

FILED

2011 APR -1 PM 4: 53

WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

WEST VIRGINIA
SECRETARY OF STATE

SB 550



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 550

(SENATORS KLEMPA, KESSLER (ACTING PRESIDENT),
WILLS, SNYDER, YOST, MILLER, EDGELL AND
D. FACEMIRE, ORIGINAL SPONSORS)

[PASSED MARCH 12, 2011; TO TAKE EFFECT JULY 1, 2011.]

FILED

2011 APR -1 PM 4:53

OFFICE OF THE CLERK
WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 550

(SENATORS KLEMPA, KESSLER (ACTING PRESIDENT),
WILLS, SNYDER, YOST, MILLER, EDGELL AND
D. FACEMIRE, *original sponsors*)

[Passed March 12, 2011; to take effect July 1, 2011.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12d; to amend and reenact §29-22A-6, §29-22A-10 and §29-22A-10c of said code; and to amend and reenact §29-25-19 and §29-25-22 of said code, all relating to all relating generally to gaming at licensed racetracks and historic resort hotels; allowing simulcast pari-mutuel racing and wagering at certain historic resort hotels; defining terms; permitting the issuing of licenses; providing for payments; setting forth conditions for out-of-state tracks and interstate pools; registering of persons conducting wagering activities; setting forth the licensee's retainage; setting forth the amounts of payments made by a licensee and to whom they are to be paid; making reference to certain federal law; authorizing rulemaking; exempting certain pari-mutuel wagering and equipment, services and supplies from state sales and service taxes; permitting licensees at racetracks and historic resort hotels to establish minimum and maximum wager limits at video lottery terminals; authorizing

the use of video lottery terminal bill acceptors for all United States currency; directing up to \$10 million each year until June 30, 2020, from racetrack video lottery gross terminal income into a new racetrack modernization fund to be used to subsidize racetrack purchases of new video lottery terminals and related equipment; reducing the required life for capital investments by licensees at racetracks to be reimbursed from the Capital Investment Fund; extending the time for recoupment of expenditures for capital improvements; and directing that two and one-half percent of the gross terminal income of certain historic resort hotels be deposited into a new historic resort hotel modernization fund to be used to subsidize certain historic resort hotel purchases.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-23-12d; that §29-22A-6, §29-22A-10 and §29-22A-10c of said code be amended and reenacted; and that §29-25-19 and §29-25-22 of said code be amended and reenacted, all to read as follows:

CHAPTER 19. AGRICULTURE.

ARTICLE 23. HORSE AND DOG RACING.

§19-23-12d. Simulcast races and pari-mutuel wagering at authorized gaming facility in historic resort hotel.

1 (a) *Definitions.* — In addition to the words and phrases
2 defined in section three of this article, the words and phrases
3 defined in subsection (b) of this section have the meanings
4 provided in that subsection when used in this section, unless
5 the context in which the term or phrase is used clearly
6 indicates that a different meaning is intended.

7 (b) *Defined words and phrases.* —

8 (1) “Applicant” means any gaming licensee who is licensed
9 under article twenty-five, chapter twenty-nine of this code,

10 applying for a license under this section to conduct pari-
11 mutuel wagering on televised horse and dog races.

12 (2) "Designated pari-mutuel wagering area" means one or
13 more specific areas of an existing historic resort hotel within
14 which the Racing Commission has authorized the gaming
15 licensee to offer pari-mutuel wagering to patrons of the
16 hotel.

17 (3) "Gaming facility" means a designated area on the
18 premises of an existing historic resort hotel in which pari-
19 mutuel wagering is conducted by a gaming licensee.

20 (4) "Gaming licensee" means the licensed operator of a
21 gaming facility under article twenty-five, chapter twenty-
22 nine of this code, who is also licensed under this article to
23 offer pari-mutuel wagering on simulcast horse or dog races
24 or on both types of races.

25 (5) "Historic resort hotel" means a historic resort hotel as
26 defined in section two, article twenty-five, chapter
27 twenty-nine of this code.

28 (6) "In-state host track" means a racetrack within this
29 state licensed to conduct horse or dog race meetings at which
30 pari-mutuel wagering is conducted and which is an in-state
31 sending track.

32 (7) "In-state sending track" means a racetrack in this state
33 licensed under this article to conduct horse or dog race
34 meetings at which pari-mutuel wagering is conducted and
35 which is equipped to conduct simulcasting of those races and
36 intertrack pari-mutuel wagering on those races.

37 (8) "In-state track" means an in-state host track or an
38 in-state sending track.

39 (9) "Interstate common pool" means a pari-mutuel pool
40 established within this state or in another state or foreign
41 nation within which is combined comparable pari-mutuel

42 pools of one or more receiving legal wagering entities located
43 in one or more states or foreign nations upon a race at a
44 sending track located within or outside of this state for the
45 purpose of establishing payoff prices in the various jurisdic-
46 tions.

47 (10) "Intertrack wagering" means parimutuel wagering on
48 simulcast horse or dog races held at an in-state sending track
49 by patrons at a gaming facility licensed under this section
50 and the electronic transmission of the wagers to the in-state
51 sending track.

52 (11) "License" means a license issued by the Racing
53 Commission pursuant to this section, including:

54 (A) A license to operate a gaming facility in which
55 pari-mutuel wagering on simulcast races will be available to
56 patrons;

57 (B) A license to be employed in connection with the
58 operation of a gaming facility at which pari-mutuel wagering
59 is offered on simulcast races; or

60 (C) A license to provide management services under a
61 contract to a gaming facility licensed under this article.

62 (12) "Licensed gaming facility employee" means any
63 individual licensed or registered to be employed by a gaming
64 licensee in connection with the operation of a pari-mutuel
65 wagering pursuant to this section.

66 (13) "Out-of-state host track" means a racetrack in a
67 jurisdiction other than this state, the operator of which is
68 lawfully permitted to conduct a horse or dog race meeting
69 and which conducts horse or dog races upon which
70 pari-mutuel wagers may be placed.

71 (14) "Out-of-state track" means an out-of-state host track
72 or an out-of-State sending track.

73 (15) "Out-of-state sending track" means a racetrack in a
74 jurisdiction other than the State of West Virginia which is

75 lawfully permitted to conduct a horse or dog race meeting
76 and to provide simulcast horse or dog races to a racetrack in
77 this state.

78 (16) "Participation agreement" means the written contract
79 that provides for the establishment or implementation of
80 simulcasting of horse or dog races and pari-mutuel wagering.
81 Each contract shall set forth the manner in which the
82 pari-mutuel wagering system shall be managed, operated
83 and capitalized, as well as how expenses and revenues shall
84 be allocated and distributed by and among the licensed
85 gaming facility under this section and the other eligible
86 participants in the contract.

87 (17) "Premises of an existing historic resort hotel" means
88 the historic resort hotel, attachments of the historic resort
89 hotel, and the traditional, immediate grounds of the historic
90 resort hotel.

91 (18) "Receiving gaming facility" means a licensed race-
92 track or authorized gaming facility within this state licensed
93 under this article which is equipped to receive simulcast
94 horse and dog races and to conduct intertrack or interstate
95 wagering on those races.

96 (19) "Simulcast horse or dog races" means horse or dog
97 races conducted at an in-state sending track or an
98 out-of-state sending track, as the case may be, and transmit-
99 ted simultaneously by picture to the authorized gaming
100 facility licensed under this section or other legal wagering
101 facility.

102 (20) "Simulcasting" means the simultaneous audio or
103 visual transmission of horse or dog races conducted at
104 in-state and out-of-state racetracks to the gaming facility
105 licensee under this section and pari-mutuel wagering on the
106 results of those races.

107 (c) *Application for license.* — An applicant who is licensed
108 under article twenty-five, chapter twenty-nine of this code
109 may apply to the West Virginia Racing Commission for a

110 license to conduct at the historic resort hotel pari-mutuel
111 wagering on simulcast horse and dog races held at a licensed
112 racetrack in this state, or in another jurisdiction, where
113 pari-mutuel wagering is permitted and conducted. The
114 application shall be submitted in the form prescribed by the
115 commission and provide the information required by the
116 commission.

117 (d) *Issuance of license.* — Within sixty days after an
118 application is filed pursuant to subsection (b) of this section,
119 the Racing Commission shall act on the application and
120 either grant or deny the application: *Provided*, That issuance
121 of the license shall not be unreasonably withheld. Once
122 issued, the license shall expire, be renewed, revoked or
123 suspended on the same basis as licenses issued under this
124 article to racetracks to hold live racing and conduct
125 pari-mutuel wagering.

126 (e) *Transmission of races from in-state sending tracks.* —
127 An in-state sending track may transmit to a gaming licensee
128 under this section all or some of the live races conducted at
129 the racetrack.

130 (f) *Receipt of simulcasts transmitted from out-of-state*
131 *tracks.* — The gaming licensee under this section may, in
132 accordance with this article, and any applicable rules of the
133 Racing Commission and with the approval of the commis-
134 sion, receive at the facility simulcast horse or dog races, or
135 both, conducted at out-of-state sending tracks.

136 (g) *Payments to sending track.* — The authorized gaming
137 facility receiving a simulcast horse or dog race from an
138 out-of-state sending track shall pay to the out-of-state
139 sending track for the transmission such amount, if any, as
140 may be agreed upon by the authorized gaming facility and
141 the out-of-state sending track. The authorized gaming
142 facility accepting pari-mutuel wagers on a horse or dog race
143 conducted at an out-of-state host track shall pay to the
144 out-of-state host track such amount, if any, as provided for
145 in the agreement, if any, between the authorized gaming
146 facility and the out-of-state host track.

147 (h) *Conditions for participation by out-of-state tracks;*
148 *interstate common pools.* —

149 (1) Except as provided in subdivision (2) of this subsection,
150 the Racing Commission shall not permit an out-of-state
151 sending track or an out-of-state host track to participate in
152 simulcast pari-mutuel wagering or qualify as an out-of-state
153 host track, respectively, unless the pari-mutuel pools
154 respecting the authorized gaming facility under this article
155 are combined with comparable pari-mutuel pools at the
156 out-of-state track. The types of wagering, takeout, distribu-
157 tion of winnings, rules of racing, method of calculating
158 breakage, and the percentage of deposits remaining undis-
159 tributed from a pari-mutuel pool after payment is made to
160 winning ticket holders shall be determined in accordance
161 with the law or policy applicable to the out-of-state track.

162 (2) With the prior approval of the Racing Commission and
163 the concurrence of the out-of-state track, an authorized
164 gaming facility under this article and receiving tracks or
165 entities in other states other than the state in which the
166 out-of-state track is located may form an interstate common
167 pool. With respect to such interstate common pools, the
168 Racing Commission may approve types of wagering, takeout,
169 distribution of winnings, rules of racing, method of calculat-
170 ing breakage, and a percentage of deposits remaining
171 undistributed from a parimutuel pool after payment is made
172 to winning ticket holders which are different from those
173 which would otherwise be applied in this state but which are
174 consistent for all parties to the interstate common pool.

175 (i) *Licensing or registration of persons conducting wager-*
176 *ing-related activities.* — All persons engaged in conducting
177 wagering-related activities at the authorized gaming facility
178 licensed under this section, whether employed directly by the
179 licensee or by a person or entity conducting or operating the
180 simulcast racing and pari-mutuel wagering facility under an
181 agreement with the licensee, shall be licensed or registered
182 in accordance with such rules as may be promulgated by the
183 Racing Commission. All other employees at the simulcast

184 racing and pari-mutuel wagering facility shall be licensed or
185 registered in accordance with regulations of the Racing
186 Commission: *Provided*, That when the employee is licensed
187 by the Lottery Commission, that employee must register with
188 the Racing Commission is not required to have a separate
189 license issued by the Racing Commission. The Racing
190 Commission shall has the authority to promulgate rules,
191 regulations and conditions under which all such licenses are
192 issued, or registrations made, in this state and to revoke or
193 refuse to issue a license, or revoke or refuse to accept a
194 registration, if in the opinion of the commission the revoca-
195 tion or refusal is in the public interest: *Provided*, That the
196 rules, regulations and conditions are uniform in their
197 application to both the gaming facility licensed under this
198 section and racetracks licensed under this article to hold
199 race meetings at which pari-mutuel wagering is conducted.
200 The fees under this subsection may not be in excess of the fee
201 charge for a similar occupational permit or license at a
202 licensed racetrack.

203 (j) *Retainage of gaming licensee.* — The gaming licensee
204 under this section shall retain from pari-mutuel wagers a
205 basic commission of seventeen and twenty-five one-hun-
206 dredths percent on horse races and a basic commission of
207 sixteen and twenty-five one-hundredths percent on dog
208 races. Breakage shall be calculated and distributed in the
209 manner provided in subsection (c), section nine of this
210 article.

211 (k) *Payments by the licensee.* — Out of the commission
212 retained or deducted by a gaming licensee under the provi-
213 sions of subsection (j) of this section, the gaming licensee
214 shall pay:

215 (1) One-tenth of one percent into the General Revenue
216 Fund of county commission of the county in which the
217 historic resort hotel is located;

218 (2) Each day, the daily pari-mutuel pools tax calculated
219 under section ten of this article; and

220 (3) The amount required to be paid under the terms of a
 221 contract with a host licensed racing association in this state
 222 or in another jurisdiction that permits pari-mutual wagering
 223 on horse or dog races held or conducted in that jurisdiction.

224 (l) After making the payments required by subsection (k)
 225 of this section, the remaining balance may be retained by the
 226 gaming licensee under this section.

227 (m) *Compliance with federal law.* — The federal Interstate
 228 Horseracing Act of 1978, P. L. 95-515, 15 U.S.C. §§3001-
 229 3007, is instructive as the legislative intent of this section.

230 (n) *Promulgation of rules.* — The Racing Commission shall
 231 promulgate rules in accordance with article three, chapter
 232 twenty-nine-a of this code, it deems necessary to implement
 233 and efficiently administer this section: *Provided*, That the
 234 rules are to be consistent with the rules promulgated for
 235 pari-mutuel wagering on televised races at the racetracks.

236 (o) *Pari-mutuel wagers and equipment exempt from sales*
 237 *tax.* — Notwithstanding any provision of this code to the
 238 contrary, the license tax imposed in section ten of this article
 239 shall be in lieu of payment of the tax imposed by article
 240 fifteen, chapter eleven of this code, on pari-mutuel wagering
 241 and on the purchase of equipment, services and supplies
 242 directly used in pari-mutual wagering under this section.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 22A. RACETRACK VIDEO LOTTERY.

**§29-22A-6. Video lottery terminal hardware and software require-
 ments; hardware specifications; software require-
 ments for randomness testing; software require-
 ments for percentage payout; software require-
 ments for continuation of video lottery game after
 malfunction; software requirements for play
 transaction records.**

1 (a) The commission may approve video lottery terminals
2 and in doing so shall take into account advancements in
3 computer technology, competition from nearby states and the
4 preservation of jobs in the West Virginia pari-mutuel racing
5 industry. In approving video lottery terminals licensed for
6 placement in this state, the commission shall ensure that the
7 terminals meet the following hardware specifications:

8 (1) Electrical and mechanical parts and design principles
9 may not subject a player to physical hazards or injury.

10 (2) A surge protector shall be installed on the electrical
11 power supply line to each video lottery terminal. A battery
12 or equivalent power back-up for the electronic meters shall
13 be capable of maintaining accuracy of all accounting records
14 and terminal status reports for a period of one hundred
15 eighty days after power is disconnected from the terminal.
16 The power back-up device shall be located within the locked
17 logic board compartment of the video lottery terminal.

18 (3) An on/off switch which controls the electrical current
19 used in the operation of the terminal shall be located in an
20 accessible place within the interior of the video lottery
21 terminal.

22 (4) The operation of each video lottery terminal may not be
23 adversely affected by any static discharge or other electro-
24 magnetic interference.

25 (5) A minimum of one electronic or mechanical coin
26 acceptor or other means accurately and efficiently to
27 establish credits shall be installed on each video lottery
28 terminal. Each video lottery terminal may also contain bill
29 acceptors for any legal United States currency. All coin and
30 bill acceptors shall be approved by the commission prior to
31 use on any video lottery terminal in this state.

32 (6) Access to the interior of a video lottery terminal shall
33 be controlled through a series of locks and seals.

34 (7) The main logic boards and all erasable programmable
35 read-only memory chips (EPROMS) are considered to be
36 owned by the commission and shall be located in a separate
37 locked and sealed area within the video lottery terminal.

38 (8) The cash compartment shall be located in a separate
39 locked area within or attached to the video lottery terminal.

40 (9) No hardware switches, jumpers, wire posts or any other
41 means of manipulation may be installed which alter the pay
42 tables or payout percentages in the operation of a game.
43 Hardware switches on a video lottery terminal to control the
44 terminal's graphic routines, speed of play, sound and other
45 purely cosmetic features may be approved by the commis-
46 sion.

47 (10) Each video lottery terminal shall contain a single
48 printing mechanism capable of printing an original ticket
49 and retaining an exact legible copy within the video lottery
50 terminal or other means of capturing and retaining an
51 electronic copy of the ticket data as approved by the commis-
52 sion: *Provided*, That such printing mechanism is optional on
53 any video lottery terminal which is designed and equipped
54 exclusively for coin or token payouts. The following informa-
55 tion shall be recorded on the ticket when credits accrued on
56 a video lottery terminal are redeemed for cash:

57 (i) The number of credits accrued;

58 (ii) Value of the credits in dollars and cents displayed in
59 both numeric and written form;

60 (iii) Time of day and date;

61 (iv) Validation number; and

62 (v) Any other information required by the commission.

63 (11) A permanently installed and affixed identification
64 plate shall appear on the exterior of each video lottery
65 terminal and the following information shall be on the plate:

- 66 (i) Manufacturer of the video lottery terminal;
- 67 (ii) Serial number of the terminal; and
- 68 (iii) Model number of the terminal.

69 (12) The rules of play for each game shall be displayed on
70 the video lottery terminal face or screen. The commission
71 may reject any rules of play which are incomplete, confusing,
72 misleading or inconsistent with game rules approved by the
73 commission. For each video lottery game there shall be a
74 display detailing the credits awarded for the occurrence of
75 each possible winning combination of numbers or symbols.
76 A video lottery terminal may allow the amounts of minimum
77 and maximum wagers on a single game to be determined by
78 licensee or permit holder in the exercise of its business
79 judgment subject to the approval of the commission. All
80 information required by this subdivision shall be displayed
81 under glass or another transparent substance. No stickers or
82 other removable devices shall be placed on the video lottery
83 terminal screen or face without the prior approval of the
84 commission.

85 (13) Communication equipment and devices shall be
86 installed to enable each video lottery terminal to communi-
87 cate with the commission's central computer system by use
88 of a communications protocol provided by the commission to
89 each permitted manufacturer, which protocol shall include
90 information retrieval and terminal activation and disable
91 programs, and the commission may require each licensed
92 racetrack to pay the cost of a central site computer as a part
93 of the licensing requirement.

94 (14) All video lottery terminals shall have a security system
95 which temporarily disables the gaming function of the
96 terminal while opened.

97 (b) Each video lottery terminal shall have a random
98 number generator to determine randomly the occurrence of
99 each specific symbol or number used in video lottery games.

100 A selection process is random if it meets the following
101 statistical criteria:

102 (1) *Chi-square test.* — Each symbol or number shall satisfy
103 the ninety-nine percent confidence level using the standard
104 chi-square statistical analysis of the difference between the
105 expected result and the observed result.

106 (2) *Runs test.* — Each symbol or number may not produce
107 a significant statistic with regard to producing patterns of
108 occurrences. Each symbol or number is random if it meets
109 the ninety-nine percent confidence level with regard to the
110 runs test for the existence of recurring patterns within a set
111 of data.

112 (3) *Correlation test.* — Each pair of symbols or numbers is
113 random if it meets the ninety-nine percent confidence level
114 using standard correlation analysis to determine whether
115 each symbol or number is independently chosen without
116 regard to another symbol or number within a single game
117 play.

118 (4) *Serial correlation test.* — Each symbol or number is
119 random if it meets the ninety-nine percent confidence level
120 using standard serial correlation analysis to determine
121 whether each symbol or number is independently chosen
122 without reference to the same symbol or number in a
123 previous game.

124 (c) Each video lottery terminal shall meet the following
125 maximum and minimum theoretical percentage payout
126 during the expected lifetime of the terminal:

127 (1) Video lottery games shall pay out no less than eighty
128 percent and no more than ninety-five percent of the amount
129 wagered. The theoretical payout percentage will be deter-
130 mined using standard methods of probability theory.

131 (2) Manufacturers must file a request and receive approval
132 from the commission prior to manufacturing for placement

133 in this state video lottery terminals programmed for a payout
134 greater than ninety-two percent of the amount wagered.
135 Commission approval shall be obtained prior to applying for
136 testing of the high payout terminals.

137 (3) Each terminal shall have a probability greater than one
138 in seventeen million of obtaining the maximum payout for
139 each play.

140 (d) Each video lottery terminal shall be capable of continu-
141 ing the current game with all current game features after a
142 video lottery terminal malfunction is cleared. If a video
143 lottery terminal is rendered totally inoperable during game
144 play, the current wager and all credits appearing on the
145 video lottery terminal screen prior to the malfunction shall
146 be returned to the player.

147 (e) Each video lottery terminal shall at all times maintain
148 electronic accounting regardless of whether the terminal is
149 being supplied with electrical power. Each meter shall be
150 capable of maintaining a total of no less than eight digits in
151 length for each type of data required. The electronic meters
152 shall record the following information:

153 (1) Number of coins inserted by players or the coin equiva-
154 lent if a bill acceptor is being used or tokens or vouchers are
155 used;

156 (2) Number of credits wagered;

157 (3) Number of total credits, coins and tokens won;

158 (4) Number of credits paid out by a printed ticket;

159 (5) Number of coins or tokens won, if applicable;

160 (6) Number of times the logic area was accessed;

161 (7) Number of times the cash door was accessed;

- 162 (8) Number of credits wagered in the current game;
- 163 (9) Number of credits won in the last complete video
164 lottery game; and
- 165 (10) Number of cumulative credits representing money
166 inserted by a player and credits for video lottery games won
167 but not collected.
- 168 (f) No video lottery terminal may have any mechanism
169 which allows the electronic accounting meters to clear
170 automatically. Electronic accounting meters may not be
171 cleared without the prior approval of the commission. Both
172 before and after any electronic accounting meter is cleared,
173 all meter readings shall be recorded in the presence of a
174 commission employee.
- 175 (g) The primary responsibility for the control and regula-
176 tion of any video lottery games and video lottery terminals
177 operated pursuant to this article rests with the commission.
- 178 (h) The commission shall, directly or through a contract
179 with a third-party vendor other than the video lottery
180 licensee, maintain a central site system of monitoring the
181 lottery terminals utilizing an on-line or dial-up inquiry. The
182 central site system shall be capable of monitoring the
183 operation of each video lottery game or video lottery termi-
184 nal operating pursuant to this article and, at the direction of
185 the director, immediately disable and cause not to operate
186 any video lottery game and video lottery terminal. As
187 provided in this section, the commission may require the
188 licensed racetrack to pay the cost of a central site computer
189 as part of the licensing requirement.

§29-22A-10. Accounting and reporting; commission to provide communications protocol data; distribution of net terminal income; remittance through electronic transfer of funds; establishment of accounts and nonpayment penalties; commission control of accounting for net terminal income; settlement of

accounts; manual reporting and payment may be required; request for reports; examination of accounts and records.

1 (a) The commission shall provide to manufacturers, or
2 applicants applying for a manufacturer's permit, the protocol
3 documentation data necessary to enable the respective
4 manufacturer's video lottery terminals to communicate with
5 the commission's central computer for transmitting auditing
6 program information and for activation and disabling of
7 video lottery terminals.

8 (b) The gross terminal income of a licensed racetrack shall
9 be remitted to the commission through the electronic
10 transfer of funds. Licensed racetracks shall furnish to the
11 commission all information and bank authorizations re-
12 quired to facilitate the timely transfer of moneys to the
13 commission. Licensed racetracks must provide the commis-
14 sion thirty days' advance notice of any proposed account
15 changes in order to assure the uninterrupted electronic
16 transfer of funds. From the gross terminal income remitted
17 by the licensee to the commission:

18 (1) The commission shall deduct an amount sufficient to
19 reimburse the commission for its actual costs and expenses
20 incurred in administering racetrack video lottery at the
21 licensed racetrack and the resulting amount after the
22 deduction is the net terminal income. The amount deducted
23 for administrative costs and expenses of the commission may
24 not exceed four percent of gross terminal income: *Provided,*
25 That any amounts deducted by the commission for its actual
26 costs and expenses that exceeds its actual costs and expenses
27 shall be deposited into the State Lottery Fund. For the fiscal
28 years ending June 30, 2011 through June 30, 2020, the term
29 "actual costs and expenses" may include transfers of up to
30 \$10 million in surplus allocations for each fiscal year, as
31 calculated by the commission when it has closed its books for
32 the fiscal year, to the Licensed Racetrack Modernization
33 Fund created by subdivision (2), subsection (b) of this section.
34 For all fiscal years beginning on or after July 1, 2001, the

35 commission shall not receive an amount of gross terminal
36 income in excess of the amount of gross terminal income
37 received during the fiscal year ending on June 30, 2001, but
38 four percent of any amount of gross terminal income received
39 in excess of the amount of gross terminal income received
40 during the fiscal year ending on June 30, 2001, shall be
41 deposited into the fund established in section eighteen-a,
42 article twenty-two of this chapter; and

43 (2) A Licensed Racetrack Modernization Fund is created
44 within the lottery fund. For all fiscal years beginning on or
45 after July 1, 2011, and ending with the fiscal year beginning
46 July 1, 2020, the commission shall deposit such amounts as
47 are available according to subdivision (1), subsection (b) of
48 this section into a separate facility modernization account
49 maintained within the Licensed Racetrack Modernization
50 Fund for each racetrack. Each racetrack's share of each
51 year's deposit shall be calculated in the same ratio as each
52 racetrack's apportioned contribution to the four percent
53 administrative costs and expenses allowance provided for in
54 subdivision (1), subsection (b) of this section for that year.
55 For each two dollars expended by a licensed racetrack for
56 facility modernization improvements at the racetrack,
57 having a useful life of three or more years and placed in
58 service after July 1, 2011, the licensed racetrack shall receive
59 \$1 in recoupment from its facility modernization account. If
60 the licensed racetrack's facility modernization account
61 contains a balance in any fiscal year, the unexpended
62 balance from that fiscal year will be available for matching
63 for one additional fiscal year, after which time, the remain-
64 ing unused balance carried forward shall revert to the lottery
65 fund. For purposes of this section, the term "facility modern-
66 ization improvements" includes acquisitions of new and
67 unused video lottery terminals and related equipment. Video
68 lottery terminals financed through the recoupment provided
69 in this subdivision must be retained by the licensee in its
70 West Virginia licensed location for a period of not less than
71 five years from the date of initial installation.

72 (c) The amount resulting after the deductions required by

73 subsection (b) of this section constitutes net terminal income
74 that shall be divided as set out in this subsection. For all
75 fiscal years beginning on or after July 1, 2001, any amount of
76 net terminal income received in excess of the amount of net
77 terminal income received during the fiscal year ending on
78 June 30, 2001, shall be divided as set out in section ten-b of
79 this article. The licensed racetrack's share is in lieu of all
80 lottery agent commissions and is considered to cover all costs
81 and expenses required to be expended by the licensed
82 racetrack in connection with video lottery operations. The
83 division shall be made as follows:

84 (1) The commission shall receive thirty percent of net
85 terminal income, which shall be paid into the State Lottery
86 Fund as provided in section ten-a of this article;

87 (2) Until July 1, 2005, fourteen percent of net terminal
88 income at a licensed racetrack shall be deposited in the
89 special fund established by the licensee, and used for
90 payment of regular purses in addition to other amounts
91 provided for in article twenty-three, chapter nineteen of this
92 code, on and after July 1, 2005, the rate shall be seven
93 percent of net terminal income;

94 (3) The county where the video lottery terminals are
95 located shall receive two percent of the net terminal income:
96 *Provided, That:*

97 (A) Beginning July 1, 1999, and thereafter, any amount in
98 excess of the two percent received during the fiscal year 1999
99 by a county in which a racetrack is located that has partici-
100 pated in the West Virginia Thoroughbred Development Fund
101 since on or before January 1, 1999 shall be divided as
102 follows:

103 (i) The county shall receive fifty percent of the excess
104 amount; and

105 (ii) The municipalities of the county shall receive fifty
106 percent of the excess amount, said fifty percent to be divided

107 among the municipalities on a per capita basis as determined
108 by the most recent decennial United States census of popula-
109 tion; and

110 (B) Beginning July 1, 1999, and thereafter, any amount in
111 excess of the two percent received during the fiscal year 1999
112 by a county in which a racetrack other than a racetrack
113 described in paragraph (A) of this proviso is located and
114 where the racetrack has been located in a municipality
115 within the county since on or before January 1, 1999 shall be
116 divided, if applicable, as follows:

117 (i) The county shall receive fifty percent of the excess
118 amount; and

119 (ii) The municipality shall receive fifty percent of the
120 excess amount; and

121 (C) This proviso shall not affect the amount to be received
122 under this subdivision by any other county other than a
123 county described in paragraph (A) or (B) of this proviso;

124 (4) One percent of net terminal income shall be paid for
125 and on behalf of all employees of the licensed racing associa-
126 tion by making a deposit into a special fund to be established
127 by the Racing Commission to be used for payment into the
128 pension plan for all employees of the licensed racing associa-
129 tion;

130 (5) The West Virginia Thoroughbred Development Fund
131 created under section thirteen-b, article twenty-three,
132 chapter nineteen of this code and the West Virginia Grey-
133 hound Breeding Development Fund created under section
134 ten of said article shall receive an equal share of a total of
135 not less than one and one-half percent of the net terminal
136 income;

137 (6) The West Virginia Racing Commission shall receive one
138 percent of the net terminal income which shall be deposited

139 and used as provided in section thirteen-c, article twenty-
140 three, chapter nineteen of this code.

141 (7) A licensee shall receive forty-six and one-half percent
142 of net terminal income.

143 (8)(A) The Tourism Promotion Fund established in section
144 twelve, article two, chapter five-b of this code shall receive
145 three percent of the net terminal income: *Provided*, That for
146 the fiscal year beginning July 1, 2003, the tourism commis-
147 sion shall transfer from the Tourism Promotion Fund \$5
148 million of the three percent of the net terminal income
149 described in this section and section ten-b of this article into
150 the fund administered by the West Virginia Economic
151 Development Authority pursuant to section seven, article
152 fifteen, chapter thirty-one of this code, \$5 million into the
153 Capitol Renovation and Improvement Fund administered by
154 the Department of Administration pursuant to section six,
155 article four, chapter five-a of this code and \$5 million into
156 the Tax Reduction and Federal Funding Increased Compli-
157 ance Fund; and

158 (B) Notwithstanding any provision of paragraph (A) of this
159 subdivision to the contrary, for each fiscal year beginning
160 after June 30, 2004, this three percent of net terminal income
161 and the three percent of net terminal income described in
162 paragraph (B), subdivision (8), subsection (a), section ten-b
163 of this article shall be distributed as provided in this para-
164 graph as follows:

165 (i) 1.375 percent of the total amount of net terminal income
166 described in this section and in section ten-b of this article
167 shall be deposited into the Tourism Promotion Fund created
168 under section twelve, article two, chapter five-b of this code;

169 (ii) 0.375 percent of the total amount of net terminal
170 income described in this section and in section ten-b of this
171 article shall be deposited into the Development Office
172 Promotion Fund created under section three-b, article two,
173 chapter five-b of this code;

174 (iii) 0.5 percent of the total amount of net terminal income
175 described in this section and in section ten-b of this article
176 shall be deposited into the Research Challenge Fund created
177 under section ten, article one-b, chapter eighteen-b of this
178 code;

179 (iv) 0.6875 percent of the total amount of net terminal
180 income described in this section and in section ten-b of this
181 article shall be deposited into the Capitol Renovation and
182 Improvement Fund administered by the Department of
183 Administration pursuant to section six, article four, chapter
184 five-a of this code; and

185 (v) 0.0625 percent of the total amount of net terminal
186 income described in this section and in section ten-b of this
187 article shall be deposited into the 2004 Capitol Complex
188 Parking Garage Fund administered by the Department of
189 Administration pursuant to section five-a, article four,
190 chapter five-a of this code;

191 (9)(A) On and after July 1, 2005, seven percent of net
192 terminal income shall be deposited into the Workers'
193 Compensation Debt Reduction Fund created in section five,
194 article two-d, chapter twenty-three of this code: *Provided,*
195 That in any fiscal year when the amount of money generated
196 by this subdivision totals \$11 million, all subsequent distri-
197 butions under this subdivision shall be deposited in the
198 special fund established by the licensee and used for the
199 payment of regular purses in addition to the other amounts
200 provided in article twenty-three, chapter nineteen of this
201 code;

202 (B) The deposit of the seven percent of net terminal income
203 into the Worker's Compensation Debt Reduction Fund
204 pursuant to this subdivision shall expire and not be imposed
205 with respect to these funds and shall be deposited in the
206 special fund established by the licensee and used for pay-
207 ment of regular purses in addition to the other amounts
208 provided in article twenty-three, chapter nineteen of this
209 code, on and after the first day of the month following the

210 month in which the Governor certifies to the Legislature
211 that: (i) The revenue bonds issued pursuant to article two-d,
212 chapter twenty-three of this code, have been retired or
213 payment of the debt service provided for; and (ii) that an
214 independent certified actuary has determined that the
215 unfunded liability of the old fund, as defined in chapter
216 twenty-three of this code, has been paid or provided for in its
217 entirety; and

218 (10) The remaining one percent of net terminal income
219 shall be deposited as follows:

220 (A) For the fiscal year beginning July 1, 2003, the veterans
221 memorial program shall receive one percent of the net
222 terminal income until sufficient moneys have been received
223 to complete the veterans memorial on the grounds of the
224 State Capitol Complex in Charleston, West Virginia. The
225 moneys shall be deposited in the State Treasury in the
226 Division of Culture and History special fund created under
227 section three, article one-i, chapter twenty-nine of this code:
228 *Provided*, That only after sufficient moneys have been
229 deposited in the fund to complete the veterans memorial and
230 to pay in full the annual bonded indebtedness on the veter-
231 ans memorial, not more than \$20,000 of the one percent of
232 net terminal income provided in this subdivision shall be
233 deposited into a special revenue fund in the State Treasury,
234 to be known as the "John F. 'Jack' Bennett Fund". The
235 moneys in this fund shall be expended by the Division of
236 Veterans Affairs to provide for the placement of markers for
237 the graves of veterans in perpetual cemeteries in this state.
238 The Division of Veterans Affairs shall promulgate legislative
239 rules pursuant to the provisions of article three, chapter
240 twenty-nine-a of this code specifying the manner in which
241 the funds are spent, determine the ability of the surviving
242 spouse to pay for the placement of the marker and setting
243 forth the standards to be used to determine the priority in
244 which the veterans grave markers will be placed in the event
245 that there are not sufficient funds to complete the placement
246 of veterans grave markers in any one year, or at all. Upon
247 payment in full of the bonded indebtedness on the veterans

248 memorial, \$100,000 of the one percent of net terminal income
249 provided in this subdivision shall be deposited in the special
250 fund in the Division of Culture and History created under
251 section three, article one-i, chapter twenty-nine of this code
252 and be expended by the Division of Culture and History to
253 establish a West Virginia veterans memorial archives within
254 the Cultural Center to serve as a repository for the docu-
255 ments and records pertaining to the veterans memorial, to
256 restore and maintain the monuments and memorial on the
257 capitol grounds: *Provided, however*, That \$500,000 of the one
258 percent of net terminal income shall be deposited in the
259 State Treasury in a special fund of the Department of
260 Administration, created under section five, article four,
261 chapter five-a of this code, to be used for construction and
262 maintenance of a parking garage on the state Capitol
263 Complex; and the remainder of the one percent of net
264 terminal income shall be deposited in equal amounts in the
265 Capitol Dome and Improvements Fund created under section
266 two, article four, chapter five-a of this code and Cultural
267 Facilities and Capitol Resources Matching Grant Program
268 Fund created under section three, article one of this chapter.

269 (B) For each fiscal year beginning after June 30, 2004:

270 (i) Five hundred thousand dollars of the one percent of net
271 terminal income shall be deposited in the State Treasury in
272 a special fund of the Department of Administration, created
273 under section five, article four, chapter five-a of this code, to
274 be used for construction and maintenance of a parking
275 garage on the State Capitol Complex; and

276 (ii) The remainder of the one percent of net terminal
277 income and all of the one percent of net terminal income
278 described in paragraph (B), subdivision (9), subsection (a),
279 section ten-b of this article shall be distributed as follows:
280 The net terminal income shall be deposited in equal amounts
281 into the Capitol Dome and Capitol Improvements Fund
282 created under section two, article four, chapter five-a of this
283 code and the Cultural Facilities and Capitol Resources
284 Matching Grant Program Fund created under section three,

285 article one, chapter twenty-nine of this code until a total of
286 \$1,500,000 is deposited into the Cultural Facilities and
287 Capitol Resources Matching Grant Program Fund; thereafter,
288 the remainder shall be deposited into the Capitol Dome and
289 Capitol Improvements Fund.

290 (d) Each licensed racetrack shall maintain in its account an
291 amount equal to or greater than the gross terminal income
292 from its operation of video lottery machines, to be electroni-
293 cally transferred by the commission on dates established by
294 the commission. Upon a licensed racetrack's failure to
295 maintain this balance, the commission may disable all of a
296 licensed racetrack's video lottery terminals until full pay-
297 ment of all amounts due is made. Interest shall accrue on any
298 unpaid balance at a rate consistent with the amount charged
299 for state income tax delinquency under chapter eleven of this
300 code. The interest shall begin to accrue on the date payment
301 is due to the commission.

302 (e) The commission's central control computer shall keep
303 accurate records of all income generated by each video
304 lottery terminal. The commission shall prepare and mail to
305 the licensed racetrack a statement reflecting the gross
306 terminal income generated by the licensee's video lottery
307 terminals. Each licensed racetrack shall report to the
308 commission any discrepancies between the commission's
309 statement and each terminal's mechanical and electronic
310 meter readings. The licensed racetrack is solely responsible
311 for resolving income discrepancies between actual money
312 collected and the amount shown on the accounting meters or
313 on the commission's billing statement.

314 (f) Until an accounting discrepancy is resolved in favor of
315 the licensed racetrack, the commission may make no credit
316 adjustments. For any video lottery terminal reflecting a
317 discrepancy, the licensed racetrack shall submit to the
318 commission the maintenance log which includes current
319 mechanical meter readings and the audit ticket which
320 contains electronic meter readings generated by the termi-
321 nal's software. If the meter readings and the commission's

322 records cannot be reconciled, final disposition of the matter
323 shall be determined by the commission. Any accounting
324 discrepancies which cannot be otherwise resolved shall be
325 resolved in favor of the commission.

326 (g) Licensed racetracks shall remit payment by mail if the
327 electronic transfer of funds is not operational or the commis-
328 sion notifies licensed racetracks that remittance by this
329 method is required. The licensed racetracks shall report an
330 amount equal to the total amount of cash inserted into each
331 video lottery terminal operated by a licensee, minus the total
332 value of game credits which are cleared from the video
333 lottery terminal in exchange for winning redemption tickets,
334 and remit the amount as generated from its terminals during
335 the reporting period. The remittance shall be sealed in a
336 properly addressed and stamped envelope and deposited in
337 the United States mail no later than noon on the day when
338 the payment would otherwise be completed through elec-
339 tronic funds transfer.

340 (h) Licensed racetracks may, upon request, receive addi-
341 tional reports of play transactions for their respective video
342 lottery terminals and other marketing information not
343 considered confidential by the commission. The commission
344 may charge a reasonable fee for the cost of producing and
345 mailing any report other than the billing statements.

346 (i) The commission has the right to examine all accounts,
347 bank accounts, financial statements and records in a licensed
348 racetrack's possession, under its control or in which it has an
349 interest and the licensed racetrack shall authorize all third
350 parties in possession or in control of the accounts or records
351 to allow examination of any of those accounts or records by
352 the commission.

§29-22A-10c. Surcharge; Capital Reinvestment Fund.

1 (a) For all fiscal years beginning on or after July 1, 2001,
2 there shall be imposed a surcharge of ten percent against the
3 excess of total net terminal income generated from a licensed

4 racetrack for that fiscal year over total net terminal income
5 from that licensed racetrack for the fiscal year ending June
6 30, 2001.

7 (b) A Capital Reinvestment Fund is hereby created within
8 the Lottery Fund. Forty-two percent of the surcharge
9 amount attributable to each racetrack shall be retained by
10 the commission and deposited into a separate Capital
11 Reinvestment Account for that licensed racetrack. For each
12 dollar expended by a licensed racetrack for capital improve-
13 ments at the racetrack, at the location of any amenity
14 associated with the licensed racetrack's destination resort
15 facility operations, or at adjacent facilities owned by the
16 licensee, having a useful life of three or more years and
17 placed in service after April 1, 2001, the licensed racetrack
18 shall receive \$1 in recoupment from its Capital Reinvestment
19 Fund Account: *Provided*, That in the case of thoroughbred
20 horse tracks, four cents of every dollar in recoupment shall
21 be reserved into a separate account, which shall only be
22 spent on capital improvements and upgrading to facilities
23 used for the housing and care of horses, facilities located
24 inside the perimeter of the racing surface, including the
25 surface thereof, facilities used for housing persons responsi-
26 ble for the care of horses, and that any such capital improve-
27 ments and upgrading shall be subject to recoupment under
28 this section only if they have been approved by the Horse-
29 men's Benevolent and Protective Association acting on
30 behalf of the horsemen: *Provided, however*, That in the case
31 of greyhound race tracks, four cents of every dollar in
32 recoupment shall be spent on capital improvements and
33 upgrading in the kennel area or other areas at the track. If a
34 licensed racetrack's unrecouped capital improvements
35 exceed its capital reinvestment fund account at the end of
36 any fiscal year, the excess improvements may be carried
37 forward to fifteen subsequent fiscal years.

38 (c) Fifty-eight percent of the surcharge amount plus any
39 moneys remaining in a racetrack's Capital Reinvestment
40 Fund Account at the end of any fiscal year shall be deposited

41 in the State Excess Lottery Revenue Fund created in section
42 eighteen-a, article twenty-two of this chapter.

ARTICLE 25. AUTHORIZED GAMING FACILITY.

**§29-25-19. Consent to presence of law-enforcement officers;
wagering limits; operations and services; posting of
betting limits.**

1 (a) *Consent to presence of law-enforcement officers.* — Any
2 individual entering the gaming facility shall be advised by
3 the posting of a notice or other suitable means of the possible
4 presence of state, county or municipal law-enforcement
5 officers and by entering the gaming facility impliedly
6 consents to the presence of the law-enforcement officers.

7 (b) *Commission discretion in gaming operations.* — Video
8 lottery terminals operated at the gaming facility may allow
9 minimum and maximum wagers on a single game the
10 amounts determined by the license in the exercise of its
11 business judgment subject to the approval of the commission.

12 (1) Subject to the approval of the commission, the gaming
13 facility licensee shall, with respect to West Virginia Lottery
14 table games, establish the following:

15 (A) Maximum and minimum wagers;

16 (B) Advertising and promotional activities;

17 (C) Hours of operation;

18 (D) The days during which games may be played; and

19 (2) The commission may consider multiple factors, includ-
20 ing, but not limited to, industry standards, outside competi-
21 tion and any other factors as determined by the commission
22 to be relevant in its decision to approve the gaming facility's
23 determination of those items listed in subdivision (1) of this
24 subsection.

25 (c) *Setting of operations.* — Notwithstanding anything to
26 the contrary contained elsewhere in this chapter, the
27 commission may establish the following parameters for
28 commission regulated lottery games of any kind which is
29 played at a licensed gaming facility:

30 (1) Minimum and maximum payout percentages;

31 (2) Any probability limits of obtaining the maximum
32 payout for a particular play; and

33 (3) Limitations on the types and amounts of financial
34 transactions, including extension of credit to a patron, which
35 a gaming facility can enter into with its patrons.

36 (d) *Posting of betting limits.* — A gaming facility shall
37 conspicuously post a sign at each West Virginia Lottery table
38 game indicating the permissible minimum and maximum
39 wagers pertaining at that table. A gaming facility licensee
40 may not require any wager to be greater than the stated
41 minimum or less than the stated maximum. However, any
42 wager actually made by a patron and not rejected by a
43 gaming facility licensee prior to the commencement of play
44 shall be treated as a valid wager.

**§29-25-22. Historic Resort Hotel Fund; allocation of adjusted
gross receipts; disposition of license fees.**

1 (a) There is hereby created a special fund in the State
2 Treasury which shall be designated and known as the
3 Historic Resort Hotel Fund. Thirty-six percent of the gross
4 terminal income received by the commission under section
5 twenty of this article and thirty percent of the adjusted gross
6 receipts received by the commission under section
7 twenty-one of this article shall be deposited with the State
8 Treasurer and placed in the Historic Resort Hotel Fund. The
9 fund shall be an interest-bearing account with interest to be
10 credited to and deposited in the Historic Resort Hotel Fund.

11 (b) All expenses of the commission shall be paid from the
12 Historic Resort Hotel Fund, including reimbursement of the
13 State Police for activities performed at the request of the
14 commission in connection with background investigations or
15 enforcement activities pursuant to this article. At no time
16 may the commission's expenses under this article exceed
17 fifteen percent of the total of the annual revenue received
18 from the licensee under this article, including all license fees,
19 taxes or other amounts required to be deposited in the
20 Historic Resort Hotel Fund.

21 (c) A Historic Resort Hotel Modernization Fund is hereby
22 created within the Historic Resort Hotel Fund. For all fiscal
23 years beginning on or after July 1, 2011, the commission
24 shall deduct two and one-half percent from gross terminal
25 income received by the commission under section twenty of
26 this article for the fiscal year and deposit these amounts into
27 a separate facility modernization account maintained within
28 the Historic Resort Hotel Modernization Fund for each
29 historic resort hotel. For each dollar expended by a historic
30 resort hotel for video lottery or table gaming facility modern-
31 ization improvements at the historic resort hotel, having a
32 useful life of three or more years and placed in service after
33 April 1, 2011, the historic resort hotel shall receive \$1 in
34 recoupment from its facility modernization account. For
35 purposes of this section, the term "video lottery or table
36 gaming facility modernization improvements" include
37 acquisition of computer hardware and software, communica-
38 tions and Internet access equipment, security and surveil-
39 lance equipment, video lottery terminals and other electronic
40 equipment or other equipment designed to modernize the
41 facility.

42 (d) The balance of the Historic Resort Hotel Fund shall
43 become net income and shall be divided as follows:

44 (1) Sixty-four percent of the Historic Resort Hotel Fund
45 net income shall be paid into the General Revenue Fund to
46 be appropriated by the Legislature;

47 (2) Nineteen percent of the Historic Resort Hotel Fund net
48 income shall be paid into the State Debt Reduction Fund
49 established in section twenty-seven, article twenty-two-c of
50 this chapter to be appropriated by the Legislature;

51 (3) The Tourism Promotion Fund established in section
52 twelve, article two, chapter five-b of this code shall receive
53 three percent of the Historic Resort Hotel Fund net income;

54 (4) The county where the gaming facility is located shall
55 receive four percent of the Historic Resort Hotel Fund net
56 income;

57 (5) The municipality where the gaming facility is located or
58 the municipality closest to the gaming facility by paved road
59 access as of the effective date of the reenactment of this
60 section by the 2009 regular session of the Legislature shall
61 receive two and one-half percent of the Historic Resort Hotel
62 Fund net income;

63 (6) The municipalities within the county where the gaming
64 facility is located, except for the municipality receiving
65 funds under subdivision (5) of this subsection, shall receive
66 equal shares of two and one-half percent of the Historic
67 Resort Hotel Fund net income;

68 (7) Each county commission in the state that is not eligible
69 to receive a distribution under subdivision (4) of this subsec-
70 tion shall receive equal shares of two and one-half percent of
71 the Historic Resort Hotel Fund net income: *Provided*, That
72 funds transferred to the county commission under this
73 subdivision shall be used only to pay regional jail expenses
74 and the costs of infrastructure improvements and other
75 capital improvements; and

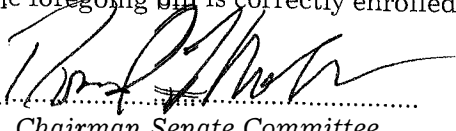
76 (8) The governing body of each municipality in the state
77 that is not eligible to receive a distribution under subdivi-
78 sions (5) and (6) of this subsection shall receive equal shares
79 of two and one-half percent of the Historic Resort Hotel
80 Fund net income: *Provided*, That funds transferred to

81 municipalities under this subdivision shall be used only to
82 pay for debt reduction in municipal police and fire pension
83 funds and the costs of infrastructure improvements and other
84 capital improvements.

85 (e) Notwithstanding any provision of this article to the
86 contrary, all limited gaming facility license fees and license
87 renewal fees received by the commission pursuant to section
88 nine of this article shall be deposited into the Commu-
89 nity-Based Service Fund created in section twenty-seven,
90 article twenty-two-c of this chapter.

91 (f) With the exception of the license fees and license
92 renewal fees received by the commission pursuant to section
93 nine of this article, all revenues received from licensees and
94 license applicants under this article shall be retained by the
95 commission as reimbursement for the licensing process.

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



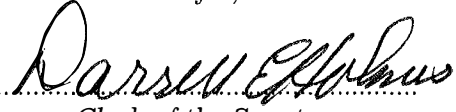
Chairman Senate Committee



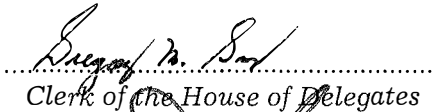
Chairman House Committee

Originated in the Senate.

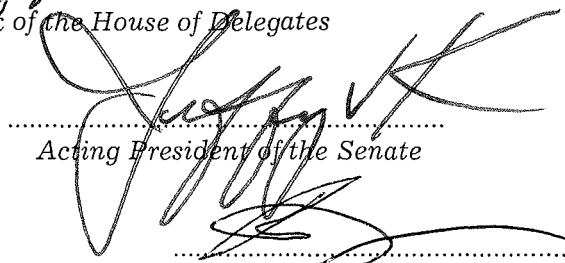
To take effect July 1, 2011.



Clerk of the Senate



Clerk of the House of Delegates



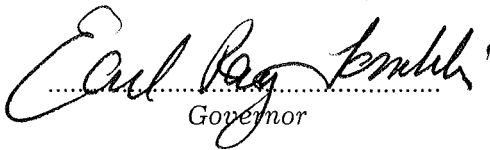
Acting President of the Senate



Speaker of the House of Delegates

The within *is approved* this the *14th*

Day of *April*, 2011.



Governor

2011 APR -1 PM 4:53

CLERK OF THE SENATE
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

MAR 23 2011

Time 3:45 pm