

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

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— ● —
ENROLLED

Committee Substitute for
SENATE BILL NO. 338

(By Senator *Zucht*)

— ● —
PASSED March 9, 1990

In Effect 90 days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 338

(BY SENATOR LUCHT, *original sponsor*)

[Passed March 9, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to powers and authority of racing commission.

Be it enacted by the Legislature of West Virginia:

That section six, 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.

§19-23-6. Powers and authority of racing commission.

1 The racing commission shall have full jurisdiction
2 over and shall supervise all horse race meetings, all
3 dog race meetings and all persons involved in the
4 holding or conducting of horse or dog race meetings,
5 and, in this regard, it shall have plenary power and
6 authority:

7 (1) To investigate applicants and determine the

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8 eligibility of such applicants for a license or permit or
9 construction permit under the provisions of this
10 article;

11 (2) To fix, from time to time, the annual fee to be
12 paid to the racing commission for any permit required
13 under the provisions of section two of this article;

14 (3) To promulgate reasonable rules and regulations
15 implementing and making effective the provisions of
16 this article and the powers and authority conferred
17 and the duties imposed upon the racing commission
18 under the provisions of this article, including, but not
19 limited to, reasonable rules and regulations under
20 which all horse races, dog races, horse race meetings
21 and dog race meetings shall be held and conducted, all
22 of which reasonable rules and regulations shall be
23 promulgated in accordance with the provisions of
24 article three, chapter twenty-nine-a of this code;

25 (4) To register colors and assumed names and to fix,
26 from time to time, the annual fee to be paid to the
27 racing commission for any such registration;

28 (5) To fix and regulate the minimum purse to be
29 offered during any horse or dog race meeting;

30 (6) To fix a minimum and a maximum number of
31 horse races or dog races to be held on any respective
32 racing day;

33 (7) To enter the office, horse racetrack, dog race-
34 track, kennel, facilities and other places of business of
35 any licensee to determine whether the provisions of
36 this article and its reasonable rules and regulations are
37 being complied with, and for this purpose, the racing
38 commission, its racing secretary, representatives and
39 employees may visit, investigate and have free access
40 to any such office, horse racetrack, dog racetrack,
41 kennel, facilities and other places of business;

42 (8) To investigate alleged violations of the provisions
43 of this article, its reasonable rules and regulations,
44 orders and final decisions and to take appropriate
45 disciplinary action against any licensee or permit
46 holder or construction permit holder for the violation

47 thereof or institute appropriate legal action for the
48 enforcement thereof or take such disciplinary action
49 and institute such legal action;

50 (9) By reasonable rules and regulations, to authorize
51 stewards, starters and other racing officials to impose
52 reasonable fines or other sanctions upon any person
53 connected with or involved in any horse or dog racing
54 or any horse or dog race meeting; and to authorize
55 stewards to rule off the grounds of any horse or dog
56 racetrack any tout, bookmaker or other undesirable
57 individual deemed inimicable to the best interests of
58 horse and dog racing or the pari-mutuel system of
59 wagering in connection therewith;

60 (10) To require at any time the removal of any
61 racing official or racing employee of any licensee, for
62 the violation of any provision of this article, any
63 reasonable rule and regulation of the racing commis-
64 sion or for any fraudulent practice;

65 (11) To acquire, establish, maintain and operate, or
66 to provide by contract for the maintenance and
67 operation of, a testing laboratory and related facilities,
68 for the purpose of conducting saliva, urine and other
69 tests on the horse or dog or horses or dogs run or to
70 be run in any horse or dog race meeting, and to
71 purchase all equipment and supplies deemed neces-
72 sary or desirable in connection with the acquisition,
73 establishment, maintenance and operation of any such
74 testing laboratory and related facilities and all such
75 tests;

76 (12) To hold up, in any disputed horse or dog race,
77 the payment of any purse, pending a final determina-
78 tion of the results thereof;

79 (13) To require each licensee to file an annual
80 balance sheet and profit and loss statement pertaining
81 to such licensee's horse or dog racing activities in this
82 state, together with a list of each such licensee's
83 stockholders or other persons having any beneficial
84 interest in the horse or dog racing activities of such
85 licensee;

86 (14) To issue subpoenas for the attendance of wit-
87 nesses and subpoenas duces tecum for the production
88 of any books, records and other pertinent documents,
89 and to administer oaths and affirmations to such
90 witnesses, whenever, in the judgment of the racing
91 commission, it is necessary to do so for the effective
92 discharge of its duties under the provisions of this
93 article;

94 (15) To keep accurate and complete records of its
95 proceedings and to certify the same as may be
96 appropriate;

97 (16) To take such other action as may be reasonable
98 or appropriate to effectuate the provisions of this
99 article and its reasonable rules and regulations;

100 (17) To provide breeders' awards, purse supplements
101 and moneys for capital improvements at racetracks in
102 compliance with section thirteen-b of this article; and

103 (18) The racing commission shall, upon request of
104 either party, mediate on site, all disputes existing
105 between the race track licensees' located in this state
106 and representatives of a majority of the horse owners
107 and trainers licensed at the track, which threaten to
108 disrupt any scheduled racing event or events. When
109 any such request is made, the commission shall
110 designate from among its members, one person to act
111 as mediator in each such dispute that arises. Each
112 opposing party involved in any dispute shall negotiate
113 in good faith with the goal of reaching a fair and
114 mutual resolution. The mediator may issue recom-
115 mendations designed to assist each side toward reach-
116 ing a fair compromise: *Provided*, That no owner or
117 operator or any horse owner or trainer licensed at the
118 track may be required to abide by any recommenda-
119 tion made by any mediator acting pursuant to this
120 subsection.

121 The racing commission shall not interfere in the
122 internal business or internal affairs of any licensee.

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

Fredrick L. Harris
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell E. Holmes
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Kell Sundette
.....
President of the Senate

Robert C. Calvert
.....
Speaker House of Delegates

The within *is approved* this the *51st* day of *March*, 1990.

Gaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/16/90

Time 3:55 pm