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APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-82

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1982**

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**ENROLLED**

**SENATE BILL NO. 548**

(By Mr. Staggers & Mr. Steptoe)

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PASSED March 13, 1982

In Effect ninety days from Passage



# ENROLLED

## Senate Bill No. 548

(BY MR. STAGGERS AND MR. STEPTOE)

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[Passed March 13, 1982; in effect ninety days from passage.]

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AN ACT to amend article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirteen-a, relating to establishment of a bonus race fund for West Virginia bred or sired horses.

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

That article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirteen-a, to read as follows:

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

#### **§19-23-13a. West Virginia bonus race fund.**

1 An association licensed by the West Virginia racing  
2 commission to conduct horse race meetings may establish  
3 at its track a special fund to be known as the "Bonus  
4 Race Fund," in the manner hereinafter provided by this  
5 section.

6 The fund shall be established only if written approval  
7 is given by the duly authorized representative of a  
8 majority of the owners and trainers who hold the permit  
9 required by section eight of this article at the horse race-  
10 track and by the authorized agent of the association.

11 The association shall deposit each day, into the fund  
12 hereby established, an amount equal to one tenth of one  
13 percent of the total daily pari-mutuel pool or pools, which

14 sum shall be appropriated from the special purse fund  
15 established in subsection (b) (1), section nine of this  
16 article. In addition thereto, the association shall, from  
17 the commission retained by the association under the  
18 provisions of said section nine of this article, deposit  
19 into the "Bonus Race Fund" the following sums: Each  
20 day an amount equal to four one-hundredths of one per-  
21 cent of the total daily pari-mutuel pool during the fiscal  
22 year beginning the first day of July, one thousand nine  
23 hundred eighty-two and each year thereafter; an addi-  
24 tional three one-hundredths of one percent of the total  
25 daily pari-mutuel pools for the fiscal year beginning the  
26 first day of July, one thousand nine hundred eighty-three  
27 and each year thereafter; and an additional three one-  
28 hundredths of one percent of the total daily pari-mutuel  
29 pools for the fiscal year beginning the first day of July,  
30 one thousand nine hundred eighty-four and each year  
31 thereafter.

32 To be eligible to participate in purses to be paid from  
33 the proceeds of this fund, each horse must be registered  
34 with the West Virginia thoroughbred breeders associa-  
35 tion. To qualify for such registration the said horse must  
36 have been foaled in the state of West Virginia or sired  
37 by a stallion standing in the state of West Virginia or  
38 both foaled in West Virginia and sired by a stallion  
39 standing in West Virginia.

40 (a) A horse is bred where it is foaled. The breeder is  
41 the owner of the dam at the time of foaling.

42 (b) Any owner or breeder may appeal from the refusal  
43 of the West Virginia thoroughbred breeders association  
44 to register a horse under this rule to the West Virginia  
45 racing commission, and the decision of the commission  
46 shall be final.

47 (c) To be considered a West Virginia stallion, it is  
48 required that he be in the state of West Virginia for at  
49 least one full breeding season, commonly understood to  
50 be the first six months of a year, or if the stallion is  
51 brought in subsequent to the start of the breeding sea-  
52 son, he must be approved as a West Virginia stallion by  
53 the West Virginia thoroughbred breeders association.

54 At each horse racetrack at which such fund is created,  
55 the funds shall be administered by a committee comprised  
56 of the following members: Two elected members of the  
57 West Virginia thoroughbred breeders association, one  
58 elected member of the local horsemen's benevolent protec-  
59 tive association, the general manager of the local track  
60 or his representative and a member of the West Virginia  
61 racing commission or someone designated by the racing  
62 commission.

63 The powers and authority of the racing commission  
64 established under the provisions of section six of this  
65 article are extended to supervision of the fund created by  
66 this section and to the promulgation of reasonable rules  
67 and regulations for implementing and making effective  
68 the provisions of this section.

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

*R. P. Bayler*  
Chairman Senate Committee

*Tony E. Whetlow*  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

*Paul C. Wells*  
Clerk of the Senate

*W. Blankenship*  
Clerk of the House of Delegates

*Warren P. McGraw*  
President of the Senate

*Wm. M. Lee, Jr.*  
Speaker House of Delegates

The within *is approved* this the *24*  
day of *March* 1982.

*John R. Rye*  
Governor



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SECY. OF STATE