

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2813

**FISCAL
NOTE**

BY DELEGATES WALTERS, HOWELL, PHILLIPS,

MCGEEHAN AND BARRETT

[Introduced March 7, 2017; Referred

to the Committee on Small Business, Entrepreneurship

and Economic Development, then the Judiciary then

Finance.]

1 A BILL to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended,
 2 relating to increasing number of limited video lottery terminals allowed at a retail location;
 3 and requiring Lottery Commission to conduct a bid for current permit holders prior to
 4 September 1, 2017.

Be it enacted by the Legislature of West Virginia:

1 That §29-22B-1101 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 22B. LIMITED VIDEO LOTTERY.

PART 11. ALLOCATION AND DISTRIBUTION OF VIDEO LOTTERY TERMINALS.

§29-22B-1101. Limitation on number and location of video lottery terminals.

1 (a) The Lottery Commission may not authorize the placement of more than nine thousand
 2 video lottery terminals in restricted access adult-only facilities in this state.

3 (b) No person may directly or indirectly operate more than seven and one-half percent of
 4 the number of video lottery terminals authorized in this section, which ~~shall~~ may be located only
 5 in restricted access adult-only facilities.

6 (c) Exclusive of the number of terminals authorized for fraternal societies or veterans'
 7 organizations in this section the average number of terminals authorized for the total of those
 8 licenses among other retailers may not exceed five per location, and no individual location may
 9 be authorized to have on the premises for which the license was issued more than seven video
 10 lottery terminals. No licensed limited video lottery retailer may be authorized to have on the
 11 premises for which the license was issued more than ~~five~~ seven video lottery terminals except
 12 that a fraternal society or ~~veteran's~~ veterans' organization that is: (A) A fraternal beneficiary
 13 society that is exempt from federal income tax under section 501(c)(8) of the Internal Revenue
 14 Code of 1986, as amended; (B) a domestic fraternal society that is exempt from federal income
 15 tax under section 501(c)(10); or (C) a veterans' organization that is exempt from federal income

16 tax under section 501(c)(19) of the Internal Revenue Code may be authorized to have on the
17 premises for which the license was issued not more than ~~ten~~ twelve video lottery terminals.

18 (d) To help accommodate the change in the number of terminals authorized by the
19 amendment to this section enacted during the 2017 regular session of the Legislature, the
20 commission shall conduct a bid no later than September 1, 2017, for permits expiring June 30,
21 2022, which bid is open to current permit holders only and which shall be conducted in accordance
22 with sections one thousand one hundred six, one thousand one hundred seven and one thousand
23 one hundred nine of this article.

NOTE: The purpose of this bill is to establish a maximum of seven limited video lottery terminals at a regular retail location, and a maximum of twelve terminals at a qualified fraternal or veterans' organization.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.