

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

House Bill No. 2990

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



Passed March 8, 2011

In Effect Ninety Days From Passage

E N R O L L E D

H. B. 2990

(BY DELEGATES DOYLE, FERNS, GUTHRIE, MORGAN,
STORCH AND SWARTZMILLER)
[BY REQUEST OF THE RACING COMMISSION]

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

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 19. HORSE AND DOG RACING.

§19-23-8. Consideration of application for license or permit; issuance or denial; contents of license or permit; grounds for denial of application; determination

**of racing dates; license or permit not transferable
or assignable; limitation on license; validity of
permit.**

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

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

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

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

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

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

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

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

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

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

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

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

59 (c) In issuing licenses and fixing dates for horse or dog
60 race meetings at the various horse racetracks and dog
61 racetracks in this state, the Racing Commission shall consider
62 the horse racing circuits and dog racing circuits with which
63 the horse racetracks and dog racetracks in this state are
64 associated or contiguous to and shall also consider dates
65 which are calculated to increase the tax revenues accruing
66 from horse racing and dog racing.

67 (d) A license issued under the provisions of this article is
68 neither transferable nor assignable to any other racing
69 association and may not permit the holding or conducting of
70 a horse or dog race meeting at any horse or dog racetrack,
71 place or enclosure not specified thereon. However, if the
72 specified horse or dog racetrack, place or enclosure becomes
73 unsuitable for the horse or dog race meeting because of flood,
74 fire or other catastrophe, or cannot be used for any reason,
75 the Racing Commission may, upon application, authorize the
76 horse or dog race meeting, or any remaining portion thereof,
77 to be conducted at any other racetrack, place or enclosure
78 available for that purpose, provided that the owner of the
79 racetrack, place or enclosure willingly consents to the use.

80 (e) No type of horse racing or dog racing shall be
81 conducted by a licensee at any race meeting other than that
82 type for which a license was issued.

83 (f) Each permit issued under the provisions of this section
84 shall be for a period of one year, unless approved otherwise
85 by the Commission. Effective January 1, 2012, each permit
86 shall be renewed according to the following schedule:
87 Permits issued to persons whose date of birth is January 1
88 through and including April 30 shall be renewed no later than
89 April 30 of each year; permits issued to persons whose date
90 of birth is May 1 through and including August 31 shall be
91 renewed no later than August 31 of each year; and permits

92 issued to persons whose date of birth is September 1 through
93 and including December 31 shall be renewed no later than
94 December 31 of each year. Each permit shall be valid at all
95 horse or dog race meetings during the period for which it was
96 issued unless it be sooner suspended or revoked in
97 accordance with the provisions of this article. A permit
98 issued under the provisions of this article is neither
99 transferable nor assignable to any other person.

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

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor