WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

Committee Substitute
SENATE BILL NO. 338

(By Senator Licht)

PASSED March 9, 1990
In Effect 90 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.


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

7 (1) To investigate applicants and determine the
(2) To fix, from time to time, the annual fee to be paid to the racing commission for any permit required under the provisions of section two of this article;

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

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

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

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

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

(8) To investigate alleged violations of the provisions of this article, its reasonable rules and regulations, orders and final decisions and to take appropriate disciplinary action against any licensee or permit holder or construction permit holder for the violation
thereof or institute appropriate legal action for the
enforcement thereof or take such disciplinary action
and institute such legal action;

(9) By reasonable rules and regulations, to authorize
stewards, starters and other racing officials to impose
reasonable fines or other sanctions upon any person
connected with or involved in any horse or dog racing
or any horse or dog race meeting; and to authorize
stewards to rule off the grounds of any horse or dog
raccrrack any tout, bookmaker or other undesirable
individual deemed inimicable to the best interests of
horse and dog racing or the pari-mutuel system of
wagging in connection therewith;

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

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

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

(13) To require each licensee to file an annual
balance sheet and profit and loss statement pertaining
to such licensee's horse or dog racing activities in this
state, together with a list of each such licensee's
stockholders or other persons having any beneficial
interest in the horse or dog racing activities of such
licensee;
(14) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of any books, records and other pertinent documents, and to administer oaths and affirmations to such witnesses, whenever, in the judgment of the racing commission, it is necessary to do so for the effective discharge of its duties under the provisions of this article;

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

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

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

(18) The racing commission shall, upon request of either party, mediate on site, all disputes existing between the race track licensees' located in this state and representatives of a majority of the horse owners and trainers licensed at the track, which threaten to disrupt any scheduled racing event or events. When any such request is made, the commission shall designate from among its members, one person to act as mediator in each such dispute that arises. Each opposing party involved in any dispute shall negotiate in good faith with the goal of reaching a fair and mutual resolution. The mediator may issue recommendations designed to assist each side toward reaching a fair compromise: Provided, That no owner or operator or any horse owner or trainer licensed at the track may be required to abide by any recommendation made by any mediator acting pursuant to this subsection.

The racing commission shall not interfere in the internal business or internal affairs of any licensee.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 31st day of March, 1990.

Governor