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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

HOUSE BILL No. 4159

(By Delegates Love & Pettit)



Passed March 7, 1996

In Effect 90 Days From Passage

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SENATE CLERK
STATE HOUSE

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H. B. 4159

(BY DELEGATES LOVE AND PETTIT)

[Passed March 7, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article twenty-two-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to deleting a restriction on video lottery game themes depicting symbols on reels at licensed horse and dog racetracks.

Be it enacted by the Legislature of West Virginia:

That section three, article twenty-two-a, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 22A. RACETRACK VIDEO LOTTERY.

§29-22A-3. Definitions.

- 1 As used in this article:
- 2 (a) "Applicant" means any person applying for any
- 3 video lottery license or permit.
- 4 (b) "Associated equipment" means any hardware
- 5 located on a licensed racetrack's premises which is
- 6 connected to the video lottery system for the purpose of
- 7 performing communication, validation or other functions,
- 8 but not including the video lottery terminals or the
- 9 communication facilities of a regulated public utility.

10 (c) "Background investigation" means a security,
11 criminal and credit investigation of a person, as defined in
12 this section, who has applied for a video lottery license or
13 permit, or who has been granted a video lottery license or
14 permit.

15 (d) "Central computer," "central control computer" or
16 "central site system" means any central site computer
17 provided to and controlled by the commission to which
18 video lottery terminals communicate for purposes of
19 information retrieval and terminal activation and disable
20 programs.

21 (e) "Commission" or "state lottery commission" means
22 the West Virginia lottery commission created by article
23 twenty-two of this chapter.

24 (f) "Control" means the authority to direct the
25 management and policies of an applicant or a license or
26 permit holder.

27 (g) "Costs" means the expenses incurred by the
28 commission in the testing and examination of video
29 lottery terminals and the performance of background
30 investigations and other related activities which are
31 charged to and collected from applicants or license or
32 permit holders.

33 (h) "Director" means the individual appointed by the
34 governor to provide management and administration
35 necessary to direct the state lottery office.

36 (i) "Disable" or "terminal disable" means the process of
37 executing a shutdown command from the central control
38 computer which causes video lottery terminals to cease
39 functioning.

40 (j) "Display" means the visual presentation of video
41 lottery game features on the video display monitor or
42 screen of a video lottery terminal.

43 (k) "Gross terminal income" means the total amount of
44 cash inserted into the video lottery terminals operated by a
45 licensee, minus the total value of game credits which are
46 cleared from the video lottery terminals in exchange for

47 winning redemption tickets.

48 (l) "License" or "video lottery license" means
49 authorization granted by the commission to a racetrack
50 which is licensed by the West Virginia racing commission
51 to conduct thoroughbred or greyhound racing meetings
52 pursuant to article twenty-three, chapter nineteen of this
53 code permitting the racetrack to operate video lottery
54 terminals authorized by the commission.

55 (m) "Lottery" means the public gaming systems or
56 games established and operated by the state lottery
57 commission.

58 (n) "Manufacturer" means any person holding a
59 permit granted by the commission to engage in the
60 business of designing, building, constructing, assembling
61 or manufacturing video lottery terminals, the electronic
62 computer components thereof, the random number
63 generator thereof, or the cabinet in which it is housed, and
64 whose product is intended for sale, lease or other
65 assignment to a licensed racetrack in West Virginia, and
66 who contracts directly with the licensee for the sale, lease
67 or other assignment to a licensed racetrack in West
68 Virginia.

69 (o) "Net terminal income" means gross terminal
70 income minus an amount deducted by the commission to
71 reimburse the commission for its actual costs of
72 administering racetrack video lottery at the licensed
73 racetrack. No deduction for any or all costs and expenses
74 of a licensee related to the operation of video lottery
75 games shall be deducted from gross terminal income.

76 (p) "Own" means any beneficial or proprietary interest
77 in any property or business of an applicant or licensed
78 racetrack.

79 (q) "Pari-mutuel racing facility," "licensed racetrack,"
80 "racetrack" or "track" means a facility where horse or dog
81 race meetings are held and the pari-mutuel system of
82 wagering is authorized pursuant to the provisions of article
83 twenty-three, chapter nineteen of this code: *Provided,*

84 That, for the purposes of this article, "pari-mutuel racing
85 facility," "licensed racetrack," "racetrack" or "track"
86 includes only a facility which was licensed prior to the first
87 day of January, one thousand nine hundred ninety-four,
88 to hold horse or dog race meetings, and which conducts
89 not less than two hundred twenty live racing dates for each
90 horse or dog race meeting or such other number of live
91 racing dates as may be approved by the racing
92 commission in accordance with the provisions of section
93 twelve-b, article twenty-three, chapter nineteen of this
94 code.

95 (r) "Permit" means authorization granted by the
96 commission to a person to function as either a video
97 lottery manufacturer, service technician or validation
98 manager.

99 (s) "Person" means any natural person, corporation,
100 association, partnership, limited partnership, or other
101 entity, regardless of its form, structure or nature.

102 (t) "Player" means a person who plays a video lottery
103 game on a video lottery terminal at a racetrack licensed by
104 the commission to conduct video lottery games.

105 (u) "Service technician" means a person, employed by
106 a licensed racetrack, who holds a permit issued by the
107 commission and who performs service, maintenance and
108 repair on licensed video lottery terminals in this state.

109 (v) "Video lottery game" means a commission
110 approved, owned and controlled electronically simulated
111 game of chance which is displayed on the screen or video
112 monitor of a video lottery terminal and which:

113 (1) Is connected to the commission's central control
114 computer by an on-line or dial-up communication system;

115 (2) Is initiated by a player's insertion of coins or
116 currency into a video lottery terminal, which causes game
117 play credits to be displayed on the video lottery terminal
118 and, with respect to which, each game play credit entitles a
119 player to choose one or more symbols or numbers or to
120 cause the video lottery terminal to randomly select
121 symbols or numbers;

122 (3) Allows the player to win additional game play
123 credits based upon game rules which establish the random
124 selection of winning combinations of symbols or numbers
125 or both and the number of free play credits to be awarded
126 for each winning combination of symbols or numbers or
127 both;

128 (4) Is based upon computer-generated random
129 selection of winning combinations based totally or
130 predominately on chance;

131 (5) In the case of a video lottery game which allows
132 the player an option to select replacement symbols or
133 numbers or additional symbols or numbers after the game
134 is initiated and in the course of play, either (A) signals the
135 player, prior to any optional selection by the player of
136 randomly generated replacement symbols or numbers, as
137 to which symbols or numbers should be retained by the
138 player to present the best chance, based upon probabilities,
139 that the player may select a winning combination, (B)
140 signals the player, prior to any optional selection by the
141 player of randomly generated additional symbols or
142 numbers, as to whether such additional selection presents
143 the best chance, based upon probabilities, that the player
144 may select a winning combination, or (C) randomly
145 generates additional or replacement symbols and numbers
146 for the player after automatically selecting the symbols
147 and numbers which should be retained to present the best
148 chance, based upon probabilities, for a winning
149 combination, so that in any event, the player is not
150 permitted to benefit from any personal skill, based upon a
151 knowledge of probabilities, before deciding which
152 optional numbers or symbols to choose in the course of
153 video lottery game play;

154 (6) Allows a player at any time to simultaneously clear
155 all game play credits and print a redemption ticket
156 entitling the player to receive the cash value of the free
157 plays cleared from the video lottery terminal; and

158 (7) Does not use the following game themes
159 commonly associated with casino gambling: Roulette,
160 dice, or baccarat card games: *Provided*, That games

161 having a video display depicting symbols which appear to
162 roll on drums to simulate a classic casino slot machine,
163 game themes of other card games and keno may be used.

164 (w) "Validation manager" means a person who holds a
165 permit issued by the commission and who performs video
166 lottery ticket redemption services.

167 (x) "Video lottery" means a lottery which allows a
168 game to be played utilizing an electronic computer and an
169 interactive computer terminal device, equipped with a
170 video screen and keys, a keyboard or other equipment
171 allowing input by an individual player, into which terminal
172 device the player inserts coins or currency as
173 consideration in order for play to be available, and
174 through which terminal device the player may receive free
175 games or credit that can be redeemed for cash, or nothing,
176 as may be determined wholly or predominantly by
177 chance. "Video lottery" does not include a lottery game
178 which merely utilizes an electronic computer and a video
179 screen to operate a lottery game and communicate the
180 results thereof, such as the game "Travel," and which does
181 not utilize an interactive electronic terminal device
182 allowing input by an individual player.

183 (y) "Video lottery terminal" means a commission-
184 approved interactive electronic terminal device which is
185 connected with the commission's central computer system,
186 and which is used for the purpose of playing video lottery
187 games authorized by the commission. A video lottery
188 terminal may simulate the play of one or more video
189 lottery games.

190 (z) "Wager" means a sum of money or thing of value
191 risked on an uncertain occurrence.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Mark A. ...
Chairman Senate Committee

Rudy ...
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Carroll ...
Clerk of the Senate

Gregory M. ...
Clerk of the House of Delegates

Carl ...
President of the Senate

...
Speaker of the House of Delegates

The within _____ this the _____
day of _____, 1996.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/96

Time 2:40pm