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2001 APR 25 P 12: 40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 3120

(By Delegates DeLong and Swartzmiller)



Passed April 11, 2001

In Effect Ninety Days from Passage

FILED

2001 APR 25 P 12: 41

OFFICE WEST VIRGINIA
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COMMITTEE SUBSTITUTE

FOR

H. B. 3120

(BY DELEGATES DELONG AND SWARTZMILLER)

[Passed April 11, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to authority of the racing commission; broadening the commission's authority to approve or reject license applications; and requiring legislative rules.

Be it enacted by the Legislature of West Virginia:

That section eight, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 23. 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.

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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 section.
7 If an application for a license is approved, the racing commis-
8 sion shall issue a license to conduct a horse or dog race meet-
9 ing, and shall designate on the face of the license the kind or
10 type of horse or dog racing for which the same is issued, the
11 racing association to which the same is issued, the dates upon
12 which the horse or dog race meeting is to be held or conducted
13 (which may be any weekdays, or weeknights, including
14 Sundays), the location of the horse or dog racetrack, place or
15 enclosure where the horse or dog race meeting is to be held or
16 conducted and other information as the racing commission shall
17 consider proper. If an application for a permit is approved, the
18 racing commission shall issue a permit and shall designate on
19 the face of the permit such information as the racing commis-
20 sion shall consider proper.

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

34 meeting in this or any other state;

35 (3) Has been convicted, within ten years prior to the date of
36 the application, of an offense which under the law of this state,
37 of any other state or of the United States of America, shall
38 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 race
42 meeting or a permit to participate therein denied for just cause,
43 suspended or revoked in any other state;

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

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

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

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

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

57 (c) In issuing licenses and fixing dates for horse or dog race
58 meetings at the various horse racetracks and dog racetracks in
59 this state, the racing commission shall consider the horse racing
60 circuits and dog racing circuits with which the horse racetracks
61 and dog racetracks in this state are associated or contiguous to,

62 and shall also consider dates which are calculated to increase
63 the tax revenues accruing from horse racing and dog racing.

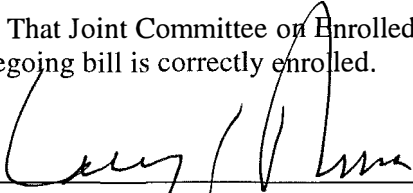
64 (d) A license issued under the provisions of this article is
65 neither transferable nor assignable to any other racing associa-
66 tion and may not permit the holding or conducting of a horse or
67 dog race meeting at any horse or dog racetrack, place or
68 enclosure not specified thereon. However,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

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

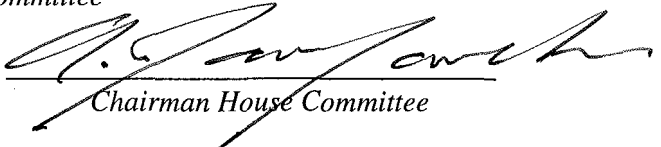
80 (f) Each permit issued under the provisions of this section
81 shall be for the period ending the thirty-first day of December
82 of the year for which it was issued, and shall be valid at all
83 horse or dog race meetings during the period for which it was
84 issued, unless it be sooner suspended or revoked in accordance
85 with the provisions of this article. A permit issued under the
86 provisions of this article is neither transferable nor assignable
87 to any other person.

88 (g) The racing commission shall propose rules for legisla-
89 tive approval in accordance with the provisions of article three,
90 chapter twenty-nine-a of this code which establish the criteria
91 for the approval or denial of a license or permit.

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



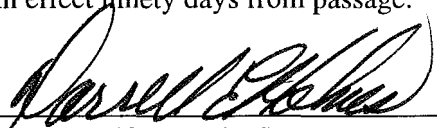
Chairman Senate Committee



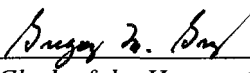
Chairman House Committee

Originating in the House.

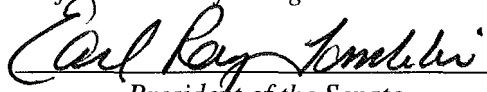
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

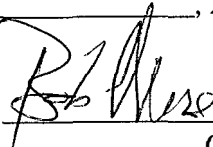


President of the Senate



Speaker of the House of Delegates

The within is approved this the 24th
day of April, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date

4/2/01

Time

2:15pm