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**WEST VIRGINIA LEGISLATURE**

**EIGHTIETH LEGISLATURE**

**REGULAR SESSION, 2011**

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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**ENROLLED**

**Senate Bill No. 392**

(BY SENATORS SNYDER, KLEMPA, YOST AND McCABE)

[PASSED MARCH 4, 2011; IN EFFECT NINETY DAYS FROM PASSAGE.]

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(BY SENATORS SNYDER, KLEMPA, YOST AND MCCABE)

[Passed March 4, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §19-23-3 of the Code of West Virginia, 1931, as amended, relating to changing the definition of “accredited thoroughbred horse” to require registration with the West Virginia Thoroughbred Breeders Association.

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

That §19-23-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 19. HORSE AND DOG RACING.**

**§19-23-3. Definitions.**

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

3 (1) “Horse racing” means any type of horse racing, includ-  
4 ing, but not limited to, thoroughbred racing and harness  
5 racing;

6 (2) “Thoroughbred racing” means flat or running type  
7 horse racing in which each horse participating is a thorough-  
8 bred and mounted by a jockey;

9 (3) “Harness racing” means horse racing in which the  
10 horses participating are harnessed to a sulky, carriage or

11 other vehicle and does not include any form of horse racing  
12 in which the horses are mounted by jockeys;

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

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

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

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

23 (8) "Applicant" means any racing association making  
24 application for a license under the provisions of this article  
25 or any person making application for a permit under the  
26 provisions of this article or any person making application  
27 for a construction permit under the provisions of this article;

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

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

32 (11) "Construction permit" means the construction permit  
33 required by the provisions of section eighteen of this article;

34 (12) "Licensee" means any racing association holding a  
35 license required by the provisions of section one of this  
36 article and issued under the provisions of this article;

37 (13) "Permit holder" means any person holding a permit  
38 required by the provisions of section two of this article and  
39 issued under the provisions of this article;

40 (14) "Construction permit holder" means any person  
41 holding a construction permit required by the provisions of

42 section eighteen of this article and issued under the provi-  
43 sions of this article;

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

46 (16) "Racing commission" means the West Virginia Racing  
47 Commission;

48 (17) "Stewards" means the steward or stewards represent-  
49 ing the Racing Commission, the steward or stewards repre-  
50 senting a licensee and any other steward or stewards whose  
51 duty it is to supervise any horse or dog race meeting, all as  
52 may be provided by reasonable rules of the Racing Commis-  
53 sion which rules shall specify the number of stewards to be  
54 appointed, the method and manner of their appointment and  
55 their powers, authority and duties;

56 (18) "Pari-mutuel" means a mutuel or collective pool that  
57 can be divided among those who have contributed their  
58 wagers to one central agency, the odds to be reckoned in  
59 accordance to the collective amounts wagered upon each  
60 contestant running in a horse or dog race upon which the  
61 pool is made, but the total to be divided among the first three  
62 contestants on the basis of the number of wagers on these;

63 (19) "Pari-mutuel clerk" means any employee of a licensed  
64 racing association who is responsible for the collection of  
65 wagers, the distribution of moneys for winning pari-mutuel  
66 tickets, verification of the validity of pari-mutuel tickets and  
67 accounting for pari-mutuel funds;

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

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

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

74 (23) "Code" means the Code of West Virginia, 1931, as  
75 heretofore and hereinafter amended;

76 (24) "Accredited thoroughbred horse" means a thorough-  
77 bred horse that is registered with the West Virginia Thor-  
78 oughbred Breeders Association and that is:

79 (A) Foaled in West Virginia; or

80 (B) Sired by an accredited West Virginia sire; or

81 (C) As a yearling, finished twelve consecutive months of  
82 verifiable residence in the state, except for thirty days' grace:

83 (i) For the horse to be shipped to and from horse sales  
84 where the horse is officially entered in the sales catalogue of  
85 a recognized thoroughbred sales company, or

86 (ii) For obtaining veterinary services, documented by  
87 veterinary reports;

88 (25) "Accredited West Virginia sire" is a sire that is  
89 permanently domiciled in West Virginia, stands a full season  
90 in West Virginia and is registered with West Virginia  
91 Thoroughbred Breeders Association;

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

94 (27) "Raiser of an accredited West Virginia horse" is the  
95 owner of the yearling at the time it finished twelve consecu-  
96 tive months of verifiable residence in the state. During the  
97 period, the raiser will be granted one month of grace for his  
98 or her horse to be shipped to and from thoroughbred sales  
99 where the horse is officially entered in the sales catalogue of  
100 a recognized thoroughbred sales company. In the event the  
101 yearling was born in another state and transported to this  
102 state, this definition does not apply after the December 31,  
103 2007, to any pari-mutuel racing facility located in Jefferson  
104 County nor shall it apply after the December 31, 2012, and  
105 thereafter to any pari-mutuel racing facility located in  
106 Hancock County. Prior to the horse being shipped out of the  
107 state for sales, the raiser must notify the Racing Commission  
108 of his or her intentions;

109 (28) The “owner of an accredited West Virginia sire” is the  
110 owner of record at the time the offspring is conceived;

111 (29) The “owner of an accredited West Virginia horse”  
112 means the owner at the time the horse earned designated  
113 purses to qualify for restricted purse supplements provided  
114 in section thirteen-b of this article;

115 (30) “Registered greyhound owner” means an owner of a  
116 greyhound that is registered with the National Greyhound  
117 Association;

118 (31) “Fund” means the West Virginia Thoroughbred  
119 Development Fund established in section thirteen-b of this  
120 article; and

121 (32) “Regular purse” means both regular purses and stakes  
122 purses.

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

*Ronald J. Niles*

.....  
Chairman Senate Committee

*John C. ...*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Russell ...*

.....  
Clerk of the Senate

*... M. ...*

.....  
Clerk of the House of Delegates

*Jeffrey ...*

.....  
Acting President of the Senate

*...*

.....  
Speaker of the House of Delegates

The within *is approved* this the *18<sup>th</sup>*

Day of *March*, 2011.

*Carl ...*  
.....  
Governor



**PRESENTED TO THE GOVERNOR**

**MAR 15 2011**

**Time** 9:20am