

**WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENROLLED**

**House Bill 3308**

BY DELEGATES BARRETT, STORCH, HARDY, ROWE,

WILLIAMS, PETHTEL, HOWELL AND CRISS

[Passed April 9, 2021; in effect ninety days from passage.]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2021 APR 26 P 5:06

FILED

HB 3308

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1 AN ACT to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended,  
2 relating to increasing number of limited video lottery terminals allowed at certain licensed  
3 limited video lottery retailer locations; providing a bidding process for permits for additional  
4 terminals; and establishing an effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 22B. LIMITED VIDEO LOTTERY.**

**§29-22B-1101. Limitation on number and location of video lottery terminals.**

1 (a) The Lottery Commission may not authorize the placement of more than nine thousand  
2 video lottery terminals in restricted access adult-only facilities in this state.

3 (b) No person may directly or indirectly operate more than seven and one-half percent of  
4 the number of video lottery terminals authorized in this section, which may be located only in  
5 restricted access adult-only facilities.

6 (c) No licensed limited video lottery retailer may be authorized to have on the premises for  
7 which the license was issued more than seven video lottery terminals except that on and after  
8 July 1, 2021, the Commission, upon recommendation of the Director, may authorize one or more  
9 licensed limited video lottery retailers to have on the premises for which the limited video lottery  
10 retailer's license was issued no more than ten video lottery terminals.

11 (2) Notwithstanding the limitation imposed by subdivision (1) of this subsection, a fraternal  
12 society or veterans' organization that is: (A) A fraternal beneficiary society that is exempt from  
13 federal income tax under section 501(c)(8) of the Internal Revenue Code of 1986, as amended;  
14 (B) a domestic fraternal society that is exempt from federal income tax under section 501(c)(10)  
15 of the Internal Revenue Code of 1986, as amended; or (C) a veterans' organization that is exempt  
16 from federal income tax under section 501(c)(19) of the Internal Revenue Code of 1986, as  
17 amended, may be authorized to have on the premises for which the license was issued not more  
18 than ten video lottery terminals.

19           (d) Pursuant to the increase of the number of video lottery terminals authorized in  
20 subsection (c) of this section, effective July 1, 2021, the commission shall conduct a bidding  
21 process no later than October 1, 2021, for permits for additional terminals. Any permits for which  
22 a successful bid is made shall expire June 30, 2031. The bidding process is open to current permit  
23 holders only and shall be conducted in accordance with §29-22B-1106, §29-22B-1107 and §29-  
24 22B-1109 of this article.

25           (e) The amendments to this section enacted in 2021 shall be effective on and after July 1,  
26 2021.

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

*Dean Jeffery*  
.....  
Chairman, House Committee

*Eric S. Tam*  
.....  
~~Member~~ Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Alan Harris*  
.....  
Clerk of the House of Delegates

*Jee Ann*  
.....  
Clerk of the Senate

*Bo Hucker*  
.....  
Speaker of the House of Delegates

*C. P. Blair*  
.....  
President of the Senate

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within *is approved* this the *26th*  
day of *April* 2021.

*James O. Eastman*  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 21 2021

Time 9:49am