

**Senate Bill No. 451**

(By Senator K. Facemyer)

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[Introduced January 30, 2012; referred to the Committee on  
Agriculture; then to the Committee on the Judiciary; and then to  
the Committee on Finance.]

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A BILL to amend and reenact §29-22B-1202 of the Code of West  
Virginia, 1931, as amended, relating to prohibiting the  
issuance or renewal of limited video lottery license for  
premises within seventy miles of a dog or horse track in West  
Virginia.

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

That §29-22B-1202 of the Code of West Virginia, 1931, as  
amended, be amended and reenacted to read as follows:

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

**§29-22B-1202. No limited video lottery retailer license for  
premises within 150 feet of another licensed  
premises; no two license retailer locations  
within a common structure; no limited video**

1                   **lottery license may be renewed or issued for**  
2                   **premises within 70 miles of any dog or horse**  
3                   **track in West Virginia.**

4           (a) A limited video lottery retailer license may not be  
5 granted for operation of video lottery terminals on a premises if,  
6 at the time of application for the license, the applicant's  
7 premises are within one hundred fifty feet of, or has an external  
8 structural connection not amounting to a common internal wall to,  
9 a premises that already has a license for video lottery terminals.

10           (1) A measurement of the distance between two premises must be  
11 taken between the nearest exterior wall of each premises.

12           (2) When determining common ownership, the commission shall  
13 consider direct as well as indirect ownership.

14           (b) A premises for which a private club license to dispense  
15 alcoholic liquors, under provisions of article seven, chapter sixty  
16 of this code, or a Class A nonintoxicating beer license, under the  
17 provisions of article sixteen, chapter eleven of this code, was  
18 granted, was applied for, or the transfer of which was validly  
19 contracted for prior to January 1, 2001, is not subject to  
20 subsections (a) and (c) of this section.

21           (c) No more than one restricted access adult-only facility  
22 shall hold a limited video lottery retailer license to offer video  
23 lottery terminals in any single structure under one roof.

24           (d) A limited video lottery license may not be issued or

1 renewed for premises within seventy miles of any dog or horse track  
2 in West Virginia. Dog and horse tracks may continue to obtain new  
3 licenses and license renewals for limited video lottery operations  
4 on their premises.

NOTE: The purpose of this bill is to prohibit the issuance or renewal of limited video lottery license for premises within seventy miles of a dog or horse track in West Virginia.

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