

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENGROSSED

House Bill 3308

BY DELEGATES BARRETT, STORCH, HARDY, ROWE,

WILLIAMS, PETHTEL, HOWELL AND CRISS

[Originating in the Committee on Finance; reported on
March 25, 2021]

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 certain licensed
3 limited video lottery retailer locations; removing superseded provisions; and establishing
4 an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22B. LIMITED VIDEO LOTTERY.

§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 may be located only in
5 restricted access adult-only facilities.

6 (c) No licensed limited video lottery retailer may be authorized to have on the premises for
7 which the license was issued more than seven video lottery terminals except that on and after
8 July 1, 2021, the Commission, upon recommendation of the Director, may authorize one or more
9 licensed limited video lottery retailers to have on the premises for which the limited video lottery
10 retailer's license was issued no more than ten video lottery terminals.

11 (2) Notwithstanding the limitation imposed by subdivision (1) of this subsection, a fraternal
12 society or veterans' organization that is: (A) A fraternal beneficiary society that is exempt from
13 federal income tax under section 501(c)(8) of the Internal Revenue Code of 1986, as amended;
14 (B) a domestic fraternal society that is exempt from federal income tax under section 501(c)(10)
15 of the Internal Revenue Code of 1986, as amended; or (C) a veterans' organization that is exempt
16 from federal income tax under section 501(c)(19) of the Internal Revenue Code of 1986, as
17 amended, may be authorized to have on the premises for which the license was issued not more
18 than ten video lottery terminals.

19 (d) Pursuant to the increase of the number of video lottery terminals authorized in
20 subsection (c) of this section, effective ~~2017~~ July 1, 2021, the commission shall conduct a bidding
21 process no later than ~~September 1, 2017~~ October 1, 2021, for permits for additional terminals.
22 Any permits for which a successful bid is made shall expire ~~June 30, 2024~~ June 30, 2031. The
23 bidding process is open to current permit holders only and ~~which~~ shall be conducted in
24 accordance with ~~sections one thousand one hundred six~~ §29-22B-1106, ~~one thousand one~~
25 ~~hundred seven~~ §29-22B-1107 and ~~one thousand one hundred nine~~ §29-22B-1109 of this article.
26 (e) The amendments to this section enacted in 2021 shall be effective on and after July 1,
27 2021.

NOTE: The purpose of this bill is to establish a maximum of ten limited video lottery terminals at a regular retail location.

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