

# H. B. 2990

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

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[Introduced February 2, 2011; referred to the  
Committee on the Judiciary.]

A BILL 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  
15 racetrack, place or enclosure where the horse or dog race  
16 meeting is to be held or conducted and other information as

17 the Racing Commission shall consider proper. If an  
18 application for a permit is approved, the Racing Commission  
19 shall issue a permit and shall designate on the face of the  
20 permit such information as the Racing Commission ~~shall~~  
21 ~~consider~~ considers proper.

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

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

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

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

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

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

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

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

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

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

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

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

68       (d) A license issued under the provisions of this article is  
69 neither transferable nor assignable to any other racing  
70 association and may not permit the holding or conducting of  
71 a horse or dog race meeting at any horse or dog racetrack,  
72 place or enclosure not specified thereon. However, if the  
73 specified horse or dog racetrack, place or enclosure becomes

74 unsuitable for the horse or dog race meeting because of  
75 flood, fire or other catastrophe, or cannot be used for any  
76 reason, the Racing Commission may, upon application,  
77 authorize the horse or dog race meeting, or any remaining  
78 portion thereof, to be conducted at any other racetrack, place  
79 or enclosure available for that purpose, provided that the  
80 owner of the racetrack, place or enclosure willingly consents  
81 to the use. ~~thereof.~~

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

85 (f) Each permit issued under the provisions of this section  
86 shall be for ~~the period ending the thirty-first day of~~  
87 ~~December of the year for which it was issued~~ a period of one  
88 year, unless approved otherwise by the Commission.  
89 Effective January 1, 2012, each permit shall be renewed  
90 according to the following schedule: Permits issued to  
91 persons whose date of birth is January 1 through and  
92 including April 30 shall be renewed no later than April 30 of  
93 each year; permits issued to persons whose date of birth is

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

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

NOTE: The purpose of this bill is to stagger the renewal dates of permits issued by the Racing Commission so that these expire on the birth date of the permittee.

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