0.25 percent on the adjusted gross receipts, or net revenue, of their electronic pull tab revenue. VDACS estimates that this bill will result in approximately \$1.787 million in additional revenue from electronic pull tabs. In FY2021, \$964 million was collected in receipts.

Item 106 A of HB30/SB30, as introduced, provides that all fees, including audit and administrative fees and permit fees, paid by any organization conducting charitable gaming under a permit issued by the department, shall be deposited to the general fund. In FY2021, the Office of Charitable & Regulatory Programs deposited a total of nearly \$1.8 million in the general fund. Charitable Gaming is a general fund supported program.

The Virginia Racing Commission and Virginia Lottery also oversee electronic gaming; neither agency anticipates incurring a fiscal impact as a result of this bill.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Agriculture and Consumer Services, Department of Corrections, local and regional jails, courts, Commonwealth Attorneys, Public Defenders, Department of Juvenile Justice

10. Technical Amendment Necessary: No.

11. Other Comments: HB763 also restricts charitable gaming by social organizations. SB401 and HB766 establish a new funding protocol for charitable gaming regulation, which would affect the estimates above.