

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2857

BY DELEGATES CAMPBELL, HORNBUCKLE, DEAN,
HIGGINBOTHAM, FLUHARTY, BARRETT, LAVENDER-BOWE,
WESTFALL AND ATKINSON

[Introduced February 6, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §29-22B-503 of the Code of West Virginia, 1931, as amended,
2 relating to qualifications for a limited video lottery operator’s license; and providing that an
3 applicant who has a retail beer, wine or liquor license qualifies for a limited video lottery
4 operator’s license.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22B. LIMITED VIDEO LOTTERY.

§29-22B-503. Additional qualifications for an applicant for an operator's license.

1 (a) No operator's license or license renewal may be granted unless the Lottery
2 Commission has determined that, in addition to the general requirements set forth in §29-22B-
3 502 of this code, the applicant satisfies all of the following qualifications:

4 (1)(A) If the applicant is an individual, the applicant has been a citizen of the United States
5 and a resident of this state for the four-year period immediately preceding the application; or

6 (B) If the applicant is a corporation, partnership, or other business entity, the chief
7 executive officer and the majority of the officers, directors, members, and partners (to the extent
8 each of these groups exists with respect to a particular business organization), both in number
9 and percentage of ownership interest, have been citizens of the United States and residents of
10 this state for the four-year period immediately preceding the application.

11 (2) The applicant has demonstrated the training, education, business ability, and
12 experience necessary to establish, operate, and maintain the business for which the license
13 application is made;

14 (3) The applicant has secured any necessary financing for the business for which the
15 license application is made, and the financing: (A) Is from a source that meets the qualifications
16 of this section; and (B) is adequate to support the successful performance of the duties and
17 responsibilities of the licensee. A licensee shall request commission approval of any change in
18 financing or leasing arrangements at least 30 days before the effective date of the change;

19 (4) The applicant has disclosed all financing or refinancing arrangements for the purchase,

20 lease, or other acquisition of video lottery terminals and associated equipment in the degree of
21 detail requested by the Lottery Commission;

22 (5) The applicant has filed with the Lottery Commission a copy of any current or proposed
23 agreement between the applicant and any manufacturer for the sale, lease, or other assignment
24 to the operator of video lottery terminals, the electronic computer components of the terminals,
25 the random number generators of the terminals, or the cabinets in which they are housed; ~~and~~

26 (6) The applicant does not hold any other license under this article, §19-23-1 *et seq.* of
27 this code, or §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-25-1 *et seq.* of this code, except that an
28 applicant may also be licensed as a service technician; and

29 (7) Notwithstanding any other provision of this code to the contrary, an applicant who is
30 licensed under §60-1-1 *et seq.* of this code for the retail sale of beer, wine or liquor qualifies for
31 an operator's license under this article.

32 (b)(1) A person or a member of his or her immediate family who has an ownership interest
33 in a business entity that submits an application for an operator's license may not: (A) Submit an
34 application for another operator's license as an individual; (B) serve as an officer, director,
35 member, or partner of a business entity that submits an application for another operator's license;
36 or (C) have an ownership interest in any other business entity that submits an application for an
37 operator's license.

38 (2) Business entities that have common owners or common officers, directors, members,
39 or partners may not hold more than one operator's license.

NOTE: The purpose of this bill is that anyone with an ABC license to sell beer, wine, liquor, etc., as approved by the state, would automatically qualify for video lottery machines.

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