

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3155

**FISCAL
NOTE**

By Delegates Criss, Maynor, Gearheart, and Riley

[Introduced March 05, 2025; referred to the
Committee on Finance]

1 A BILL to amend and reenact §29-22B-1103 of the Code of West Virginia, 1931, as amended,
2 relating to the permit fee paid by licensees authorized to own or lease video lottery
3 terminals from a licensed manufacturer and authorizing a reduced permit fee under certain
4 circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22B. LIMITED VIDEO LOTTERY.

§29-22B-1103.

Permit

fee.

1 (a) For the privilege of holding a permit that authorizes the licensee to own or lease video
2 lottery terminals from a licensed manufacturer, the person shall pay an annual fee of \$1,000 per
3 video lottery terminal for which the permit is issued.

4 (b) (1) Notwithstanding any provision of subsection (a) of this section to the contrary, for the
5 fee due and payable May 1, 2023 2025, and each May 1 thereafter until and including May 1,
6 2030:

7 (A) The annual fee shall be \$1,000 per video lottery terminal for like kind terminals that
8 utilize the 10 percent lowest performing software versions, as measured by daily net terminal
9 income of all terminals available for play; and

10 (B) For permit holders who own or lease terminals with software versions that outperform
11 the 10 percent lowest performing software versions of like kind terminals by more than \$500 \$900
12 annual net terminal income for the State of West Virginia, the permit holder will pay a reduced fee
13 of \$500 \$100 per terminal annually.

14 (2) For the fee due and payable May 1, 2023 2025, the West Virginia Lottery shall compute
15 the daily average net terminal income for each version of operating software used in all terminals
16 in play from July 1, 2022 2024, until February 28, 2023 2025, and prepare a report listing the 10
17 percent of all the versions of operating software having the lowest daily net terminal income over
18 that period, the permit holders who may receive the \$500 \$900 annual reduced fee per terminal,
19 and the total amount of any such reduced fee for each permit holder. When calculating the daily

average net terminal income, a software that is in play for any number of days during a month shall be considered as operating the full number of days in that month. For subsequent years, the West Virginia Lottery shall compute the daily average net terminal income for each version of operating software of like kind terminals used ~~in all terminals~~ in play from March 1st of the preceding year until the last day of February and prepare a report listing the 10 percent of all the versions of operating software having the lowest daily net terminal income over that period, the permit holders who may receive the ~~\$500~~ \$900 annual reduced fee per terminal, and the total amount of any such reduced fee for each permit holder. Should a group of like kind terminals with a software version be partially included in the 10 percent calculation, the entire group shall not be eligible for the reduced fee. Furthermore, a terminal must be active and operational for a period of 60 days to be eligible for the reduced fee. This subsection will terminate and have no force or effect after May 1, 2030.

(c) The fee shall initially be paid at the time the permit is issued for the number of video lottery terminals a person is authorized to own or lease without going through the bid process. Thereafter, this fee shall be due and payable each first day of May while the person holds the permit and the amount of the fee shall be determined by the number of video lottery terminals the person is permitted to own or lease from a licensed manufacturer.

NOTE: The purpose of this bill is to change the annual fee per video lottery terminal for terminals with software versions that outperform the 10% lowest performing software versions of like kind terminals by more than \$900.

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