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**SENATE BILL NO. 675**

Offered January 17, 2024

A *BILL to amend and reenact §§ 58.1-4032, 58.1-4100, 58.1-4101, 58.1-4107, 58.1-4107.1, 58.1-4109, 58.1-4110, 58.1-4111, 58.1-4123, and 58.1-4125 of the Code of Virginia, relating to casino gaming; eligible host localities.*

Patron—Marsden

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-4032, 58.1-4100, 58.1-4101, 58.1-4107, 58.1-4107.1, 58.1-4109, 58.1-4110, 58.1-4111, 58.1-4123, and 58.1-4125 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-4032. Application for a sports betting permit; penalty.**

A. An applicant for a sports betting permit shall:

1. Submit an application to the Director, on forms prescribed by the Director, containing the information prescribed in subsection B; and

2. Pay to the Department a nonrefundable fee of \$50,000 for each principal at the time of filing to defray the costs associated with the background investigations conducted by the Department. If the reasonable costs of the investigation exceed the application fee, the applicant shall pay the additional amount to the Department. The Board may establish regulations calculating the reasonable costs to the Department in performing its functions under this article and allocating such costs to the applicants for licensure at the time of filing. The fees for each principal and any additional investigation costs paid to the Department shall be deposited into the Gaming Regulatory Fund established pursuant to § 58.1-4048.

B. An application for a sports betting permit shall include the following information:

1. The applicant's background in sports betting;

2. The applicant's experience in wagering activities in other jurisdictions, including the applicant's history and reputation of integrity and compliance;

3. The applicant's proposed internal controls, including controls to ensure that no prohibited or voluntarily excluded person will be able to participate in sports betting;

4. The applicant's history of working to prevent compulsive gambling, including training programs for its employees;

5. If applicable, any supporting documentation necessary to establish eligibility for substantial and preferred consideration pursuant to the provisions of this section;

6. The applicant's proposed procedures to detect and report suspicious or illegal betting activity; and

7. Any other information the Director deems necessary.

C. The Department shall conduct a background investigation on the applicant. The background investigation shall include a credit history check, a tax record check, and a criminal history records check.

D. 1. The Director shall not issue any permit pursuant to this article until the Board has established a consumer protection program and published a consumer protection bill of rights pursuant to the provisions of subdivision A 14 of § 58.1-4007.

2. The Director shall issue no fewer than four and no more than 12 permits pursuant to this section; however, if an insufficient number of applicants apply for the Director to satisfy the minimum, this provision shall not be interpreted to direct the Director to issue a permit to an unqualified applicant. A permit shall not count toward the minimum or maximum if it (i) is issued pursuant to subdivision 4 or 5 to a major league sports franchise or to the operator of a facility; (ii) is issued pursuant to subdivision 6 to an applicant that operates or intends to operate a casino gaming establishment; or (iii) is revoked, expires, or otherwise becomes not effective.

3. In issuing permits to operate sports betting platforms and sports betting facilities, the Director shall consider the following factors:

a. The contents of the applicant's application as required by subsection B;

b. The extent to which the applicant demonstrates past experience, financial viability, compliance with applicable laws and regulations, and success with sports betting operations in other states;

c. The extent to which the applicant will be able to meet the duties of a permit holder, as specified in § 58.1-4034;

d. Whether the applicant has demonstrated to the Department that it has made serious, good-faith efforts to solicit and interview a reasonable number of investors that are minority individuals, as defined in § 2.2-1604;

59 e. The amount of adjusted gross revenue and associated tax revenue that an applicant is expected to  
60 generate;

61 f. The effect of issuing an additional permit on the amount of gross revenue and associated tax  
62 revenue generated by all existing permit holders, considered in the aggregate; and

63 g. Any other factor the Director considers relevant.

64 4. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Director shall give  
65 substantial and preferred consideration to any applicant that is a major league sports franchise  
66 headquartered in the Commonwealth that remitted personal state income tax withholdings based on  
67 taxable wages in the Commonwealth in excess of \$200 million for the 2019 taxable year. Any permit  
68 holder granted a permit pursuant to this subdivision shall receive substantial and preferred consideration  
69 of its first, second, and third applications for renewal pursuant to the provisions of § 58.1-4033;  
70 however, such permit holder shall not receive substantial and preferred consideration of its fourth and  
71 subsequent applications for renewal. Any permit granted pursuant to this subdivision shall expire if the  
72 permit holder ceases to maintain its headquarters in the Commonwealth.

73 5. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Director shall give  
74 substantial and preferred consideration to any applicant that is a major league sports franchise that plays  
75 five or more regular season games per year at a facility in the Commonwealth or that is the operator of  
76 a facility in the Commonwealth where a major league sports franchise plays five or more regular season  
77 games per year; however, the Director shall give such substantial and preferred consideration only if the  
78 applicant (i) is headquartered in the Commonwealth, (ii) has an annualized payroll for taxable wages in  
79 the Commonwealth that is in excess of \$10 million over the 90-day period prior to the application date,  
80 and (iii) the total number of individuals working at the facility in the Commonwealth where the major  
81 league sports franchise plays five or more regular season games is in excess of 100.

82 6. If casino gaming is authorized under the laws of the Commonwealth, then in issuing permits to  
83 operate sports betting platforms and sports betting facilities, the Director shall give substantial and  
84 preferred consideration to any applicant that (i) has made or intends to make a capital investment of at  
85 least \$300 million in a casino gaming establishment, including the value of the real property upon which  
86 such establishment is located and all furnishings, fixtures, and other improvements; (ii) has had its name  
87 submitted as a preferred casino gaming operator to the Department by an eligible host ~~city~~ *locality*; and  
88 (iii) has been certified by the Department to proceed to a local referendum on whether casino gaming  
89 will be allowed in the locality in which the applicant intends to operate a casino gaming establishment.

90 7. In issuing permits to operate sports betting platforms prior to July 1, 2025, the Director shall give  
91 substantial and preferred consideration to any applicant that demonstrates in its application (i) a  
92 description of any equity interest owned by minority individuals or minority-owned businesses, (ii) a  
93 detailed plan to achieve increased minority equity investment, (iii) a description of all efforts made to  
94 seek equity investment from minority individuals or minority-owned businesses, or (iv) a plan detailing  
95 efforts made to solicit participation of minority individuals or minority-owned businesses in the  
96 applicant's purchase of goods and services related to the sports betting platform or to provide assistance  
97 to a historically disadvantaged community or historically black colleges and universities located within  
98 the Commonwealth. As used in this subdivision, "historically black colleges and universities," "minority  
99 individual," and "minority-owned business" mean the same as those terms are defined in § 2.2-1604.

100 8. In a manner as may be required by Board regulation, any entity that applies pursuant to  
101 subdivision 4, 5, 6, or 7 may demonstrate compliance with the requirements of an application, the duties  
102 of a permit holder, and any other provision of this article through the use of a partner, subcontractor, or  
103 other affiliate of the applicant.

104 E. The Director shall make a determination on an initial application for a sports betting permit within  
105 90 days of receipt. The Director's action shall be final unless appealed in accordance with § 58.1-4007.

106 F. The following shall be grounds for denial of a permit or renewal of a permit:

107 1. The Director reasonably believes the applicant will be unable to satisfy the duties of a permit  
108 holder as described in subsection A of § 58.1-4034;

109 2. The Director reasonably believes that the applicant or its directors lack good character, honesty, or  
110 integrity;

111 3. The Director reasonably believes that the applicant's prior activities, criminal record, reputation, or  
112 associations are likely to (i) pose a threat to the public interest, (ii) impede the regulation of sports  
113 betting, or (iii) promote unfair or illegal activities in the conduct of sports betting;

114 4. The applicant or its directors knowingly make a false statement of material fact or deliberately fail  
115 to disclose information requested by the Director;

116 5. The applicant or its directors knowingly fail to comply with the provisions of this article or any  
117 requirements of the Director;

118 6. The applicant or its directors were convicted of a felony, a crime of moral turpitude, or any  
119 criminal offense involving dishonesty or breach of trust within the 10 years prior to the submission date  
120 of the permit application;

7. The applicant's license, registration, or permit to conduct a sports betting operation issued by any other jurisdiction has been suspended or revoked;

8. The applicant defaults in payment of any obligation or debt due to the Commonwealth; or

9. The applicant's application is incomplete.

G. The Director shall have the discretion to waive any of the grounds for denial of a permit or renewal of a permit if he determines that denial would limit the number of applicants or permit holders in a manner contrary to the best interests of the Commonwealth.

H. Prior to issuance of a permit, each permit holder shall either (i) be bonded by a surety company entitled to do business in the Commonwealth in such amount and penalty as may be prescribed by the regulations of the Board or (ii) provide other surety, letter of credit, or reserve as may be satisfactory to the Director. Such surety shall be prescribed by Board regulations and shall not exceed a reasonable amount.

I. Any person who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application pursuant to this article is guilty of a Class 1 misdemeanor.

J. In addition to the fee required pursuant to subdivision A 2, any applicant to which the Department issues a permit shall pay a nonrefundable fee of \$250,000 to the Department prior to the issuance of such permit. Such fees shall be deposited by the Department into the Gaming Regulatory Fund established pursuant to § 58.1-4048.

#### **§ 58.1-4100. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Adjusted gross receipts" means the gross receipts from casino gaming less winnings paid to winners.

"Board" means the Virginia Lottery Board established in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Casino gaming" or "game" means baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, Mah Jongg, electronic table games, hybrid table games, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, or any variation of the aforementioned games, and any other activity that is authorized by the Board as a wagering game or device under this chapter. "Casino gaming" or "game" includes on-premises mobile casino gaming.

"Casino gaming establishment" means the premises, including the entire property, *such as a conference center, hotel, or entertainment district or large-scale concert venue*, located at the address of the licensed casino, upon which lawful casino gaming is authorized and licensed as provided in this chapter. "Casino gaming establishment" does not include a riverboat or similar vessel.

"Casino gaming operator" means any person issued a license by the Board to operate a casino gaming establishment.

"Cheat" means to alter the selection criteria that determine the result of a game or the amount or frequency of payment in a game for the purpose of obtaining an advantage for one or more participants in a game over other participants in a game.

"Counter check" means an interest-free negotiable instrument for a specified amount executed by a player and held by the casino that serves as evidence of the casino gaming patron's obligation to pay the casino and that can be exchanged by the casino gaming patron for the specified amount in chips, tokens, credits, electronic credits, electronic cash, or electronic cards.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in the Virginia Lottery Law (§ 58.1-4000 et seq.).

"Director" means the Director of the Virginia Lottery.

"Eligible host ~~city~~ locality" means any ~~city~~ locality described in § 58.1-4107 in which a casino gaming establishment is authorized to be located.

"Entity" means a person that is not a natural person.

"Gaming operation" means the conduct of authorized casino gaming within a casino gaming establishment.

"Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens, electronic credits, electronic cash, or electronic cards by casino gaming patrons. "Gross receipts" shall not include the cash value of promotions or credits provided to and exchanged by casino gaming patrons for chips, tokens, electronic credits, electronic cash, or electronic cards. "Gross receipts" shall also not include uncollectable counter checks.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as an officer or employee and who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Individual" means a natural person.

"Labor organization" means the same as that term is defined in 29 U.S.C. § 152(5).

"Labor peace agreement" means an agreement with a labor organization that contains, at a

182 *minimum, provisions prohibiting the labor organization and its members from engaging in any picketing,*  
 183 *work stoppage, boycott, or other economic interference with the proposed casino gaming establishment's*  
 184 *operations.*

185 "Licensee" or "license holder" means any person holding an operator's license under § 58.1-4111.

186 "On-premises mobile casino gaming" means casino gaming offered by a casino gaming operator at a  
 187 casino gaming establishment using a computer network of both federal and nonfederal interoperable  
 188 packet-switched data networks through which the casino gaming operator may offer casino gaming to  
 189 individuals who have established an on-premises mobile casino gaming account with the casino gaming  
 190 operator and who are physically present on the premises of the casino gaming establishment, as  
 191 authorized by regulations promulgated by the Board.

192 "Permit holder" means any person holding a supplier or service permit pursuant to this chapter.

193 "Person" means an individual, partnership, joint venture, association, limited liability company, stock  
 194 corporation, or nonstock corporation and includes any person that directly or indirectly controls or is  
 195 under common control with another person.

196 "Preferred casino gaming operator" means the proposed casino gaming establishment and operator  
 197 thereof submitted by an eligible host ~~city~~ *locality* to the Board as an applicant for licensure.

198 "Prepaid access instrument" means a system device that allows a casino gaming patron access to  
 199 funds that have been paid in advance and can be retrieved or transferred at some point in the future  
 200 through such a device. In order to transfer funds for gaming purposes, a prepaid access instrument shall  
 201 be redeemed for tokens, chips, credits, electronic credits, electronic cash, electronic cards, or used in  
 202 conjunction with an approved cashless wagering system or interactive gaming account.

203 "Principal" means any individual who solely or together with his immediate family members (i) owns  
 204 or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a  
 205 licensee or (ii) has the power to vote or cause the vote of five percent or more of the voting securities  
 206 or other ownership interests of such entity, and any person who manages a gaming operation on behalf  
 207 of a licensee.

208 "Professional sports" means the same as such term is defined in § 58.1-4030.

209 "Security" has the same meaning as provided in § 13.1-501. If the Board finds that any obligation,  
 210 stock, or other equity interest creates control of or voice in the management operations of an entity in  
 211 the manner of a security, then such interest shall be considered a security.

212 "Sports betting" means the same as such term is defined in § 58.1-4030.

213 "Sports betting facility" means an area, kiosk, or device located inside a casino gaming establishment  
 214 licensed pursuant to this chapter that is designated for sports betting.

215 "Supplier" means any person that sells or leases, or contracts to sell or lease, any casino gaming  
 216 equipment, devices, or supplies, or provides any management services, to a licensee.

217 "Voluntary exclusion program" means a program established by the Board pursuant to § 58.1-4103  
 218 that allows individuals to voluntarily exclude themselves from engaging in the activities described in  
 219 subdivision B 1 of § 58.1-4103 by placing their names on a voluntary exclusion list and following the  
 220 procedures set forth by the Board.

221 "Youth sports" means the same as such term is defined in § 58.1-4030.

222 **§ 58.1-4101. Regulation and control of casino gaming; limitation.**

223 A. Casino gaming shall be licensed and permitted as herein provided to benefit the people of the  
 224 Commonwealth. The Board is vested with control of all casino gaming in the Commonwealth, with  
 225 authority to prescribe regulations and conditions under this chapter. The purposes of this chapter are to  
 226 assist economic development, promote tourism, and provide for the implementation of casino gaming  
 227 operations of the highest quality, honesty, and integrity and free of any corrupt, incompetent, dishonest,  
 228 or unprincipled practices.

229 B. The conduct of casino gaming shall be limited to the qualified locations established in  
 230 § 58.1-4107. The Board shall be limited to the issuance of a single operator's license for each such  
 231 qualified location.

232 C. The conduct of any casino gaming and entrance to such establishment is a privilege that may be  
 233 granted or denied by the Board or its duly authorized representatives in its discretion in order to  
 234 effectuate the purposes set forth in this chapter. Any proposed site for a casino gaming establishment  
 235 shall be privately owned property subject to the local land use and property taxation authority of the  
 236 eligible host ~~city~~ *locality* in which the casino gaming establishment is located.

237 **Article 2.**

238 **Eligible Host ~~City~~ *Locality*; Certification of Preferred Casino Gaming Operator.**

239 **§ 58.1-4107. Eligible host locality; certification of preferred casino gaming operator.**

240 A. The conduct of casino gaming shall be limited to the following eligible host ~~cities~~ *localities*:

241 1. Any city (i) in which at least 40 percent of the assessed value of all real estate in such city is  
 242 exempt from local property taxation, according to the Virginia Department of Taxation Annual Report  
 243 for Fiscal Year 2018, and (ii) that experienced a population decrease of at least seven percent from 1990

to 2016, according to data provided by the U.S. Census Bureau;

2. Any city that had (i) an annual unemployment rate of at least five percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; and (iii) a population decrease of at least 20 percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

3. Any city that (i) had an annual unemployment rate of at least 3.6 percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) had an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; (iii) experienced a population decrease of at least four percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and (iv) is located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act;

4. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that experienced a population decrease of at least five percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; ~~and~~

5. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that had a poverty rate of at least 24 percent in 2017, according to data provided by the U.S. Census Bureau; ~~and~~

6. Any county (i) with a population greater than 1.15 million in 2020 according to data provided by the U.S. Census Bureau; (ii) in which at least six percent of the assessed value of all real estate in such county is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2021; and (iii) that has adopted the urban county executive form of government.

B. In selecting a preferred casino gaming operator, an eligible host ~~city~~ locality shall have considered and given substantial weight to factors such as:

1. The potential benefit and prospective revenues of the proposed casino gaming establishment.

2. The total value of the proposed casino gaming establishment.

3. The proposed capital investment and the financial health of the proposer and any proposed development partners.

4. The experience of the proposer and any development partners in the operation of a casino gaming establishment.

5. Security plans for the proposed casino gaming establishment.

6. The economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such.

7. Availability of ~~city-owned~~ locality-owned assets and privately owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the ~~city~~ locality, incorporated in the proposal.

8. The best financial interest of the ~~city~~ locality.

9. The proposer's status as a minority-owned business as defined in § 2.2-1604 or the proposer's commitment to solicit equity investment in the proposed casino gaming establishment from one or more minority-owned businesses and the proposer's commitment to solicit contracts with minority-owned businesses for the purchase of goods and services.

10. *The proposer's and any party contracted to perform construction at the proposed casino gaming establishment's history of or commitment to paying or contracting for the payment of prevailing wages to those individuals providing construction labor during the initial construction of the casino gaming establishment, and any hospitality facilities on the premises. For purposes of this subdivision, "prevailing wage rate" means the rate, amount, or level of wages, salaries, benefits, and other remuneration prevailing for the corresponding classes of workers, as determined by the Commissioner of Labor and Industry on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act, 40 U.S.C. § 3141 et seq., as amended.*

11. *The proposer's and any party contracted to perform gaming or hospitality operations at the proposed casino gaming establishment's history of or commitment to entering into labor peace agreements with one or more labor organizations that is actively engaged in representing or seeking to represent employees in the gaming or hospitality industries in the Commonwealth.*

C. The Department shall, upon request of any eligible host ~~city~~ locality, provide a list of resources that may be of assistance in evaluating the technical merits of any proposal submitted pursuant to this

305 section, provided that selection of the preferred casino gaming operator shall be at the ~~city's~~ *locality's*  
306 sole discretion.

307 D. The eligible host ~~city~~ *locality* described in subdivision A 4 shall provide substantial and preferred  
308 consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54  
309 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the  
310 Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming  
311 activities as a matter of claimed inherent authority or under the authority of the Indian Gaming  
312 Regulatory Act (25 U.S.C. § 2701 et seq.).

313 E. The eligible host ~~city~~ *locality* described in subdivision A 5 may provide preferred consideration to  
314 a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and  
315 acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an  
316 Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a  
317 matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25  
318 U.S.C. § 2701 et seq.).

319 F. *The eligible host locality described in subdivision A 6 shall be limited to a proposed site for a*  
320 *casino gaming establishment that is (i) located within one-quarter of a mile of an existing station on the*  
321 *Metro Silver Line, (ii) part of a coordinated mixed-use project development, (iii) outside of the Dulles*  
322 *airport flight path, (iv) within two miles of a major shopping destination containing not less than 1.5*  
323 *million square feet of gross building area, and (v) outside of the Interstate 495 Beltway.*

324 G. 1. An eligible host ~~city~~ *locality* shall promptly submit its preferred casino gaming operator to the  
325 Department for review prior to scheduling the referendum required by § 58.1-4123. An eligible host ~~city~~  
326 *locality* shall include with the submission ~~any~~:

327 a. Any written or electronic documentation considered as part of the criteria in subsection B,  
328 including any memorandums of understanding, incentives, development agreements, land purchase  
329 agreements, or local infrastructure agreements; *and*

330 b. *An executed agreement entered into between the eligible host locality and its preferred casino*  
331 *gaming operator certifying that such casino gaming operator and any subcontractor or sublessee*  
332 *responsible for the performance of casino gaming or hospitality operations at the proposed casino*  
333 *gaming establishment will enter into a labor peace agreement with each labor organization actively*  
334 *engaged in representing or seeking to represent employees in the gaming or hospitality industries in the*  
335 *Commonwealth that requests such labor peace agreement, and evidence of all such signed labor peace*  
336 *agreements.*

337 2. The Department shall conduct a preliminary review of the financial status and ability of the  
338 preferred casino gaming operator to operate and properly support ongoing operations in an eligible host  
339 ~~city~~ *locality*, as well as current casino operations in other states and territories. The Department shall  
340 conduct such review within 45 days of receipt of the submission by the eligible host ~~city~~ *locality*. An  
341 eligible host ~~city~~ *locality* and preferred casino gaming operator shall fully cooperate with all necessary  
342 requests by the Department in that regard. Upon successful preliminary review, the Department shall  
343 certify approval for the eligible host ~~city~~ *locality* to proceed to the referendum required by § 58.1-4123.  
344 The Department shall develop guidelines establishing procedures and criteria for conducting the  
345 preliminary review required by this subsection. Certification by the Department to proceed to referendum  
346 shall in no way entitle the preferred casino gaming operator to approval of any application to operate a  
347 casino gaming establishment.

#### 348 **§ 58.1-4107.1. Regional Improvement Commission.**

349 There is hereby established the Regional Improvement Commission (the Commission). The  
350 membership of the Commission shall consist of one member appointed by the local governing body of  
351 each jurisdiction composing the transportation district created pursuant to the Transportation District Act  
352 of 1964 (§ 33.2-1900 et seq.) that includes the eligible host ~~city~~ *locality* described in subdivision A 3 of  
353 § 58.1-4107. Each member shall be appointed to serve a two-year term. Notwithstanding the provisions  
354 of subdivision B 1 of § 58.1-4125, for a casino gaming establishment located in the eligible host ~~city~~  
355 *locality* described in subdivision A 3 of § 58.1-4107, such transfer, otherwise returned to the ~~city~~ *locality*  
356 where it was collected, shall instead be made to the Commission. The purpose of the Commission shall  
357 be to (i) receive disbursements made to it; (ii) establish funding priorities for member localities related  
358 to improvements in the areas of education, transportation, and public safety; and (iii) make annual  
359 payments divided equally among the jurisdictions to fund the established priorities as determined by the  
360 Commission.

#### 361 **§ 58.1-4109. Submission of preferred casino gaming operator by eligible host locality;** 362 **application for operator's license; penalty.**

363 A. If a majority of those voting in a referendum held pursuant to § 58.1-4123 vote in the affirmative,  
364 the eligible host ~~city~~ *locality* shall certify its preferred casino gaming operator and submit such  
365 certification to the Department within 30 days.

366 B. Any preferred casino gaming operator desiring to operate a casino gaming establishment shall file

with the Department an application for an operator's license. Such application shall be filed at the place prescribed by the Department and shall be in such form and contain such information as prescribed by the Department, including but not limited to the following:

1. The name and address of such person; if a corporation, the state of its incorporation, the full name and address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to do business in the Commonwealth; if a partnership or joint venture, the name and address of each general partner thereof; if a limited liability company, the name and address of each manager thereof; or, if another entity, the name and address of each person performing duties similar to those of officers, directors, and general partners;

2. The name and address of each principal and of each person who has contracted to become a principal of the applicant, including providing management services with respect to any part of gaming operations; the nature and cost of such principal's interest; and the name and address of each person who has agreed to lend money to the applicant;

3. Such information as the Department considers appropriate regarding the character, background, and responsibility of the applicant and the principals, officers, and directors of the applicant;

4. A description of the casino gaming establishment in which such gaming operations are to be conducted, the ~~city~~ *locality* where such casino gaming establishment will be located, and the applicant's capital investment plan for the site. The Board shall require such information about a casino gaming establishment and its location as it deems necessary and appropriate to determine whether it complies with the minimum standards provided in this chapter and whether gaming operations at such location will be in furtherance of the purposes of this chapter;

5. Such information relating to the financial responsibility of the applicant, including the applicant's financing plan for the casino gaming establishment, and the applicant's ability to perform under its license as the Department considers appropriate;

6. If any of the facilities necessary for the conduct of gaming operations are to be leased, the terms of such lease;

7. Evidence of compliance by the applicant with the economic development and land use plans and design review criteria of the local governing body of the ~~city~~ *locality* in which the casino gaming establishment is proposed to be located, including certification that the project complies with all applicable land use ordinances pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2;

8. Such information necessary to enable the Department to review the application based upon the best financial interests of the Commonwealth;

9. Such information necessary to enable the Department to authorize on-premises mobile casino gaming pursuant to Article 11 (§ 58.1-4131 et seq.);

10. Submission of the following: (i) a minority investment plan disclosing any equity interest owned by a minority individual or minority-owned business or the applicant's efforts to seek equity investment from minority individuals or minority-owned businesses and (ii) a plan for the participation of minority individuals or minority-owned businesses in the applicant's purchase of goods and services related to the casino gaming establishment. As used in the subdivision, "minority individual" and "minority-owned business" mean the same as those terms are defined in § 2.2-1604; and

11. Any other information that the Department in its discretion considers appropriate.

C. A nonrefundable application fee of \$50,000 shall be paid for each principal at the time of filing to defray the costs associated with the background investigation conducted for the Department. If the reasonable costs of the investigation exceed the application fee, the applicant shall pay the additional amount to the Department. The Board may establish regulations calculating the reasonable costs to the Department in performing its functions under this chapter and allocating such costs to the applicants for licensure at the time of filing.

D. Any license application from an Indian tribe as described in subsection D of § 58.1-4107 shall certify that the material terms of the relevant development agreements between the Indian tribe and any development partner have been determined in the opinion of the Office of General Counsel of the National Indian Gaming Commission after review not to deprive the Indian tribe of the sole proprietor interest in the gaming operations for purposes of federal Indian gaming law.

E. Any application filed hereunder shall be verified by the oath or affirmation of the applicant. Any person who knowingly makes a false statement on an application is guilty of a Class 4 felony.

F. The licensed operator shall be the person primarily responsible for the gaming operations under its license and compliance of such operations with the provisions of this chapter.

G. The Department may use or rely on any application, supporting documentation, or information submitted pursuant to § 58.1-4032, in reviewing and verifying an application submitted pursuant to this chapter.

**§ 58.1-4110. Issuance of operator's license to preferred casino gaming operator; standards for licensure; temporary casino gaming allowed under certain conditions.**

428 A. If a preferred casino gaming operator, as certified by the applicable eligible host ~~city~~ *locality*,  
429 submits an application that meets the standards for licensure set forth in this article, the Board shall  
430 issue an operator's license to such preferred casino gaming operator. The Board shall not consider an  
431 application from any applicant that has not been certified as a preferred casino gaming operator by an  
432 eligible host ~~city~~ *locality*.

433 B. The Board may issue an operator's license to an applicant only if it finds that:

434 1. The applicant submits a plan for addressing responsible gaming issues, including the goals of the  
435 plan, procedures, and deadlines for implementation of the plan;

436 2. The applicant has established a policy requiring all license and permit holders who interact directly  
437 with the public in the casino gaming establishment to complete a training course acceptable to the  
438 Department in how to recognize and report suspected human trafficking;

439 3. The casino gaming establishment the applicant proposes to use on a permanent basis is or will be  
440 appropriate for gaming operations consistent with the purposes of this chapter;

441 4. The ~~city~~ *locality* where the casino gaming establishment will be located certifies that the proposed  
442 project complies with all applicable land use ordinances pursuant to Chapter 22 (§ 15.2-2200 et seq.) of  
443 Title 15.2;

444 5. Any required local infrastructure or site improvements, including necessary sewerage, water,  
445 drainage facilities, or traffic flow, are to be paid exclusively by the applicant without state or local  
446 financial assistance;

447 6. If the applicant is an entity, its securities are fully paid and, in the case of stock, nonassessable  
448 and have been subscribed and will be paid for only in cash or property to the exclusion of past services;

449 7. All principals meet the criteria of this subsection and have submitted to the jurisdiction of the  
450 Virginia courts, and all nonresident principals have designated the Director as their agent for receipt of  
451 process;

452 8. If the applicant is an entity, it has the right to purchase at fair market value the securities of, and  
453 require the resignation of, any person who is or becomes disqualified under subsection C;

454 9. The applicant meets any other criteria established by this chapter and the Board's regulations for  
455 the granting of an operator's license;

456 10. The applicant is qualified to do business in Virginia or is subject to the jurisdiction of the courts  
457 of the Commonwealth; and

458 11. The applicant has not previously been denied a license pursuant to subsection C.

459 C. The Board shall deny a license to an applicant if it finds that for any reason the issuance of a  
460 license to the applicant would reflect adversely on the honesty and integrity of the casino gaming  
461 industry in the Commonwealth or that the applicant, or any officer, principal, manager, or director of the  
462 applicant:

463 1. Is or has been guilty of any illegal act, conduct, or practice in connection with gaming operations  
464 in this or any other state or has been convicted of a felony;

465 2. Has had a license or permit to hold or conduct a gaming operation denied for cause, suspended, or  
466 revoked, in this or any other state or country, unless the license or permit was subsequently granted or  
467 reinstated;

468 3. Has at any time during the previous five years knowingly failed to comply with the provisions of  
469 this chapter or any Department regulation;

470 4. Has knowingly made a false statement of material fact to the Department or has deliberately failed  
471 to disclose any information requested by the Department;

472 5. Has defaulted in the payment of any obligation or debt due to the Commonwealth and has not  
473 cured such default; or

474 6. Has operated or caused to be operated a casino gaming establishment for which a license is  
475 required under this chapter without obtaining such license.

476 D. The Board shall make a determination regarding whether to issue the operator's license within 12  
477 months of the receipt of a completed application.

478 E. The Board shall be limited to the issuance of one operator's license for each eligible host ~~city~~  
479 *locality*.

480 F. If, at the time of application, the applicant has not satisfied the capital investment requirement of  
481 at least \$300 million pursuant to subsection B of § 58.1-4108 but otherwise meets the standards for  
482 licensure set forth in this article, the Department shall issue the operator's license, which, prior to  
483 satisfying the capital investment requirement, may not be used to conduct gaming other than temporary  
484 casino gaming pursuant to subsection G.

485 G. The Department may authorize casino gaming to occur on a temporary basis for a period of one  
486 year under the following conditions:

487 1. The request to authorize casino gaming is made by a preferred casino gaming operator that has  
488 been issued a license consistent with this section.

489 2. The preferred casino gaming operator has submitted as a part of its application for licensure a

construction schedule for a casino gaming establishment that has been approved by the eligible host ~~city~~ *locality* and the Department.

3. The temporary casino gaming is to be conducted at the same site referenced in the referendum held pursuant to § 58.1-4123.

4. The preferred casino gaming operator has secured suppliers and employees holding the appropriate permits required by this chapter and sufficient for the routine operation of the site where the temporary casino gaming is authorized.

5. A performance bond is posted in an amount acceptable to the Board.

H. No portion of any facility developed with the assistance of any grants or loans provided by a redevelopment and housing authority created pursuant to § 36-4 shall be used as a casino gaming establishment.

The Department may renew the authorization to conduct temporary casino gaming for an additional year if it determines that the preferred casino gaming operator has made a good faith effort to comply with the approved construction schedule.

I. An operator issued a license under this chapter shall not be precluded from operating a sports betting facility for individuals to participate in sports betting activities in a casino gaming establishment, which may include in-person sports betting where the bettor places a bet directly with an employee of the casino or the sports betting permit holder, or through a kiosk or device.

**§ 58.1-4111. Duration and form of operator's license; bond.**

A. A casino gaming operator license under this chapter shall be valid for a period of 10 years from its date of issuance but shall be reviewed no less frequently than annually to determine compliance with this chapter and Department regulations. Such annual review shall include a certification by the eligible host ~~city~~ *locality* of the status of the operator's compliance with local ordinances and regulations. If the certification states that the operator is not in compliance, the Department shall require the operator to submit a plan of compliance, corrective action, or request for variance.

B. The Board shall establish by regulation the criteria and procedures for license renewal and for amending licenses to conform to changes in a licensee's gaming operations. Such regulations shall require the operator to submit to the Board any updates or revisions to the capital investment plan provided with the initial license application pursuant to subdivision B 4 of § 58.1-4109. Renewal shall not be unreasonably refused.

C. The Department shall require a bond with surety acceptable to it, and in an amount determined by it, to be sufficient to cover any indebtedness incurred by the licensee to the Commonwealth.

**§ 58.1-4123. Local referendum required.**

A. The Department shall not grant any initial license to operate a gaming operation in an eligible host ~~city~~ *locality* until a referendum on the question of whether casino gaming shall be permitted in such ~~city~~ *locality* is approved by the voters of such ~~city~~ *locality*.

B. The governing body of any ~~city~~ *locality* containing an eligible host ~~city~~ *locality* shall petition the court, by resolution, asking that a referendum be held on the question of whether casino gaming shall be permitted within the ~~city~~ *locality*. The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the ~~city~~ *locality* to open the polls and take the sense of the voters on the question as herein provided.

C. The clerk of such court of record of such ~~city~~ *locality* shall publish notice of such election in a newspaper of general circulation in such ~~city~~ *locality* once a week for three consecutive weeks prior to such election.

D. The regular election officers of such ~~city~~ *locality* shall open the polls at the various voting places in such ~~city~~ *locality* on the date specified in such order and conduct such election in the manner provided by law. The election shall be by ballot, which shall be prepared by the electoral board of the ~~city~~ *locality* and on which shall be printed the following question:

"Shall casino gaming be permitted at a casino gaming establishment in \_\_\_\_\_  
(name of ~~city~~ *locality* and location) as may be approved by the Virginia Lottery Board?

[ ] Yes

[ ] No"

In the blank shall be inserted the name of the ~~city~~ *locality* in which such election is held and the proposed location of the casino gaming establishment. Any voter desiring to vote "Yes" shall mark in the square provided for such purpose immediately preceding the word "Yes," leaving the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark in the square provided for such purpose immediately preceding the word "No," leaving the square immediately preceding the word "Yes" unmarked.

E. The ballots shall be counted, the returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be

551 transmitted to the Department and to the governing body of such ~~city~~ *locality*.

552 F. A subsequent local referendum shall be required if a license has not been granted by the Board  
553 within five years of the court order proclaiming the results of the election.

554 **§ 58.1-4125. Gaming Proceeds Fund.**

555 A. There is hereby created in the state treasury a special nonreverting fund to be known as the  
556 Gaming Proceeds Fund, referred to in this section as "the Fund." The Fund shall be established on the  
557 books of the Comptroller. All moneys required to be deposited into the Fund pursuant to this chapter  
558 shall be paid into the state treasury and credited to the Fund. Any moneys remaining in the Fund,  
559 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall  
560 remain in the Fund.

561 B. Revenues from the Fund shall be apportioned by the Comptroller as follows:

562 1. The following amounts shall be distributed to the ~~city~~ *locality* in which they were collected by  
563 warrants of the Comptroller drawn on the Treasurer of Virginia on a quarterly basis:

564 a. An amount equal to a six percent tax on the first \$200 million of adjusted gross receipts;

565 b. An amount equal to a seven percent tax on the adjusted gross receipts that exceed \$200 million  
566 but do not exceed \$400 million; and

567 c. An amount equal to an eight percent tax on the adjusted gross receipts that exceed \$400 million.

568 2. For any casino gaming establishment operated by a Virginia Indian tribe recognized in House  
569 Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs of the U.S.  
570 Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to  
571 conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian  
572 Gaming Regulatory Act (25 U.S.C. § 2701 et seq.), an amount equal to a tax of one percent on the  
573 adjusted gross receipts of such establishment shall be deposited in the Virginia Indigenous People's Trust  
574 Fund established pursuant to § 2.2-401.01.

575 3. Eight-tenths of one percent of the Fund shall be deposited in the Problem Gambling Treatment  
576 and Support Fund established pursuant to § 37.2-314.2.

577 4. Two-tenths of one percent of the Fund shall be deposited in the Family and Children's Trust Fund  
578 established pursuant to § 63.2-2100.

579 5. Any remaining revenues not apportioned pursuant to subdivisions 1 through 4 shall be deposited  
580 in the School Construction Fund established pursuant to § 22.1-140.1.

581 **2. That the provisions of subdivisions B 10 and 11 of § 58.1-4107 of the Code of Virginia, as**  
582 **amended by this act, shall apply only to the selection of a preferred casino gaming operator by an**  
583 **eligible host locality that occurs on or after July 1, 2024.**