

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

Introduced

### Senate Bill 623

FISCAL  
NOTE

BY SENATOR HALL

[Introduced March 16, 2017; Referred  
to the Committee on Finance]

1 A BILL to amend and reenact §19-23-7 of the Code of West Virginia, 1931, as amended, relating  
 2 to changing the license period for horse and dog racing from a calendar year to a fiscal  
 3 year basis effective July 1, 2017; to terminate any horse or dog racing licenses issued by  
 4 the Racing Commission for calendar year 2016 effective June 30, 2017; and removing the  
 5 requirement that a license applicant apply for not less than two hundred racing dates.

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

1 That §19-23-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted as  
 2 follows:

**ARTICLE 23. HORSE AND DOG RACING.**

**§19-23-7. Application for license; forms; time for filing; disclosure required; verification;  
 bond; application for permit.**

1 (a) Any racing association desiring to hold or conduct a horse or dog race meeting, where  
 2 the pari-mutuel system of wagering is permitted and conducted ~~during any calendar year~~ shall file  
 3 with the racing commission an application for a license to hold or conduct such horse or dog race  
 4 meeting. Effective July 1, 2017, an application for a license to hold or conduct horse or dog racing  
 5 shall identify the dates during any fiscal year that the applicant intends to conduct horse or dog  
 6 racing: *Provided*, That any license that was issued by the racing commission to a racing  
 7 association to conduct horse or dog racing during calendar year 2016 under the prior enactment  
 8 of this section shall terminate effective June 30, 2017. A separate application shall be filed for  
 9 each separate license sought for each horse or dog race meeting which such applicant proposes  
 10 to hold or conduct. The racing commission shall prescribe blank forms to be used in making such  
 11 application. Such application shall be filed on or before a day to be fixed by the racing commission  
 12 and shall disclose, but not be limited to, the following:

- 13 (1) If the applicant be an individual, the full name and address of the applicant;
- 14 (2) If the applicant be a partnership, firm or association, the full name and address of each
- 15 partner or member thereof, the name of the partnership, firm or association and its post-office

16 address;

17 (3) If the applicant be a corporation, its name, the state of its incorporation, its post-office  
18 address, the full name and address of each officer and director thereof, and if a foreign  
19 corporation, whether it is qualified to do business in this State;

20 (4) The dates, ~~totaling not less than two hundred~~, such applicant intends to hold or conduct  
21 such horse or dog race meeting (which may be on any day including Sundays);

22 (5) The location of the horse or dog racetrack, place or enclosure where such applicant  
23 proposes to hold or conduct such horse or dog race meeting;

24 (6) Whether the applicant, any partner, member, officer or director has previously applied  
25 for a license under the provisions of this article or for a similar license in this or any other State,  
26 and if so, whether such license was issued or refused, and, if issued, whether it was ever  
27 suspended or revoked; and

28 (7) Such other information as the racing commission may reasonably require which may  
29 include information relating to any criminal record of the applicant, if an individual, or of each  
30 partner or member, if a partnership, firm or association, or of each officer and director, if a  
31 corporation.

32 (b) Such application shall be verified by the oath or affirmation of the applicant for such  
33 license, if an individual, or if the applicant is a partnership, firm, association or corporation, by a  
34 partner, member or officer thereof, as the case may be. When required by the racing commission,  
35 an applicant for a license shall also furnish evidence satisfactory to the racing commission of such  
36 applicant's ability to pay all taxes due the state, purses, salaries of officials and other expenses  
37 incident to the horse or dog race meeting for which a license is sought. In the event the applicant  
38 is not able to furnish such satisfactory evidence of such applicant's ability to pay such expenses  
39 and fees, the racing commission may require bond or other adequate security before the  
40 requested license is issued.

41 (c) Any person desiring to obtain a permit, as required by the provisions of section two of

42 this article, shall make application therefor on a form prescribed by the racing commission. The  
43 application for any such permit shall be accompanied by the fee prescribed therefor by the racing  
44 commission. Each applicant for a permit shall set forth in the application such information as the  
45 racing commission shall reasonably require.

NOTE: The purpose of this bill is to change the license period for horse and dog racing from a calendar year to a fiscal year basis effective July 1, 2017; to terminate any horse or dog racing licenses issued by the racing commission for calendar year 2016 effective June 30, 2017; and, to remove the requirement that a license applicant apply for not less than two hundred racing dates.

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