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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

ENROLLED

Committee Substitute for
SENATE BILL NO. 389

(By Senator *Lucht*)

PASSED *March 6,* 1992

In Effect *90 days from* Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 389

(SENATOR LUCHT, *original sponsor*)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact sections three, six, nine, eleven, twelve-b, thirteen and thirteen-b, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to horse and dog racing; defining the term pari-mutuel clerk; powers and authority of racing commission; requiring the racing commission to mediate certain disputes involving pari-mutuel clerks; relating to commissions from pari-mutuel pools; removing certain provisions relating to commissions to be paid for certain breeder's awards and other expenses; deleting obsolete revenue language; reorganizing special fund and transferring excess to general revenue; requiring audits; relating to the thoroughbred development fund; limiting the distribution of awards and purses; prioritizing the distribution of funds; limiting certain bonuses for certain breeders and raisers; specifying the time in which revenues must be remitted; relating to televised racing days for horse and dog racing; defining new terms; removing restrictions on telecasts at certain tracks; increasing the threshold for

pari-mutuel pools for which a tax may be imposed; restructuring the disposition of funds for payment of outstanding and unredeemed pari-mutuel tickets; requiring publication of notice; relating to funding stake races; restricting the use of the money for certain purposes; requiring quarterly reports and separate accounting; and requiring and authorizing the promulgation of separate rules on pari-mutuel racing.

Be it enacted by the Legislature of West Virginia:

That sections three, six, nine, eleven, twelve-b, thirteen and thirteen-b, 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.

**PART II. DEFINITIONS; WEST VIRGINIA RACING COMMISSION-
ORGANIZATION AND OPERATION.**

§19-23-3. Definitions.

1 Unless the context in which used clearly requires a
2 different meaning, as used in this article:

3 (1) "Horse racing" means any type of horse racing,
4 including, but not limited to, thoroughbred racing and
5 harness racing;

6 (2) "Thoroughbred racing" means flat or running
7 type horse racing in which each horse participating
8 therein is a thoroughbred and is mounted by a jockey;

9 (3) "Harness racing" means horse racing in which
10 the horses participating therein are harnessed to a
11 sulky, carriage or other vehicle and shall not include
12 any form of horse racing in which the horses are
13 mounted by jockeys;

14 (4) "Horse race meeting" means the whole period of
15 time for which a license is required by the provisions
16 of section one of this article;

17 (5) "Dog racing" means any type of dog racing,
18 including, but not limited to, greyhound racing;

19 (6) "Purse" means any purse, stake or award for
20 which a horse or dog race is run;

21 (7) "Racing association" or "person" means any
22 individual, partnership, firm, association, corporation
23 or other entity or organization of whatever character
24 or description;

25 (8) "Applicant" means any racing association making
26 application for a license under the provisions of this
27 article or any person making application for a permit
28 under the provisions of this article, or any person
29 making application for a construction permit under
30 the provisions of this article, as the case may be;

31 (9) "License" means the license required by the
32 provisions of section one of this article;

33 (10) "Permit" means the permit required by the
34 provisions of section two of this article;

35 (11) "Construction permit" means the construction
36 permit required by the provisions of section eighteen
37 of this article;

38 (12) "Licensee" means any racing association holding
39 a license required by the provisions of section one of
40 this article and issued under the provisions of this
41 article;

42 (13) "Permit holder" means any person holding a
43 permit required by the provisions of section two of
44 this article and issued under the provisions of this
45 article;

46 (14) "Construction permit holder" means any person
47 holding a construction permit required by the provi-
48 sions of section eighteen of this article and issued
49 under the provisions of this article;

50 (15) "Hold or conduct" includes "assist, aid or abet in
51 holding or conducting";

52 (16) "Racing commission" means the West Virginia
53 racing commission;

54 (17) "Stewards" means the steward or stewards
55 representing the racing commission, the steward or

56 stewards representing a licensee and any other stew-
57 ard or stewards, whose duty it is to supervise any
58 horse or dog race meeting, all as may be provided by
59 reasonable rules and regulations of the racing commis-
60 sion, and the reasonable rules and regulations shall
61 specify the number of stewards to be appointed, the
62 method and manner of their appointment and their
63 powers, authority and duties;

64 (18) "Pari-mutuel" means a mutuel or collective
65 pool that can be divided among those who have
66 contributed their wagers to one central agency, the
67 odds to be reckoned in accordance to the collective
68 amounts wagered upon each contestant running in a
69 horse or dog race upon which the pool is made, but the
70 total to be divided among the first three contestants on
71 the basis of the number of wagers on these;

72 (19) "Pari-mutuel clerk" means any employee of a
73 licensed racing association who is responsible for the
74 collection of wagers, the distribution of moneys for
75 winning pari-mutuel tickets, verification of the valid-
76 ity of pari-mutuel tickets and accounting for pari-
77 mutuel funds;

78 (20) "Pool" means a combination of interests in a
79 joint wagering enterprise or a stake in such enterprise;

80 (21) "Legitimate breakage" is the percentage left
81 over in the division of a pool;

82 (22) "To the dime" means that wagers shall be
83 figured and paid to the dime;

84 (23) "Code" means the code of West Virginia, one
85 thousand nine hundred thirty-one, as heretofore and
86 hereinafter amended;

87 (24) "Accredited thoroughbred horse" means a
88 thoroughbred horse that is either: (a) Foaled in West
89 Virginia; or (b) sired by an accredited West Virginia
90 sire; or (c) as a yearling, finished twelve consecutive
91 months of verifiable residence in the state, except for
92 thirty days grace for the horse to be shipped to and
93 from horse sales where the horse is officially entered
94 in the sales catalogue of a recognized thoroughbred

95 sales company. No thoroughbred horse qualifies under
96 paragraph (c) of this subdivision after the first day of
97 July, one thousand nine hundred ninety;

98 (25) "Accredited West Virginia sire" is a sire that is
99 permanently domiciled in West Virginia, stands a full
100 season in West Virginia and is registered with West
101 Virginia thoroughbred breeders association;

102 (26) "Breeder of an accredited West Virginia horse"
103 is the owner of the foal at the time it was born in West
104 Virginia;

105 (27) "Raiser of an accredited West Virginia horse" is
106 the owner of the yearling at the time it finished
107 twelve consecutive months of verifiable residence in
108 the state. During the period, the raiser will be granted
109 one month of grace for his or her horse to be shipped
110 to and from thoroughbred sales where the horse is
111 officially entered in the sales catalogue of a recognized
112 thoroughbred sales company. Prior to the horse being
113 shipped out of the state for sales, the raiser must
114 notify the racing commission of his or her intentions;

115 (28) The "owner of an accredited West Virginia sire"
116 is the owner of record at the time the offspring is
117 conceived;

118 (29) The "owner of an accredited West Virginia
119 horse" means the owner at the time the horse earned
120 designated purses to qualify for restricted purse
121 supplements provided for in section thirteen-b of this
122 article; and

123 (30) "Fund" means the West Virginia thoroughbred
124 development fund established in section thirteen-b of
125 this article.

PART IV. POWERS AND AUTHORITY OF RACING COMMISSION.

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

1 The racing commission has full jurisdiction over and
2 shall supervise all horse race meetings, all dog race
3 meetings and all persons involved in the holding or
4 conducting of horse or dog race meetings and, in this

5 regard, it has plenary power and authority:

6 (1) To investigate applicants and determine the
7 eligibility of the applicants for a license or permit or
8 construction permit under the provisions of this
9 article;

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

13 (3) To promulgate reasonable rules and regulations
14 implementing and making effective the provisions of
15 this article and the powers and authority conferred
16 and the duties imposed upon the racing commission
17 under the provisions of this article, including, but not
18 limited to, reasonable rules and regulations under
19 which all horse races, dog races, horse race meetings
20 and dog race meetings shall be held and conducted, all
21 of which reasonable rules and regulations shall be
22 promulgated in accordance with the provisions of
23 article three, chapter twenty-nine-a of this code:
24 *Provided, That in accordance with article three,*
25 *chapter twenty-nine-a, the racing commission shall*
26 *promulgate separate rules pertaining to the kinds of*
27 *legal combination wagers which may be placed in*
28 *connection with the pari-mutuel system of wagering*
29 *authorized by this article;*

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

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

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

38 (7) To enter the office, horse racetrack, dog race-
39 track, kennel, facilities and other places of business of
40 any licensee to determine whether the provisions of
41 this article and its reasonable rules and regulations are
42 being complied with, and for this purpose, the racing
43 commission, its racing secretary, representatives and

44 employees may visit, investigate and have free access
45 to any such office, horse racetrack, dog racetrack,
46 kennel, facilities and other places of business;

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

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

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

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

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

84 (13) To require each licensee to file an annual
85 balance sheet and profit and loss statement pertaining
86 to the licensee's horse or dog racing activities in this
87 state, together with a list of each licensee's stock-
88 holders or other persons having any beneficial interest
89 in the horse or dog racing activities of the licensee;

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

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

101 (16) To take any other action that may be reasonable
102 or appropriate to effectuate the provisions of this
103 article and its reasonable rules and regulations;

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

107 (18) To mediate on site, upon request of a party, all
108 disputes existing between the racetrack licensees
109 located in this state and representatives of a majority
110 of the horse owners and trainers licensed at the track
111 which threaten to disrupt any scheduled racing event
112 or events. The racing commission shall, upon the
113 request of a party, mediate on site, all disputes existing
114 between racetrack licensees and representatives of
115 pari-mutuel clerks which threaten to disrupt any
116 scheduled racing event or events. When a request for
117 mediation is made, the commission shall designate
118 from among its members, one person to act as medi-
119 ator in each dispute that arises. Each opposing party
120 involved in any dispute shall negotiate in good faith
121 with the goal of reaching a fair and mutual resolution.
122 The mediator may issue recommendations designed to
123 assist each side toward reaching a fair compromise:

124 *Provided*, That no owner or operator or any horse
125 owner or trainer or any pari-mutuel clerk licensed at
126 the track may be required to abide by any recommen-
127 dation made by any mediator acting pursuant to this
128 subsection.

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

PART VI. PARI-MUTUEL SYSTEM OF
WAGERING AUTHORIZED;
COMMISSIONS DEDUCTED FROM
PARI-MUTUEL POOLS.

**§19-23-9. Pari-mutuel system of wagering authorized;
licensee authorized to deduct commissions
from pari-mutuel pools; retention of break-
age; auditing; minors.**

1 (a) The pari-mutuel system of wagering upon the
2 results of any horse or dog race at any horse or dog
3 race meeting conducted or held by any licensee is
4 hereby authorized, if and only if such pari-mutuel
5 wagering is conducted by the licensee within the
6 confines of the licensee's horse racetrack or dog
7 racetrack, and the provisions of section one, article
8 ten, chapter sixty-one of this code, relating to gaming,
9 shall not apply to the pari-mutuel system of wagering
10 in manner and form as provided for in this article at
11 any horse or dog race meeting within this state where
12 horse or dog racing shall be permitted for any purse
13 by any licensee. A licensee shall permit or conduct
14 only the pari-mutuel system of wagering within the
15 confines of the licensee's racetrack at which any horse
16 or dog race meeting is conducted or held.

17 (b) A licensee is hereby expressly authorized to
18 deduct a commission from the pari-mutuel pools, as
19 follows:

20 (1) The commission deducted by any licensee from
21 the pari-mutuel pools on thoroughbred horse racing,
22 except from thoroughbred horse racing pari-mutuel
23 pools involving what is known as multiple betting in
24 which the winning pari-mutuel ticket or tickets are

25 determined by a combination of two or more winning
26 horses, shall not exceed seventeen and one-fourth
27 percent of the total of the pari-mutuel pools for the
28 day. Out of the commission, as is mentioned in this
29 subdivision, the licensee: (i) Shall pay the pari-mutuel
30 pools tax provided for in subsection (b), section ten of
31 this article; (ii) shall make a deposit into a special fund
32 to be established by the licensee and to be used for the
33 payment of regular purses offered for thoroughbred
34 racing by the licensee, which deposits out of pari-
35 mutuel pools for each day during the months of
36 January, February, March, October, November and
37 December shall be seven and three hundred seventy-
38 five one-thousandths percent of the pari-mutuel pools
39 and which, out of pari-mutuel pools for each day
40 during all other months, shall be six and eight hun-
41 dred seventy-five one-thousandths percent of the pari-
42 mutuel pools, which shall take effect beginning fiscal
43 year one thousand nine hundred ninety; (iii) shall,
44 after allowance for the exclusion given by subsection
45 (b), section ten of this article, make a deposit into a
46 special fund to be established by the racing commis-
47 sion and to be used for the payment of breeders,
48 awards and capital improvements as authorized by
49 section thirteen-b of this article, which deposits out of
50 pari-mutuel pools shall from the effective date of this
51 section and for fiscal year one thousand nine hundred
52 eighty-five, be four-tenths percent; for fiscal year one
53 thousand nine hundred eighty-six, be seven-tenths
54 percent; for fiscal year one thousand nine hundred
55 eighty-seven, be one percent; for fiscal year one
56 thousand nine hundred eighty-eight, be one and one-
57 half percent; and for fiscal year one thousand nine
58 hundred eighty-nine, and each year thereafter, be two
59 percent of the pools; and (iv) shall pay one tenth of
60 one percent of the pari-mutuel pools into the general
61 fund of the county commission of the county in which
62 the racetrack is located, except if within a municipal-
63 ity, then to the municipal general fund. The remain-
64 der of the commission shall be retained by the licensee.

65 The commission deducted by any licensee from the
66 pari-mutuel pools on thoroughbred horse racing

67 involving what is known as multiple betting in which
68 the winning pari-mutuel ticket or tickets are deter-
69 mined by a combination of two winning horses shall
70 not exceed nineteen percent and by a combination of
71 three or more winning horses shall not exceed twenty-
72 five percent of the total of such pari-mutuel pools for
73 the day. Out of the commission, as is mentioned in this
74 paragraph, the licensee: (i) Shall pay the pari-mutuel
75 pools tax provided for in subsection (b), section ten of
76 this article; (ii) shall make a deposit into a special fund
77 to be established by the licensee and to be used for the
78 payment of regular purses offered for thoroughbred
79 racing by the licensee, which deposits out of pari-
80 mutuel pools for each day during the months of
81 January, February, March, October, November and
82 December for pools involving a combination of two
83 winning horses shall be eight and twenty-five one-
84 hundredths percent and out of pari-mutuel pools for
85 each day during all other months shall be seven and
86 seventy-five one-hundredths percent of the pari-
87 mutuel pools; and involving a combination of three or
88 more winning horses for the months of January,
89 February, March, October, November and December
90 the deposits out of the fund shall be eleven and
91 twenty-five one-hundredths percent of the pari-
92 mutuel pools; and which, out of pari-mutuel pools for
93 each day during all other months, shall be ten and
94 seventy-five one-hundredths percent of the pari-
95 mutuel pools; (iii) shall, after allowance for the
96 exclusion given by subsection (b), section ten of this
97 article, make a deposit into a special fund to be
98 established by the racing commission and to be used
99 for the payment of breeders' awards and capital
100 improvements as authorized by section thirteen-b of
101 this article, which deposits out of pari-mutuel pools
102 shall from the effective date of this section and for
103 fiscal year one thousand nine hundred eighty-five, be
104 four-tenths percent; for fiscal year one thousand nine
105 hundred eighty-six, be seven-tenths percent; for fiscal
106 year one thousand nine hundred eighty-seven, be one
107 percent; for fiscal year one thousand nine hundred
108 eighty-eight, be one and one-half percent; and for

109 fiscal year one thousand nine hundred eighty-nine,
110 and each year thereafter, be two percent of the pools;
111 and (iv) shall pay one tenth of one percent of the pari-
112 mutuel pools into the general fund of the county
113 commission of the county in which the racetrack is
114 located, except if within a municipality, then to the
115 municipal general fund. The remainder of the com-
116 mission shall be retained by the licensee.

117 The commission deducted by the licensee under
118 subdivision (1), subsection (b) of this section may be
119 reduced only by mutual agreement between the
120 licensee and a majority of the trainers and horse
121 owners licensed by subsection (a), section two of this
122 article or their designated representative. The reduc-
123 tion in licensee commissions may be for a particular
124 race, racing day or days or for a horse race meeting.
125 Fifty percent of the reduction shall be retained by the
126 licensee from the amounts required to be paid into the
127 special fund established by the licensee under the
128 provisions of subdivision (1), subsection (b) of this
129 section. The racing commission shall promulgate any
130 reasonable rules and regulations that are necessary to
131 implement the foregoing provisions.

132 (2) The commission deducted by any licensee from
133 the pari-mutuel pools on harness racing shall not
134 exceed seventeen and one-half percent of the total of
135 the pari-mutuel pools for the day. Out of the commis-
136 sion the licensee shall pay the pari-mutuel pools tax
137 provided for in subsection (c), section ten of this
138 article, and shall pay one tenth of one percent into the
139 general fund of the county commission of the county
140 in which the racetrack is located, except if within a
141 municipality, then to the municipal general fund. The
142 remainder of the commission shall be retained by the
143 licensee.

144 (3) The commission deducted by any licensee from
145 the pari-mutuel pools on dog racing, except from dog
146 racing pari-mutuel pools involving what is known as
147 multiple betting in which the winning pari-mutuel
148 ticket or tickets are determined by a combination of
149 two or more winning dogs, shall not exceed sixteen

150 and thirty one-hundredths percent of the total of all
151 pari-mutuel pools for the day. The commission
152 deducted by any licensee from the pari-mutuel pools
153 on dog racing involving what is known as multiple
154 betting in which the winning pari-mutuel ticket or
155 tickets are determined by a combination of two
156 winning dogs shall not exceed nineteen percent, by a
157 combination of three winning dogs shall not exceed
158 twenty percent, and by a combination of four or more
159 winning dogs shall not exceed twenty-one percent of
160 the total of such pari-mutuel pools for the day. The
161 foregoing commissions are in effect for the fiscal years
162 one thousand nine hundred ninety and one thousand
163 nine hundred ninety-one. Thereafter, the commission
164 shall be at the percentages in effect prior to the
165 effective date of this article unless the Legislature,
166 after review, determines otherwise. Out of the com-
167 missions, the licensee shall pay the pari-mutuel pools
168 tax provided for in subsection (d), section ten of this
169 article, and one tenth of one percent of such pari-
170 mutuel pools into the general fund of the county
171 commission of the county in which the racetrack is
172 located. In addition, out of the commissions, if the
173 racetrack is located within a municipality, then the
174 licensee shall also pay three tenths of one percent of
175 the pari-mutuel pools into the general fund of the
176 municipality; or, if the racetrack is located outside of
177 a municipality, then the licensee shall also pay three
178 tenths of one percent of the pari-mutuel pools into the
179 state road fund for use by the division of highways in
180 accordance with the provisions of this subdivision. The
181 remainder of the commission shall be retained by the
182 licensee.

183 For the purposes of this section, "municipality"
184 means and includes any Class I, Class II and Class III
185 city and any Class IV town or village incorporated as
186 a municipal corporation under the laws of this state
187 prior to the first day of January, one thousand nine
188 hundred eighty-seven.

189 Each dog racing licensee, when required by the
190 provisions of this subdivision to pay a percentage of its

191 commissions to the state road fund for use by the
192 division of highways, shall transmit the required
193 funds, in such manner and at such times as the racing
194 commission shall by procedural rule direct, to the state
195 treasurer for deposit in the state treasury to the credit
196 of the division of highways state road fund. All funds
197 collected and received in the state road fund pursuant
198 to the provisions of this subdivision shall be used by
199 the division of highways in accordance with the
200 provisions of article seventeen-a, chapter seventeen of
201 this code for the acquisition of right-of-way for, the
202 construction of, the reconstruction of and the improve-
203 ment or repair of any interstate or other highway,
204 secondary road, bridge and toll road in the state. If on
205 the first day of July, one thousand nine hundred
206 eighty-nine, any area encompassing a dog racetrack
207 has incorporated as a Class I, Class II or Class III city
208 or as a Class IV town or village, whereas such city,
209 town or village was not incorporated as such on the
210 first day of January, one thousand nine hundred
211 eighty-seven, then on and after the first day of July,
212 one thousand nine hundred eighty-nine, any balances
213 in the state road fund existing as a result of payments
214 made under the provisions of this subdivision may be
215 used by the state road fund for any purpose for which
216 other moneys in the fund may lawfully be used, and
217 in lieu of further payments to the state road fund, the
218 licensee of a racetrack which is located in the munic-
219 ipality shall thereafter pay three tenths of one percent
220 of the pari-mutuel pools into the general fund of the
221 municipality. If no incorporation occurs before the
222 first day of July, one thousand nine hundred eighty-
223 nine, then payments to the state road fund shall
224 thereafter continue as provided for under the provi-
225 sions of this subdivision.

226 A dog racing licensee, before deducting the commis-
227 sions authorized by this subdivision (3) of this subsec-
228 tion, shall give written notification to the racing
229 commission not less than thirty days prior to any
230 change in the percentage rates for the commissions.
231 The racing commission shall prescribe blank forms for
232 filing the notification. The notification shall disclose

233 the following: (A) The revised commissions to be
234 deducted from the pari-mutuel pools each day on win,
235 place and show betting and on different forms of
236 multiple bettings; (B) the dates to be included in the
237 revised betting; (C) such other information as may be
238 required by the racing commission.

239 The licensee shall establish a special fund to be used
240 only for capital improvements or long-term debt
241 amortization or both: *Provided*, That any licensee,
242 heretofore licensed for a period of eight years prior to
243 the effective date of the amendment made to this
244 section during the regular session of the Legislature
245 held in the year one thousand nine hundred eighty-
246 seven, shall establish the special fund to be used only
247 for capital improvements or physical plant mainte-
248 nance, or both, at the licensee's licensed facility or at
249 the licensee's commonly owned racing facility located
250 within this state. Deposits made into the funds shall be
251 in an amount equal to twenty-five percent of the
252 increased rate total over and above the applicable rate
253 in effect as of the first day of January, one thousand
254 nine hundred eighty-seven, of the pari-mutuel pools
255 for the day. Any amount deposited into the funds must
256 be expended or liability therefor incurred within a
257 period of two years from the date of deposit. Any
258 funds not expended shall be transferred immediately
259 into the state general fund after expiration of the two-
260 year period.

261 The licensee shall make a deposit into a special fund
262 established by the licensee and used for payment of
263 regular purses offered for dog racing, which deposits
264 out of the licensee's commissions for each day shall be
265 three and seventy-five one-hundredths percent of the
266 pari-mutuel pools.

267 The licensee shall further establish a special fund to
268 be used exclusively for marketing and promotion
269 programs; the funds shall be in an amount equal to
270 five percent over and above the applicable rates in
271 effect as of the first day of January, one thousand nine
272 hundred eighty-seven, of the total pari-mutuel pools
273 for the day.

274 The racing commission shall prepare and transmit
275 annually to the governor and the Legislature a report
276 of the activities of the racing commission under this
277 subdivision. The report shall include a statement of:
278 The amount of commissions retained by licensees; the
279 amount of taxes paid to the state; the amounts paid to
280 municipalities, counties and the division of highways
281 dog racing fund; the amounts deposited by licensees
282 into special funds for capital improvements or long-
283 term debt amortization, and a certified statement of
284 the financial condition of any licensee depositing into
285 the fund; the amounts paid by licensees into special
286 funds and used for regular purses offered for dog
287 racing; the amounts paid by licensees into special
288 funds and used for marketing and promotion pro-
289 grams; and such other information as the racing
290 commission may consider appropriate for review.

291 The racing commission shall report to the governor,
292 president of the Senate, speaker of the House and the
293 Legislature on or before the thirty-first day of Decem-
294 ber, one thousand nine hundred ninety-three, on the
295 effects of the amendments to this article by the acts of
296 the Legislature, regular session, one thousand nine
297 hundred eighty-seven, on dog racing licensees and
298 pari-mutuel taxation for use by the Legislature in
299 review of the amendments.

300 (c) In addition to any commission, a licensee of horse
301 race or dog race meetings shall also be entitled to
302 retain the legitimate breakage, which shall be made
303 and calculated to the dime, and from the breakage, the
304 licensee of a horse race meeting (excluding dog race
305 meetings), shall deposit daily fifty percent of the total
306 of the breakage retained by the licensee into the
307 special fund created pursuant to the provisions of
308 subdivision (1), subsection (b) of this section for the
309 payment of regular purses.

310 (d) The director of audit, and any other auditors
311 employed by the racing commission who are also
312 certified public accountants or experienced public
313 accountants, shall have free access to the space or
314 enclosure where the pari-mutuel system of wagering

315 is conducted or calculated at any horse or dog race
316 meeting for the purpose of ascertaining whether or
317 not the licensee is deducting and retaining only a
318 commission as provided in this section and is other-
319 wise complying with the provisions of this section.
320 They shall also, for the same purposes only, have full
321 and free access to all records and papers pertaining to
322 the pari-mutuel system of wagering, and shall report
323 to the racing commission in writing, under oath,
324 whether or not the licensee has deducted and retained
325 any commission in excess of that permitted under the
326 provisions of this section or has otherwise failed to
327 comply with the provisions of this section.

328 (e) No licensee shall permit or allow any individual
329 under the age of eighteen years to wager at any horse
330 or dog racetrack, knowing or having reason to believe
331 that the individual is under the age of eighteen years.

332 (f) Notwithstanding the foregoing provisions of
333 subdivision (1), subsection (b) of this section, to the
334 contrary, a thoroughbred licensee qualifying for and
335 paying the alternate reduced tax on pari-mutuel pools
336 provided in section ten of this article shall distribute
337 the commission authorized to be deducted by subdivi-
338 sion (1), subsection (b), section nine of this article as
339 follows: (i) The licensee shall pay the alternate
340 reduced tax provided in section ten of this article; (ii)
341 the licensee shall pay one tenth of one percent of the
342 pari-mutuel pools into the general fund of the county
343 commission of the county in which the racetrack is
344 located, except if within a municipality, then to the
345 municipal general fund; (iii) the licensee shall pay one
346 half of the remainder of the commission into the
347 special fund established by the licensee and to be used
348 for the payment of regular purses offered for thor-
349 oughbred racing by the licensee; and (iv) the licensee
350 shall retain the amount remaining after making the
351 payments required in this subsection.

352 (g) Each kennel which provides or races dogs owned
353 or leased by others shall furnish to the commission a
354 surety bond in an amount to be determined by the
355 commission to secure the payment to the owners or

356 lessees of the dogs the portion of any purse owed to
357 the owner or lessee.

PART VII. TAXATION OF HORSE AND DOG RACING AND
PARI-MUTUEL WAGERING; DISPOSITION OF REVENUES.

**§19-23-11. Revenues from horse racing and dog racing to be
paid into a special account to fund commis-
sion expenses and salaries for professional
educators.**

1 All revenues collected pursuant to the provisions of
2 this article as license taxes or pari-mutuel pools taxes
3 on horse racing and dog racing shall be paid by the
4 racing commission to the state treasurer who shall
5 deposit the revenues in a special account to be denom-
6 inated by him or her. The revenues in the special
7 account shall first be available to the commission to
8 pay salaries and other budgeted expenses for the
9 commission, not to exceed the amounts appropriated
10 for such purposes in the budget bill for each fiscal
11 year. Revenues in excess of the budgeted expenses of
12 the commission shall be accumulated and transferred
13 to the general revenue fund. The racing commission
14 shall remit all collected revenues to the state treasurer
15 at least one time during each thirty-day period of each
16 racing season, and a final remittance as to any partic-
17 ular horse race or dog race meeting shall be made
18 within thirty days from and after the close of each
19 horse race or dog race meeting.

**§19-23-12b. Televised racing days; merging of pari-mutuel
wagering pools.**

1 (a) For the purposes of this section:

2 (1) "Televised racing day" means a calendar day,
3 assigned by the commission, at a licensed racetrack on
4 which pari-mutuel betting is conducted on horse or
5 dog races run at racetracks outside of the state which
6 are broadcast by television at a licensed racetrack and
7 which day or days have had the prior written approval
8 of the representative of the majority of the owners
9 and trainers who hold permits required by section two
10 of this article; and

11 (2) "Host racing association" means any person who,
12 pursuant to a license or other permission granted by
13 the host state, conducts the horse or dog race subject
14 to the interstate wager.

15 (b) A licensee conducting not less than two hundred
16 twenty live racing dates for each horse or dog race
17 meeting may, with the prior approval of the state
18 racing commission, contract with any legal wagering
19 entity in any other state to receive telecasts and accept
20 wagers on races conducted by the legal wagering
21 entity. The telecasts may be received and wagers
22 accepted at any location authorized by the provisions
23 of section twelve-a of this article. The contract must
24 receive the approval of the representative of the
25 majority of the owners and trainers who hold permits
26 required by section two of this article at the receiving
27 racetrack.

28 (c) The commission may allow the licensee to
29 commingle its wagering pools with the wagering pools
30 of the host racing association. If the pools are com-
31 mingled, the wagering at the licensee's racetrack must
32 be on tabulating equipment capable of issuing pari-
33 mutuel tickets and be electronically linked with the
34 equipment at the sending racetrack. Subject to the
35 approval of the commission, the types of betting,
36 licensee commissions and distribution of winnings on
37 pari-mutuel pools of the sending licensee racetrack are
38 those in effect at the licensee racetrack. Breakage for
39 pari-mutuel pools on a televised racing day must be
40 calculated in accordance with the law or rules govern-
41 ing the sending racetrack and must be distributed in
42 a manner agreed to between the licensee and the
43 sending racetrack.

44 (d) The commission may assign televised racing days
45 at any time. When a televised racing day is assigned,
46 the commission shall assign either a steward or an
47 auditor to preside over the televised races at the
48 licensee racetrack.

49 (e) From the licensee commissions authorized by
50 subsection (c) of this section, there is imposed and the

51 licensee shall pay, for each televised racing day on
52 which the total pari-mutuel pool exceeds one hundred
53 thousand dollars, the greater of either: (i) The total of
54 the daily license tax and the pari-mutuel pools tax
55 required by section ten of this article; or (ii) a daily
56 license tax of one thousand two hundred fifty dollars.
57 For each televised racing day on which the total pari-
58 mutuel pool is one hundred thousand dollars or less
59 the licensee shall pay a daily license tax of five
60 hundred dollars plus an additional license tax of one
61 hundred dollars for each ten thousand dollars, or part
62 thereof, that the pari-mutuel pool exceeds fifty thou-
63 sand dollars, but does not exceed one hundred thou-
64 sand dollars. Payments of the tax imposed by this
65 section are subject to the requirements of subsection
66 (e), section ten of this article.

67 (f) After deducting the tax required by subsection
68 (e) of this section, the amount required to be paid
69 under the terms of the contract with the legal wager-
70 ing entity of another state and the cost of transmission,
71 the horse racing association shall make a deposit equal
72 to fifty percent of the remainder into the purse fund
73 established under the provisions of subdivision (b)(1),
74 section nine of this article.

75 (g) The provisions of the "Federal Interstate Horser-
76 acing Act of 1978", also known as Public Law 95-515,
77 Section 3001-3007 of Title 15, U.S. Code, as amended,
78 controls in determining the intent of this section.

79 (h) The handle from televised simulcast racing shall
80 not be included in the calculation of "average daily
81 handle" as it is calculated in section ten of this article
82 to determine the alternative daily pari-mutuel pool
83 tax.

PART VIII. DISPOSITION OF FUNDS FOR PAYMENT
OF OUTSTANDING AND UNREDEEMED PARI-MUTUEL TICKETS;
IRREDEEMABLE TICKETS; AWARDS.

**§19-23-13. Disposition of funds for payment of outstanding
and unredeemed pari-mutuel tickets; publi-
cation of notice; irredeemable tickets; stake
races for dog tracks.**

1 (a) All moneys held by any licensee for the payment
2 of outstanding and unredeemed pari-mutuel tickets, if
3 not claimed within ninety days after the close of a
4 horse or dog race meeting or the televised racing day,
5 as the case may be, in connection with which the
6 tickets were issued, shall be turned over by the
7 licensee to the racing commission within fifteen days
8 after the expiration of such ninety-day period, and the
9 licensee shall give such information as the racing
10 commission may require concerning such outstanding
11 and unredeemed tickets. All such money shall be
12 deposited by the racing commission in a banking
13 institution of its choice in a special account to be
14 known as "West Virginia Racing Commission Special
15 Account—Unredeemed Pari-Mutuel Tickets". Notice
16 of the amount, date and place of such deposit shall be
17 given by the racing commission, in writing, to the
18 state treasurer. The racing commission shall then
19 cause to be published a notice to the holders of such
20 outstanding and unredeemed pari-mutuel tickets,
21 notifying them to present such tickets for payment at
22 the principal office of the racing commission within
23 ninety days from the date of the publication of such
24 notice. Such notice shall be published within fifteen
25 days following the receipt of said moneys by the
26 commission from the licensee as a Class I legal
27 advertisement in compliance with the provisions of
28 article three, chapter fifty-nine of this code, and the
29 publication area for such publication shall be the
30 county in which such horse or dog race meeting was
31 held and the county in which the televised racing day
32 wagering conducted in this state.

33 (b) Any such pari-mutuel tickets that shall not be
34 presented for payment within ninety days from the

35 date of the publication of the notice shall thereafter be
36 irredeemable, and the moneys theretofore held for the
37 redemption of such pari-mutuel tickets shall become
38 the property of the racing commission and shall be
39 expended as provided in this subsection. The racing
40 commission shall maintain separate accounts for each
41 licensee and shall record therein the moneys turned
42 over by such licensee and the amount expended at
43 such licensee's track for the purposes set forth in this
44 subsection. The moneys in the "West Virginia Racing
45 Commission Special Account—Unredeemed Pari-
46 Mutuel Tickets" shall be expended as follows:

47 (1) To the owner of the winning horse in any horse
48 race at a horse race meeting held or conducted by any
49 licensee provided that the owner of such horse is at
50 the time of such horse race a bona fide resident of this
51 state, a sum equal to ten percent of the purse won by
52 such horse. The commission may require proof that
53 the owner was, at the time of the race, a bona fide
54 resident of this state. Upon proof by the owner that he
55 filed a personal income tax return in this state for the
56 previous two years and that he owned real or personal
57 property in this state and paid taxes in this state on
58 said property for the previous two years, he shall be
59 presumed to be a bona fide resident of this state; and

60 (2) To the breeder (that is, the owner of the mare)
61 of the winning horse in any horse race at a horse race
62 meeting held or conducted by any licensee: *Provided*,
63 That the mare foaled in this state, a sum equal to ten
64 percent of the purse won by such horse; and

65 (3) To the owner of the stallion which sired the
66 winning horse in any horse race at a horse race
67 meeting held or conducted by any licensee: *Provided*,
68 That the mare which foaled such winning horse was
69 served by a stallion standing and registered in this
70 state, a sum equal to ten percent of the purse won by
71 such horse; and

72 (4) To those horse racing licensees not participating
73 in the thoroughbred development fund authorized in
74 section thirteen-b of this article the unexpended

75 balance of such licensee's account not expended as
76 provided in subdivisions (1), (2) and (3) of this subsec-
77 tion: *Provided*, That all moneys distributed under this
78 subdivision shall be expended solely for capital
79 improvements at the licensee's track: *Provided, how-*
80 *ever*, That such capital improvements must be
81 approved, in writing, by the West Virginia racing
82 commission before funds are expended by the licensee
83 for that capital improvement; and

84 (5) When the moneys in the special account, known
85 as the "West Virginia Racing Commission Special
86 Account—Unredeemed Pari-Mutuel Tickets" will
87 more than satisfy the requirements of subdivisions (1),
88 (2), (3) and (4) of this subsection, the West Virginia
89 racing commission shall have the authority to expend
90 the excess moneys from unredeemed horse racing
91 pari-mutuel tickets as purse money in any race
92 conditioned exclusively for West Virginia bred or sired
93 horses, and to expend the excess moneys from unre-
94 deemed dog racing pari-mutuel tickets in supplement-
95 ing purses and establishing stake races and dog racing
96 handicaps at the dog tracks: *Provided*, That beginning
97 with the fiscal year one thousand nine hundred
98 ninety, and subject to the availability of funds, the
99 commission shall, after the requirements of subdivi-
100 sions (1), (2), (3) and (4) of this subsection have been
101 satisfied, transfer annually three hundred thousand
102 dollars of such excess moneys into a separate account
103 to be used for promotional activities and purses for
104 stake races for the West Virginia thoroughbred breed-
105 ers classic, which shall give equal consideration to all
106 horses qualifying under the West Virginia breeders
107 program for each stake race, based solely on the
108 horses' sex, age and earnings.

109 The commission shall submit to the legislative
110 auditor a quarterly report and accounting of the
111 income, expenditures and unobligated balance in the
112 special account created by this section known as the
113 "West Virginia Racing Commission Special Account—
114 Unredeemed Pari-Mutuel Tickets".

115 (c) Nothing contained in this article shall prohibit

116 one person from qualifying for all or more than one of
117 the aforesaid awards or for awards under section
118 thirteen-b of this article.

119 (d) The cost of publication of the notice provided for
120 in this section shall be paid from the funds in the
121 hands of the state treasurer collected from the pari-
122 mutuel pools' tax provided for in section ten of this
123 article, when not otherwise provided in the budget;
124 but no such costs shall be paid unless an itemized
125 account thereof, under oath, be first filed with the
126 state auditor.

PART IX. DISPOSITION OF PERMIT FEES, REGISTRATION
AND FINES.

**§19-23-13b. West Virginia thoroughbred development fund;
distribution; restricted races; nonrestricted
purse supplements.**

1 The racing commission shall deposit moneys
2 required to be withheld by an association or licensee
3 in subsection (b), section nine of this article in a
4 banking institution of its choice in a special account to
5 be known as "West Virginia Racing Commission
6 Special Account—West Virginia Thoroughbred Devel-
7 opment Fund". Notice of the amount, date and place
8 of the deposit shall be given by the racing commission,
9 in writing, to the state treasurer. The purpose of the
10 fund is to promote better breeding and racing of
11 thoroughbred horses in the state through awards and
12 purses for accredited breeders/raisers, sire owners and
13 thoroughbred race horse owners. A further objective
14 of the fund is to aid in the rejuvenation and develop-
15 ment of the present horse tracks now operating in
16 West Virginia for capital improvements, operations or
17 increased purses between the first day of July, one
18 thousand nine hundred eighty-four, and the thirty-
19 first day of October, one thousand nine hundred
20 ninety-two: *Provided*, That five percent of the deposits
21 required to be withheld by an association or licensee
22 in subsection (b), section nine of this article shall be
23 placed in a special revenue account hereby created in
24 the state treasury called the "administration and

25 promotion account''. The racing commission is autho-
26 rized to expend the moneys deposited in the adminis-
27 tration and promotion account at such times and in
28 such amounts as the commission determines to be
29 necessary for purposes of administering and promoting
30 the thoroughbred development program: *Provided,*
31 *however,* That during any fiscal year in which the
32 commission anticipates spending any money from the
33 account, the commission shall submit to the executive
34 department during the budget preparation period
35 prior to the Legislature convening before that fiscal
36 year for inclusion in the executive budget document
37 and budget bill the recommended expenditures, as
38 well as requests of appropriations for the purpose of
39 administration and promotion of the program. The
40 commission shall make an annual report to the Legis-
41 lature on the status of the administration and promo-
42 tion account, including the previous year's expendi-
43 tures and projected expenditures for the next year.

44 The funds shall be established immediately and
45 operate on an annual basis.

46 (a) Funds will be expended for awards and purses in
47 the following manner:

48 (i) Fifteen percent of the fund shall be available for
49 distribution for events taking place between the first
50 day of July, one thousand nine hundred eighty-four,
51 and the thirty-first day of December, one thousand
52 nine hundred eighty-five;

53 (ii) Fifty percent of the fund shall be available for
54 distribution for events taking place between the first
55 day of January, one thousand nine hundred eighty-six,
56 and the thirty-first day of December, one thousand
57 nine hundred eighty-six;

58 (iii) Seventy-five percent of the fund shall be
59 available for distribution for events taking place
60 between the first day of January, one thousand nine
61 hundred eighty-seven, and the thirty-first day of
62 December, one thousand nine hundred eighty-seven;

63 (iv) One hundred percent of the fund shall be

64 available thereafter; and

65 (v) After the first day of July, one thousand nine
66 hundred ninety-one, and after the thirty-first day of
67 December, one thousand nine hundred ninety-one,
68 and annually thereafter, the first one hundred thou-
69 sand dollars of the fund shall be available for distribu-
70 tion for a maximum of four stakes races. One of these
71 races shall be the West Virginia futurity and the
72 second shall be the Frank Gall memorial stakes. The
73 remaining races may be chosen by the committee set
74 forth in subsection (b) of this section.

75 (b) Awards and purses will be distributed as follows:

76 (i) The breeders/raisers of accredited thoroughbred
77 horses that earn a purse at any West Virginia meet
78 will receive a bonus award calculated at the end of the
79 year as a percentage of the fund dedicated to the
80 breeders/raisers, which shall be sixty percent of the
81 fund available for distribution in any one year. The
82 total amount available for the breeders'/raisers'
83 awards shall be distributed according to the ratio of
84 purses earned by an accredited race horse to the total
85 amount earned in the races by all accredited race
86 horses for that year as a percentage of the fund
87 dedicated to the breeders/raisers. However, no
88 breeder/raiser may receive from the fund dedicated to
89 breeders'/raisers' awards an amount in excess of the
90 earnings of the accredited horse at West Virginia
91 meets. In addition, should a horse's breeder and raiser
92 qualify for the same award on the same horse, they
93 will each be awarded one half of the proceeds. Of the
94 funds available for distribution in any one year to
95 breeders/raisers, neither the breeders as a group nor
96 the raisers as a group shall, until the first day of
97 January, one thousand nine hundred ninety-four,
98 qualify for more than sixty and one-tenth percent of
99 such funds. The bonus referred to in this subdivision
100 shall only be paid on the first one hundred thousand
101 dollars of any purse, and not on any amounts in excess
102 thereof.

103 (ii) The owner of a West Virginia sire of an accred-

104 ited thoroughbred horse that earns a purse in any race
105 at a West Virginia meet will receive a bonus award
106 calculated at the end of the year as a percentage of the
107 fund dedicated to sire owners, which shall be fifteen
108 percent of the fund available for distribution in any
109 one year. The total amount available for the sire
110 owners' awards shall be distributed according to the
111 ratio purses earned by the progeny of accredited West
112 Virginia stallions in the races for a particular stallion
113 to the total purses earned by the progeny of all
114 accredited West Virginia stallions in the races. How-
115 ever, no sire owner may receive from the fund
116 dedicated to sire owners an amount in excess of thirty-
117 five percent of the accredited earnings for each sire.
118 The bonus referred to in this subsection shall only be
119 paid on the first one hundred thousand dollars of any
120 purse, and not on any amounts in excess thereof.

121 (iii) The owner of an accredited thoroughbred horse
122 that earns a purse in any race at a West Virginia meet
123 will receive a restricted purse supplement award
124 calculated at the end of the year, which shall be
125 twenty-five percent of the fund available for distribu-
126 tion in any one year, based on the ratio of the earnings
127 in such races of a particular race horse to the total
128 amount earned by all accredited race horses in the
129 races during that year as a percentage of the fund
130 dedicated to purse supplements. However, the owners
131 may not receive from the fund dedicated to purse
132 supplements an amount in excess of thirty-five per-
133 cent of the total accredited earnings for each accred-
134 ited race horse. The bonus referred to in this subsec-
135 tion shall only be paid on the first one hundred
136 thousand dollars of any purse, and not on any amounts
137 in excess thereof.

138 (iv) In no event shall purses earned at a meet held
139 at a track which did not make a contribution to the
140 thoroughbred development fund out of the daily pool
141 on the day the meet was held qualify or count toward
142 eligibility for an award under this section.

143 (v) Any balance in the breeders/raisers, sire owners
144 and purse supplement funds after yearly distributions

145 shall: (1) Be utilized to fund the races established in
146 subsection (d) of this section; and (2) revert back into
147 the general account of the fund for distribution in the
148 next year.

149 Distribution shall be made on the fifteenth of each
150 February for the preceding year's achievements.

151 (c) The remainder, if any, of the fund that is not
152 available for distribution in the above program in any
153 one year is reserved for regular purses, marketing
154 expenses and for capital improvements in the amounts
155 and under the conditions provided in this subsection.
156 Fifty percent of the remainder shall be reserved for
157 payments into the regular purse fund established in
158 subsection (b), section nine of this article. Up to five
159 hundred thousand dollars per year shall be available
160 for: (1) Capital improvements at the eligible licensed
161 horse racing tracks in the state; and (2) marketing and
162 advertising programs above and beyond two hundred
163 fifty thousand dollars for the eligible licensed horse
164 racing tracks in the state: *Provided*, That moneys shall
165 be expended for capital improvements or marketing
166 and advertising purposes as described above only in
167 accordance with a plan filed with and receiving the
168 prior approval of the racing commission, and on a
169 basis of fifty percent participation by the licensee and
170 fifty percent participation by moneys from the fund,
171 in the total cost of approved projects: *Provided*,
172 *however*, That funds approved for one track may not
173 be used at another track unless the first track ceases
174 to operate or is viewed by the commission as unwor-
175 thy of additional investment due to financial or ethical
176 reasons.

177 (d) Each pari-mutuel thoroughbred horse track shall
178 provide at least the following restricted races in
179 accordance with the following time schedules:

180 (i) From the first day of July, one thousand nine
181 hundred eighty-four, to the thirty-first day of Decem-
182 ber, one thousand nine hundred eighty-four — one
183 restricted race per eight racing days;

184 (ii) From the first day of January, one thousand

185 nine hundred eighty-five, to the thirty-first day of
186 December, one thousand nine hundred eighty-five —
187 one restricted race per seven racing days;

188 (iii) From the first day of January, one thousand
189 nine hundred eighty-six, to the thirty-first day of
190 December, one thousand nine hundred eighty-six —
191 one restricted race per six racing days;

192 (iv) From the first day of January, one thousand
193 nine hundred eighty-seven, to the thirty-first day of
194 December, one thousand nine hundred eighty-seven —
195 one restricted race per five racing days;

196 (v) From the first day of January, one thousand nine
197 hundred eighty-eight, to the thirty-first day of Decem-
198 ber, one thousand nine hundred eighty-eight — one
199 restricted race per four racing days;

200 (vi) From the first day of January, one thousand
201 nine hundred eighty-nine, to the thirty-first day of
202 December, one thousand nine hundred eighty-nine —
203 one restricted race per three racing days; and
204 thereafter.

205 The restricted races established in this subsection
206 shall be administered by a three-member committee
207 consisting of: (A) The racing secretary; (B) a member
208 appointed by the authorized representative of a
209 majority of the owners and trainers at the thorough-
210 bred track; and (C) a member appointed by a majority
211 of the thoroughbred breeders. The purses shall be
212 twenty percent larger than the purses for similar type
213 races at each track. Restricted races shall be funded by
214 each racing association from:

215 (1) Moneys placed in the general purse fund up to a
216 maximum of one hundred fifty thousand dollars per
217 year.

218 (2) Moneys as provided in subdivision (v), subsection
219 (b) of this section shall be placed in a special fund
220 called the "West Virginia accredited race fund". The
221 racing schedules, purse amounts and types of races are
222 subject to the approval of the West Virginia racing
223 commission.

224 (e) No association or licensee qualifying for the
225 alternate tax provision of subsection (b), section ten of
226 this article is eligible for participation in any of the
227 provisions of this section.

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

James Leach
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Samuel E. Adams
.....
Clerk of the Senate

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

Kent Sandtke
.....
President of the Senate

Robert H. Hall
.....
Speaker House of Delegates

The within is approved this the 31st

day of March, 1992.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/30/92

Time

9:40am