

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

### **Introduced**

## **House Bill 4606**

BY DELEGATES CAMPBELL, AMBLER, COOPER, WAGNER,  
BREWER, LYNCH AND DEAN

[Introduced February 13, 2018; Referred  
to the Committee on the Judiciary then Finance.]

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 may qualify 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 section 22B-  
3 502, 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 thirty 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, article 19-23-1, *et seq.*,  
27 of this code, or articles 22, 22A or 25 of this chapter, except that an applicant may also be licensed  
28 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 may qualify  
31 for an operator's license under this 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 to provide that any applicant who has a retail (ABC)  
license for beer, wine or liquor may qualify for a limited video lottery operator's license.

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