

Senate Bill No. 392

(By Senators Snyder, Klempa, Yost and McCabe)

[Introduced February 2, 2011; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

A BILL 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 ~~in which used~~ clearly requires a
- 2 different meaning, as 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 ~~therein~~ is a
8 thoroughbred and ~~is~~ mounted by a jockey;

9 (3) "Harness racing" means horse racing in which the
10 horses participating ~~therein~~ are harnessed to a sulky,
11 carriage or other vehicle and ~~shall~~ does not include any form
12 of horse racing 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 ~~as the case may be;~~

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

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

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

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

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

41 (14) "Construction permit holder" means any person
42 holding a construction permit required by the provisions of
43 section eighteen of this article and issued under the provi-
44 sions of this article;

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

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

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

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

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

69 (20) “Pool” means a combination of interests in a joint
70 wagering enterprise or a stake in such enterprise;

71 (21) “Legitimate breakage” is the percentage left over in
72 the division of a pool;

73 (22) “To the dime” means that wagers shall be figured and
74 paid to the dime;

75 (23) “Code” means the Code of West Virginia, 1931, as
76 heretofore and hereinafter amended;

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

80 ~~(a)~~ (A) Foaled in West Virginia; or

81 ~~(b)~~ (B) Sired by an accredited West Virginia sire; or

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

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

87 ~~(B)~~ (ii) For obtaining veterinary services, documented by
88 veterinary reports;

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

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

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

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

112 (29) The “owner of an accredited West Virginia horse”
113 means the owner at the time the horse earned designated

114 purses to qualify for restricted purse supplements provided
115 in section thirteen-b of this article;

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

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

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

(NOTE: The purpose of this bill is to amend the definition of “accredited thoroughbred horse” to require registration with the Thoroughbred Breeders Association.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.)