

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2943

BY DELEGATES MOORE, ESPINOSA, UPSON,
HOUSEHOLDER, BLAIR, WILSON, ZATEZALO AND
MCGEEHAN

[Introduced March 13, 2017; Referred
to the Committee on the Judiciary then Finance.]

1 A BILL to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating
 2 to authorizing the Lottery Commission to introduce games whose winning tickets are
 3 determined by the outcome of a licensed horse race.

Be it enacted by the Legislature of West Virginia:

1 That §29-22-9 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

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:

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

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

30 (6) Selection of the winner must be predicted totally on chance.

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

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

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

38 (10) All claims for prizes shall be examined and no prize shall be paid as a result of altered,
39 stolen or counterfeit tickets or materials, or which fail to meet validation rules or regulations

40 established for a lottery. No prize shall be paid more than once, and, in the event of a binding
41 determination by the commission that more than one person is entitled to a particular prize, the
42 sole remedy of the claimants shall be the award to each of them of an equal share in the single
43 prize.

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

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

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

58 (14) The commission shall institute such security procedures as it deems necessary to
59 ensure the honesty and integrity of the winner selection process for each lottery. All such security
60 and validation procedures and techniques shall be, and remain, confidential, and shall not be
61 subject to any discovery procedure in any civil judicial, administrative or other proceeding, nor
62 subject to the provisions of article one, chapter twenty-nine-b of the Code of West Virginia, 1931,
63 as amended.

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 authorize the Lottery Commission to introduce games whose winning tickets are determined by the outcome of a licensed horse race.

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