

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 27**

BY SENATOR BLAIR

[Introduced January 9, 2019; Referred  
to the Committee on Finance]



1 A BILL to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating  
2 to removing restrictions on where certain traditional lottery games may be played.

*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. ~~Provided, That~~ These rules and regulations shall provide  
10 that:

11 (1) No lottery may use the results of any amateur or professional sporting event, dog race,  
12 or horse race to determine the winner.

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

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

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

18 ~~(5) A lottery game which utilizes an electronic computer and a video screen to operate a~~  
19 ~~lottery game and communicate the results thereof, such as the game "Travel", and which does~~  
20 ~~not utilize an interactive electronic terminal device allowing input by an individual player, may only~~  
21 ~~be made available by the commission in (A) private clubs licensed in accordance with the~~  
22 ~~provisions of article seven, chapter sixty of this code, (B) retail licensees licensed in accordance~~  
23 ~~with the provisions of article three a of said chapter sixty, and (C) in the facilities of class A~~  
24 ~~licensees which are licensed in accordance with the provisions of section nine, article sixteen,~~  
25 ~~chapter eleven of this code, in which facility at least seventy five percent of the nonintoxicating~~  
26 ~~beer sold by the class A licensee in the preceding year was sold for consumption on the premises:~~  
27 ~~Provided, That if sales information is not available for the preceding year, the commission in its~~  
28 ~~discretion may base any issuance or denial of an annual license upon a reasonable projection of~~  
29 ~~the volume of sales of nonintoxicating beer for consumption on the premises as a percentage of~~  
30 ~~the total sales of nonintoxicating beer~~

31 ~~(6)~~ (5) Selection of the winner must be predicted totally on chance.

32 ~~(7)~~ (6) Any drawings or winner selections shall be held in public and witnessed by an  
33 independent accountant designated by the director for such purposes.

34 ~~(8)~~ (7) All lottery equipment and materials shall be regularly inspected and tested, before  
35 and after any drawings or winner selections, by independent qualified technicians.

36 ~~(9)~~ (8) The director shall establish the price for each lottery and determine the method of  
37 selecting winners and the manner of payment of prizes, including providing for payment by the  
38 purchase of annuities for prizes payable in installments.

39 ~~(10)~~ (9) All claims for prizes shall be examined and no prize shall be paid as a result of  
40 altered, stolen, or counterfeit tickets or materials, or which fail to meet validation rules or  
41 regulations established for a lottery. No prize shall be paid more than once and, in the event of a  
42 binding determination by the commission that more than one person is entitled to a particular

43 prize, the sole remedy of the claimants shall be the award to each of them of an equal share in  
44 the single prize.

45 ~~(14)~~ (10) A detailed tabulation of the estimated number of prizes of each particular prize  
46 denomination that are expected to be awarded in each lottery, or the estimated odds of winning  
47 such prizes shall be printed on any lottery ticket, where feasible, or in descriptive materials, and  
48 shall be available at the offices of the commission.

49 ~~(12)~~ (11) No prizes shall be paid which are invalid and not contemplated by the prize  
50 structure of the lottery involved.

51 ~~(13)~~ (12) By purchasing a ticket or participation in a lottery, a participant agrees to abide  
52 by, and be bound by, the lottery rules which apply to the lottery or game play involved. An  
53 abbreviated form of such rules may appear on tickets and shall appear on descriptive materials  
54 and shall be available at the offices of the commission. A participant in a lottery agrees that the  
55 determination of whether the participant is a valid winner is subject to the lottery or game play  
56 rules and the winner validation tests established by the commission. The determination of the  
57 winner by the commission shall be final and binding upon all participants in a lottery and shall not  
58 be subject to review or appeal.

59 ~~(14)~~ (13) The commission shall institute such security procedures as it deems necessary  
60 to ensure the honesty and integrity of the winner selection process for each lottery. All such  
61 security and validation procedures and techniques shall be, and remain, confidential and shall not  
62 be subject to any discovery procedure in any civil, judicial, administrative, or other proceeding,  
63 nor subject to the provisions of §29B-1-1 *et seq.* of this code.

64 (c) The commission shall proceed with operation of such additional lottery games,  
65 including the implementation of games utilizing a variety of existing or future technological  
66 advances at the earliest feasible date. The commission may operate lottery games utilizing  
67 electronic computers and electronic computer terminal devices and systems, which systems must  
68 include a central site system of monitoring the lottery terminals utilizing direct communication

69 systems, or other technological advances and procedures, ensuring honesty and integrity in the  
70 operation of the lottery.

NOTE: The purpose of this bill is to remove restrictions on where KENO theme lottery games may be played, specifically, games that utilize an electronic computer and video screen to operate a lottery game and communicate the results thereof, such as the game "Travel", and do not utilize an interactive electronic terminal device allowing input by an individual player. These are truly traditional lottery products and games, and removing this restriction allows them to be sold in the same manner and locations as other traditional lottery games.

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