

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Senate Bill 27

BY SENATOR BLAIR

[Passed February 5, 2019; in effect 90 days from passage]

1 AN ACT to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating
2 to types of lottery games to be conducted by the State Lottery Commission; removing
3 restrictions on where certain traditional lottery games may be played; and conforming
4 language to recently enacted legislation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. STATE LOTTERY ACT.

§29-22-9. Initiation and operation of lottery; restrictions; prohibited themes, games, machines, or devices; distinguishing numbers; winner selection; public drawings; witnessing of results; testing and inspection of equipment; price of tickets; claim for and payment of prizes; invalid, counterfeit tickets; estimated prizes and odds of winning; participant bound by lottery rules and validation procedures; security procedures; additional games; electronic and computer systems.

1 (a) The commission shall initiate operation of the state lottery on a continuous basis at the
2 earliest feasible and practical time, first initiating operation of the preprinted instant winner type
3 lottery. The lottery shall be initiated and shall continue to be operated so as to produce the
4 maximum amount of net revenues to benefit the public purpose described in this article consonant
5 with the public good. Other state government departments, boards, commissions, agencies, and
6 their officers shall cooperate with the Lottery Commission so as to aid the Lottery Commission in
7 fulfilling these objectives.

8 (b) The commission shall promulgate rules and regulations specifying the types of lottery
9 games to be conducted by the lottery. These rules and regulations shall provide that:

10 (1) No lottery may use the results of any amateur or professional sporting event, dog race,
11 or horse race to determine the winner except as authorized under §29-22D-1 *et seq.* of this code.

12 (2) Electronic video lottery systems must include a central site system of monitoring the
13 lottery terminals utilizing an online or dial-up inquiry.

14 (3) In a lottery utilizing a ticket, each ticket shall bear a unique number distinguishing it
15 from each other ticket.

16 (4) No lottery utilizing a machine may use machines which dispense coins or currency.

17 (5) Selection of the winner must be predicted totally on chance.

18 (6) Any drawings or winner selections shall be held in public and witnessed by an
19 independent accountant designated by the director for such purposes.

20 (7) All lottery equipment and materials shall be regularly inspected and tested, before and
21 after any drawings or winner selections, by independent qualified technicians.

22 (8) The director shall establish the price for each lottery and determine the method of
23 selecting winners and the manner of payment of prizes, including providing for payment by the
24 purchase of annuities for prizes payable in installments.

25 (9) All claims for prizes shall be examined and no prize shall be paid as a result of altered,
26 stolen, or counterfeit tickets or materials, or which fail to meet validation rules or regulations
27 established for a lottery. No prize shall be paid more than once and, in the event of a binding
28 determination by the commission that more than one person is entitled to a particular prize, the
29 sole remedy of the claimants shall be the award to each of them of an equal share in the single
30 prize.

31 (10) A detailed tabulation of the estimated number of prizes of each particular prize
32 denomination that are expected to be awarded in each lottery, or the estimated odds of winning
33 such prizes shall be printed on any lottery ticket, where feasible, or in descriptive materials, and
34 shall be available at the offices of the commission.

35 (11) No prizes shall be paid which are invalid and not contemplated by the prize structure
36 of the lottery involved.

37 (12) By purchasing a ticket or participation in a lottery, a participant agrees to abide by,
38 and be bound by, the lottery rules which apply to the lottery or game play involved. An abbreviated
39 form of such rules may appear on tickets and shall appear on descriptive materials and shall be

40 available at the offices of the commission. A participant in a lottery agrees that the determination
41 of whether the participant is a valid winner is subject to the lottery or game play rules and the
42 winner validation tests established by the commission. The determination of the winner by the
43 commission shall be final and binding upon all participants in a lottery and shall not be subject to
44 review or appeal.

45 (13) The commission shall institute such security procedures as it deems necessary to
46 ensure the honesty and integrity of the winner selection process for each lottery. All such security
47 and validation procedures and techniques shall be, and remain, confidential and shall not be
48 subject to any discovery procedure in any civil, judicial, administrative, or other proceeding, nor
49 subject to the provisions of §29B-1-1 *et seq.* of this code.

50 (c) The commission shall proceed with operation of such additional lottery games,
51 including the implementation of games utilizing a variety of existing or future technological
52 advances at the earliest feasible date. The commission may operate lottery games utilizing
53 electronic computers and electronic computer terminal devices and systems, which systems must
54 include a central site system of monitoring the lottery terminals utilizing direct communication
55 systems, or other technological advances and procedures, ensuring honesty and integrity in the
56 operation of the lottery

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2019.

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Governor