WEST VIRGINIA CODE: §19-23-4

§19-23-4. West Virginia Racing Commission continued as a public corporation; composition; terms; vacancies; qualifications, expenses of members; principal office; meetings; election of officers; quorum; inspection of records; annual report.

(a) The "West Virginia Racing Commission," is continued in existence as a public corporation and, as such, may contract and be contracted with, plead and be impleaded, sue and be sued and have and use a common seal.

(b) The Racing Commission shall consist of three members, not more than two of whom shall belong to the same political party, to be appointed by the Governor by and with the advice and consent of the Senate. The term of office for the members of the Racing Commission is four years, and until their successors have been appointed and have qualified, and members of the Racing Commission may serve any number of successive terms. The members of the Racing Commission in office on the effective date of the amendment and reenactment of this section in two thousand one shall, unless removed by the Governor after the effective date of this article, continue to serve until their terms expire and until their successors have been appointed and have qualified. Any vacancy in the office of a member of the Racing Commission shall be filled by appointment by the Governor for the unexpired term of the member whose office shall be vacant. No person is eligible for appointment to or to serve upon the Racing Commission:

(1) Unless he or she is an actual and bona fide resident of this state, shall have resided in this state for a period of at least five years next preceding his or her appointment, shall be a qualified voter of this state and be not less than twenty-five years of age;

(2) Who directly or indirectly, or in any capacity, owns or has any interest, in any manner whatever, in any racetrack where horse or dog race meetings may be held, including, but not limited to, an interest as owner, lessor, lessee, stockholder or employee;

(3) While serving as a member of the Legislature or as an elective officer of this state; or

(4) Who has been or shall be convicted of an offense which, under the law of this state or any other state or of the United States of America, constitutes a felony, or is a violation of article four, chapter sixty-one of this code.

(c) Each member of the Racing Commission shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of his or her duties as a member of the Racing Commission.

(d) The Racing Commission shall have its principal office at the seat of government, and shall meet annually at its principal office in the month of January, and at any other times and places designated by its chairman. At the annual meeting the Racing Commission shall elect

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from its membership a chairman and any other officers that are desired. Other meetings of the Racing Commission may be called by the chairman on such notice to the other members prescribed by the Racing Commission.

(e) A majority of the members of the Racing Commission constitute a quorum for the transaction of its business or the exercise of any of its powers and authority. No person not a bona fide member of the Racing Commission shall vote upon or participate in the deliberations of the Racing Commission on any matter which may come before it. All Racing Commission records, except as otherwise provided by law, shall be open to public inspection during regular office hours.

(f) As soon as possible after the close of each calendar year, the Racing Commission shall submit to the Governor a report of the transactions of the Racing Commission during the preceding calendar year.

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