

1 **ENROLLED**

2 **H. B. 2990**

3
4 (By Delegates Doyle, Ferns, Guthrie, Morgan,
5 Storch and Swartzmiller)

6 (By Request of the Racing Commission)

7 [Passed March 8, 2011; in effect ninety days from passage.]

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9
10 AN ACT to amend and reenact §19-23-8 of the Code of West Virginia,
11 1931, as amended, relating to changing the renewal of Racing
12 Commission-issued occupational permits from December 31 of
13 each year to a schedule determined according to the
14 applicant's date of birth.

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

16 That §19-23-8 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 19. HORSE AND DOG RACING.**

19 **§19-23-8. Consideration of application for license or permit;**
20 **issuance or denial; contents of license or permit;**
21 **grounds for denial of application; determination of**
22 **racing dates; license or permit not transferable or**
23 **assignable; limitation on license; validity of**
24 **permit.**

25 (a) The Racing Commission shall promptly consider any

1 application for a license or permit, as the case may be. Based upon
2 such application and all other information before it, the Racing
3 Commission shall make and enter an order either approving or
4 denying the application. The application may be denied for any
5 reason specified in subsection (b) of this section. If an
6 application for a license is approved, the Racing Commission shall
7 issue a license to conduct a horse or dog race meeting and shall
8 designate on the face of the license the kind or type of horse or
9 dog racing for which the same is issued, the racing association to
10 which the same is issued, the dates upon which the horse or dog
11 race meeting is to be held or conducted (which may be any weekdays,
12 or week-nights, including Sundays), the location of the horse or
13 dog racetrack, place or enclosure where the horse or dog race
14 meeting is to be held or conducted and other information as the
15 Racing Commission shall consider proper. If an application for a
16 permit is approved, the Racing Commission shall issue a permit and
17 shall designate on the face of the permit such information as the
18 Racing Commission considers proper.

19 (b) The Racing Commission may deny the application and refuse
20 to issue the license or permit, as the case may be, which denial
21 and refusal is final and conclusive unless a hearing is demanded in
22 accordance with the provisions of section sixteen of this article,
23 if the Racing Commission finds that the applicant individually, if
24 an individual, or the partners or members, if a partnership, firm
25 or association, or the owners and directors, if a corporation:

1 (1) Has knowingly made false statement of a material fact in
2 the application or has knowingly failed to disclose any information
3 called for in the application;

4 (2) Is or has been guilty of any corrupt or fraudulent act,
5 practice or conduct in connection with a horse or dog race meeting
6 in this or any other state;

7 (3) Has been convicted, within ten years prior to the date of
8 the application, of an offense which under the law of this state,
9 of any other state or of the United States of America, shall
10 constitute a felony or a crime involving moral turpitude;

11 (4) Has failed to comply with the provisions of this article
12 or any reasonable rules of the Racing Commission;

13 (5) Has had a license to hold or conduct a horse or dog race
14 meeting or a permit to participate therein denied for just cause,
15 suspended or revoked in any other state;

16 (6) Has defaulted in the payment of any obligation or debt due
17 to this state under the provisions of this article;

18 (7) Is, if a corporation, neither incorporated under the laws
19 of this state nor qualified to do business within this state;

20 (8) In the case of an application for a license, has failed to
21 furnish bond or other adequate security, if the same is required by
22 the Racing Commission under the provisions of section seven of this
23 article;

24 (9) In the case of an application for a permit, is unqualified
25 to perform the duties required for the permit sought; or

1 (10) In the case of an application for a permit, is, for just
2 cause, determined to be undesirable to perform the duties required
3 of the applicant.

4 (c) In issuing licenses and fixing dates for horse or dog
5 race meetings at the various horse racetracks and dog racetracks in
6 this state, the Racing Commission shall consider the horse racing
7 circuits and dog racing circuits with which the horse racetracks
8 and dog racetracks in this state are associated or contiguous to
9 and shall also consider dates which are calculated to increase the
10 tax revenues accruing from horse racing and dog racing.

11 (d) A license issued under the provisions of this article is
12 neither transferable nor assignable to any other racing association
13 and may not permit the holding or conducting of a horse or dog race
14 meeting at any horse or dog racetrack, place or enclosure not
15 specified thereon. However, if the specified horse or dog
16 racetrack, place or enclosure becomes unsuitable for the horse or
17 dog race meeting because of flood, fire or other catastrophe, or
18 cannot be used for any reason, the Racing Commission may, upon
19 application, authorize the horse or dog race meeting, or any
20 remaining portion thereof, to be conducted at any other racetrack,
21 place or enclosure available for that purpose, provided that the
22 owner of the racetrack, place or enclosure willingly consents to
23 the use.

24 (e) No type of horse racing or dog racing shall be conducted
25 by a licensee at any race meeting other than that type for which a

1 license was issued.

2 (f) Each permit issued under the provisions of this section
3 shall be for a period of one year, unless approved otherwise by the
4 Commission. Effective January 1, 2012, each permit shall be
5 renewed according to the following schedule: Permits issued to
6 persons whose date of birth is January 1 through and including
7 April 30 shall be renewed no later than April 30 of each year;
8 permits issued to persons whose date of birth is May 1 through and
9 including August 31 shall be renewed no later than August 31 of
10 each year; and permits issued to persons whose date of birth is
11 September 1 through and including December 31 shall be renewed no
12 later than December 31 of each year. Each permit shall be valid at
13 all horse or dog race meetings during the period for which it was
14 issued unless it be sooner suspended or revoked in accordance with
15 the provisions of this article. A permit issued under the
16 provisions of this article is neither transferable nor assignable
17 to any other person.

18 (g) The Racing Commission shall propose rules for legislative
19 approval in accordance with the provisions of article three,
20 chapter twenty-nine-a of this code which establish the criteria for
21 the approval or denial of a license or permit.