

FILED

2001 MAY -2 P 10: 24

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

**ENROLLED**

SENATE BILL NO. 18

(By Senator Snyder)

PASSED April 14, 2001

In Effect July 1, 2001 ~~Passage~~

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**Senate Bill No. 18**

(BY SENATOR SNYDER)

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[Passed April 14, 2001; to take effect July 1, 2001.]

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AN ACT to amend and reenact sections nine and thirteen, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the pension funds for racetrack personnel; the distribution of proceeds from the purse fund to provide funds for pension and retirement benefits for eligible active, West Virginia backstretch personnel including but not limited to, exercise riders, trainers, grooms and stable foremen and their dependents; and the distribution of funds from pari-mutuel uncashed tickets to provide funds for health and disability benefits for eligible active or disabled West Virginia jockeys; and definitions.

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

That sections nine and thirteen, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

**CHAPTER 19. AGRICULTURE.**

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

**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 breakage; auditing; minors.**

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

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

18 (1) The commission deducted by any licensee from the  
19 pari-mutuel pools on thoroughbred horse racing, except  
20 from thoroughbred horseracing pari-mutuel pools involv-  
21 ing what is known as multiple betting in which the  
22 winning pari-mutuel ticket or tickets are determined by a  
23 combination of two or more winning horses, shall not  
24 exceed seventeen and one-fourth percent of the total of the  
25 pari-mutuel pools for the day. Out of the commission, as  
26 is mentioned in this subdivision, the licensee: (i) Shall pay

27 the pari-mutuel pools tax provided for in subsection (b),  
28 section ten of this article; (ii) shall make a deposit into a  
29 special fund to be established by the licensee and to be  
30 used for the payment of regular purses offered for thor-  
31 oughbred racing by the licensee, which deposits out of  
32 pari-mutuel pools for each day during the months of  
33 January, February, March, October, November and  
34 December shall be seven and three hundred seventy-five  
35 one-thousandths percent of the pari-mutuel pools and  
36 which, out of pari-mutuel pools for each day during all  
37 other months, shall be six and eight hundred seventy-five  
38 one-thousandths percent of the pari-mutuel pools, which  
39 shall take effect beginning fiscal year one thousand nine  
40 hundred ninety; (iii) shall, after allowance for the exclu-  
41 sion given by subsection (b), section ten of this article,  
42 make a deposit into a special fund to be established by the  
43 racing commission and to be used for the payment of  
44 breeders, awards and capital improvements as authorized  
45 by section thirteen-b of this article, which deposits out of  
46 pari-mutuel pools shall from the effective date of this  
47 section and for fiscal year one thousand nine hundred  
48 eighty-five, be four-tenths percent; for fiscal year one  
49 thousand nine hundred eighty-six, be seven-tenths per-  
50 cent; for fiscal year one thousand nine hundred eighty-  
51 seven, be one percent; for fiscal year one thousand nine  
52 hundredeighty-eight, be one and one-half percent; and for  
53 fiscal year one thousand nine hundred eighty-nine, and  
54 each year thereafter, be two percent of the pools; (iv) shall  
55 annually pay five hundred thousand dollars per thorough-  
56 bred racetrack into a special fund established by the  
57 racing commission for payment into a pension plan  
58 established by the racing commission for all back-stretch  
59 personnel, including, but not limited to, exercise riders,  
60 trainers, grooms and stable foreperson licensed by the  
61 racing commission to participate in horse racing in this  
62 state and their dependents; and (v) shall pay one tenth of  
63 one percent of the pari-mutuel pools into the general fund  
64 of the county commission of the county in which the

65 racetrack is located, except if within a municipality, then  
66 to the municipal general fund. The remainder of the  
67 commission shall be retained by the licensee.

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

103 thousand nine hundred eighty-five, be four-tenths percent;  
104 for fiscal year one thousand nine hundred eighty-six, be  
105 seven-tenths percent; for fiscal year one thousand nine  
106 hundred eighty-seven, be one percent; for fiscal year one  
107 thousand nine hundred eighty-eight, be one and one-half  
108 percent; and for fiscal year one thousand nine hundred  
109 eighty-nine, and each year thereafter, be two percent of  
110 the pools; and (iv) shall pay one tenth of one percent of the  
111 pari-mutuel pools into the general fund of the county  
112 commission of the county in which the racetrack is lo-  
113 cated, except if within a municipality, then to the munici-  
114 pal general fund. The remainder of the commission shall  
115 be retained by the licensee.

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

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

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

176 For the purposes of this section, "municipality" means  
177 and includes any Class I, Class II and Class III city and any

178 Class IV town or village incorporated as a municipal  
179 corporation under the laws of this state prior to the first  
180 day of January, one thousand nine hundred eighty-seven.

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



216 A dog racing licensee, before deducting the commissions  
217 authorized by this subdivision, shall give written notifica-  
218 tion to the racing commission not less than thirty days  
219 prior to any change in the percentage rates for the com-  
220 missions. The racing commission shall prescribe blank  
221 forms for filing the notification. The notification shall  
222 disclose the following: (A) The revised commissions to be  
223 deducted from the pari-mutuel pools each day on win,  
224 place and show betting and on different forms of multiple  
225 bettings; (B) the dates to be included in the revised betting;  
226 (C) such other information as may be required by the  
227 racing commission.

228 The licensee shall establish a special fund to be used  
229 only for capital improvements or long-term debt amortiza-  
230 tion or both: *Provided*, That any licensee, heretofore  
231 licensed for a period of eight years prior to the effective  
232 date of the amendment made to this section during the  
233 regular session of the Legislature held in the year one  
234 thousand nine hundred eighty-seven, shall establish the  
235 special fund to be used only for capital improvements or  
236 physical plant maintenance, or both, at the licensee's  
237 licensed facility or at the licensee's commonly owned  
238 racing facility located within this state. Deposits made  
239 into the funds shall be in an amount equal to twenty-five  
240 percent of the increased rate total over and above the  
241 applicable rate in effect as of the first day of January, one  
242 thousand nine hundred eighty-seven, of the pari-mutuel  
243 pools for the day. Any amount deposited into the funds  
244 must be expended or liability therefor incurred within a  
245 period of two years from the date of deposit. Any funds  
246 not expended shall be transferred immediately into the  
247 state general fund after expiration of the two-year period.

248 The licensee shall make a deposit into a special fund  
249 established by the licensee and used for payment of  
250 regular purses offered for dog racing, which deposits out  
251 of the licensee's commissions for each day shall be three

252 and seventy-five one-hundredths percent of the  
253 pari-mutuel pools.

254 The licensee shall further establish a special fund to be  
255 used exclusively for marketing and promotion programs;  
256 the funds shall be in an amount equal to five percent over  
257 and above the applicable rates in effect as of the first day  
258 of January, one thousand nine hundred eighty-seven of the  
259 total pari-mutuel pools for the day.

260 The racing commission shall prepare and transmit  
261 annually to the governor and the Legislature a report of  
262 the activities of the racing commission under this subdivi-  
263 sion. The report shall include a statement of: The amount  
264 of commissions retained by licensees; the amount of taxes  
265 paid to the state; the amounts paid to municipalities,  
266 counties and the division of highways dog racing fund; the  
267 amounts deposited by licensees into special funds for  
268 capital improvements or long-term debt amortization and  
269 a certified statement of the financial condition of any  
270 licensee depositing into the fund; the amounts paid by  
271 licensees into special funds and used for regular purses  
272 offered for dog racing; the amounts paid by licensees into  
273 special funds and used for marketing and promotion  
274 programs; and such other information as the racing  
275 commission may consider appropriate for review.

276 The racing commission shall report to the governor,  
277 president of the Senate, speaker of the House of Delegates  
278 and the Legislature on or before the thirty-first day of  
279 December, one thousand nine hundred ninety-three, on the  
280 effects of the amendments to this article by the acts of the  
281 Legislature, regular session, one thousand nine hundred  
282 eighty-seven, on dog racing licensees and pari-mutuel  
283 taxation for use by the Legislature in review of the  
284 amendments.

285 (c) In addition to any commission, a licensee of horse  
286 race or dog race meetings shall also be entitled to retain  
287 the legitimate breakage, which shall be made and calcu-

288 lated to the dime, and from the breakage, the licensee of a  
289 horse race meeting (excluding dog race meetings), shall  
290 deposit daily fifty percent of the total of the breakage  
291 retained by the licensee into the special fund created  
292 pursuant to the provisions of subdivision (1), subsection (b)  
293 of this section for the payment of regular purses.

294 (d) The director of audit, and any other auditors em-  
295 ployed by the racing commission who are also certified  
296 public accountants or experienced public accountants,  
297 shall have free access to the space or enclosure where the  
298 pari-mutuel system of wagering is conducted or calculated  
299 at any horse or dog race meeting for the purpose of  
300 ascertaining whether or not the licensee is deducting and  
301 retaining only a commission as provided in this section  
302 and is otherwise complying with the provisions of this  
303 section. They shall also, for the same purposes only, have  
304 full and free access to all records and papers pertaining to  
305 the pari-mutuel system of wagering and shall report to the  
306 racing commission in writing, under oath, whether or not  
307 the licensee has deducted and retained any commission in  
308 excess of that permitted under the provisions of this  
309 section or has otherwise failed to comply with the provi-  
310 sions of this section.

311 (e) No licensee shall permit or allow any individual  
312 under the age of eighteen years to wager at any horse or  
313 dog racetrack, knowing or having reason to believe that  
314 the individual is under the age of eighteen years.

315 (f) Notwithstanding the foregoing provisions of subdivi-  
316 sion (1), subsection (b) of this section, to the contrary, a  
317 thoroughbred licensee qualifying for and paying the  
318 alternate reduced tax on pari-mutuel pools provided in  
319 section ten of this article shall distribute the commission  
320 authorized to be deducted by subdivision (1), subsection  
321 (b) of this section as follows: (i) The licensee shall pay the  
322 alternate reduced tax provided in section ten of this  
323 article; (ii) the licensee shall pay one tenth of one percent  
324 of the pari-mutuel pools into the general fund of the

325 county commission of the county in which the racetrack is  
326 located, except if within a municipality, then to the  
327 municipal general fund; (iii) the licensee shall pay one half  
328 of the remainder of the commission into the special fund  
329 established by the licensee and to be used for the payment  
330 of regular purses offered for thoroughbred racing by the  
331 licensee; and (iv) the licensee shall retain the amount  
332 remaining after making the payments required in this  
333 subsection.

334 (g) Each kennel which provides or races dogs owned or  
335 leased by others shall furnish to the commission a surety  
336 bond in an amount to be determined by the commission to  
337 secure the payment to the owners or lessees of the dogs the  
338 portion of any purse owed to the owner or lessee.

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

1 (a) All moneys held by any licensee for the payment of  
2 outstanding and unredeemed pari-mutuel tickets, if not  
3 claimed within ninety days after the close of a horse or dog  
4 race meeting or the televised racing day, as the case may  
5 be, in connection with which the tickets were issued, shall  
6 be turned over by the licensee to the racing commission  
7 within fifteen days after the expiration of the ninety-day  
8 period and the licensee shall give any information required  
9 by the racing commission concerning the outstanding and  
10 unredeemed tickets. The moneys shall be deposited by the  
11 racing commission in a banking institution of its choice in  
12 a special account to be known as "West Virginia Racing  
13 Commission Special Account - Unredeemed Pari-Mutuel  
14 Tickets". Notice of the amount, date and place of each  
15 deposit shall be given by the racing commission, in writ-  
16 ing, to the state treasurer. The racing commission shall  
17 then cause to be published a notice to the holders of the  
18 outstanding and unredeemed pari-mutuel tickets notifying  
19 them to present their unredeemed tickets for payment at

20 the principal office of the racing commission within ninety  
21 days from the date of the publication of the notice. The  
22 notice shall be published within fifteen days following the  
23 receipt of the outstanding and unredeemed pari-mutuel  
24 ticket moneys by the commission from the licensee as a  
25 Class I legal advertisement in compliance with the provi-  
26 sions of article three, chapter fifty-nine of this code and  
27 the publication area for the publication shall be the county  
28 in which the horse or dog race meeting was held and the  
29 county in which the televised racing day wagering was  
30 conducted in this state.

31 (b) Any outstanding and unredeemed pari-mutuel  
32 tickets that are not presented for payment within ninety  
33 days from the date of the publication of the notice are  
34 thereafter irredeemable and the moneys theretofore held  
35 for the redemption of the pari-mutuel tickets shall become  
36 the property of the racing commission and shall be ex-  
37 pended as provided in this subsection. The racing commis-  
38 sion shall maintain separate accounts for each licensee and  
39 shall record in each separate account the moneys turned  
40 over by the licensee and the amount expended at the  
41 licensee's track for the purposes set forth in this subsec-  
42 tion. The moneys in the West Virginia racing commission  
43 special account - unredeemed pari-mutuel tickets shall be  
44 expended as follows:

45 (1) To the owner of the winning horse in any horse race  
46 at a horse race meeting held or conducted by any licensee:  
47 *Provided*, That the owner of the horse is at the time of the  
48 horse race a bona fide resident of this state, a sum equal to  
49 ten percent of the purse won by the horse at that race. The  
50 commission may require proof that the owner was, at the  
51 time of the race, a bona fide resident of this state. Upon  
52 proof by the owner that he or she filed a personal income  
53 tax return in this state for the previous two years and that  
54 he or she owned real or personal property in this state and  
55 paid taxes in this state on real or personal property for the

56 previous two years, he or she shall be presumed to be a  
57 bona fide resident of this state; and

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

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

69 (4) To those horse racing licensees not participating in  
70 the thoroughbred development fund authorized in section  
71 thirteen-b of this article, the unexpended balance of the  
72 licensee's account not expended as provided in subdivi-  
73 sions (1), (2) and (3) of this subsection: *Provided*, That all  
74 moneys distributed under this subdivision shall be ex-  
75 pended solely for capital improvements at the licensee's  
76 track: *Provided, however*, That the capital improvements  
77 must be approved, in writing, by the West Virginia racing  
78 commission before funds are expended by the licensee for  
79 that capital improvement; and

80 (5) When the moneys in the special account, known as  
81 the West Virginia racing commission special account -  
82 unredeemed pari-mutuel tickets will more than satisfy the  
83 requirements of subdivisions (1), (2), (3) and (4) of this  
84 subsection, the West Virginia racing commission shall have  
85 the authority to expend the excess moneys from unre-  
86 deemed horse racing pari-mutuel tickets as purse money  
87 in any race conditioned exclusively for West Virginia-bred  
88 or sired horses and to expend the excess moneys from  
89 unredeemed dog racing pari-mutuel tickets in supplement-  
90 ing purses and establishing stake races and dog racing  
91 handicaps at the dog tracks: *Provided*, That subject to the

92 availability of funds, the commission shall, after the  
93 requirements of subdivisions (1), (2), (3) and (4) of this  
94 subsection have been satisfied:

95 (A) Transfer annually two hundred thousand dollars to  
96 the West Virginia racing commission special account -  
97 West Virginia greyhound breeding development fund;

98 (B) Transfer annually two hundred thousand dollars into  
99 a separate account to be used for stakes races for West  
100 Virginia bred greyhounds at dog racetracks; and

101 (C) Transfer annually two hundred thousand dollars to  
102 a trust maintained and administered by the organization  
103 which is recognized by the West Virginia racing commis-  
104 sion, pursuant to a legislative rule adopted by the commis-  
105 sion, as the representative of the majority of the active  
106 jockeys in West Virginia for the purpose of providing  
107 health and disability benefits to eligible active or disabled  
108 West Virginia jockeys and their dependents in accordance  
109 with eligibility criteria established by said organization.  
110 For purposes of this section in determining health benefits,  
111 an eligible active jockey is one who rides at least one  
112 hundred mounts per calendar year of which fifty-one must  
113 be in the state of West Virginia: *Provided*, That a jockey is  
114 not eligible for health benefits if he or she receives health  
115 benefits from any other state; and

116 (D) After all payments to satisfy the requirements of (A),  
117 (B) and (C) of this subdivision have been satisfied, the  
118 commission shall have authority to transfer one hundred  
119 fifty thousand dollars left from all uncashed pari-mutuel  
120 tickets to the trust maintained and administered by the  
121 organization which is recognized by the West Virginia  
122 racing commission, pursuant to legislative rule adopted by  
123 the commission as the representative of the majority of the  
124 active jockeys in West Virginia.

125 (c) The commission shall submit to the legislative  
126 auditor a quarterly report and accounting of the income,

127 expenditures and unobligated balance in the special  
128 account created by this section known as the West Virginia  
129 racing commission special account - unredeemed pari-  
130 mutuel tickets.

131 (d) Nothing contained in this article shall prohibit one  
132 person from qualifying for all or more than one of the  
133 aforesaid awards or for awards under section thirteen-b of  
134 this article.

135 (e) The cost of publication of the notice provided for in  
136 this section shall be paid from the funds in the hands of  
137 the state treasurer collected from the pari-mutuel pools'  
138 tax provided for in section ten of this article, when not  
139 otherwise provided in the budget; but no such costs shall  
140 be paid unless an itemized account thereof, under oath, be  
141 first filed with the state auditor.



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

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2001.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within disapproved bill this the 2  
Day of May ....., 2001.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 1/27/01

Time 11:02 am