

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 3021

BY DELEGATE ESPINOSA

[Originating in the Committee on Finance, February

21, 2019.]

1 A BILL to amend and reenact §19-23-14 of the Code of West Virginia, 1931, as amended,
2 requiring the payment of all civil penalties imposed against thoroughbred horse racing
3 licensees or permit holders to be paid into a fund for expenses associated with the post-
4 mortem examination of all thoroughbreds that suffer breakdowns and are euthanized on
5 a racetrack or that otherwise expire on a racetrack; requiring that any funds in excess of
6 \$10,000 in such fund at the end of a fiscal year, less outstanding obligations, may be
7 expended by the racing commission to aid in the rescue, retraining, rehabilitation and
8 aftercare of thoroughbred racehorses that are no longer able to compete on the racetracks
9 in this state, and may be expended to aid in the payment of hospitalization, medical care
10 and funeral expenses occasioned by injuries or death sustained by a thoroughbred racing
11 permit holder at a licensed thoroughbred racetrack in this state; authorizing the racing
12 commission to promulgate rules to govern such expenditures; and requiring the payment
13 of all civil penalties imposed against greyhound racing licensees or permit holders to be
14 paid into a fund to be expended for greyhound adoption programs involving West Virginia
15 whelped dogs owned by residents of this state pursuant to rules promulgated by the racing
16 commission.

Be it enacted by the Legislature of West Virginia:

ARTICLE 23. HORSE AND DOG RACING.

§19-23-14. Disposition of permit fees, registration fees and civil penalties.

1 (a) All permit fees and fees paid for the registration of colors or assumed names collected
2 by the Racing Commission shall be paid by the commission to the State Treasurer for deposit in
3 the Racing Commission's general administrative account.

4 (b) All civil penalties imposed by the stewards, ~~judges~~ or the commission against
5 thoroughbred horse racing licensees or permit holders shall be paid into a relief fund and ~~paid out~~
6 ~~on the order of the commission for hospitalization, medical care and funeral expenses occasioned~~
7 ~~by injuries or death resulting from an accident sustained by any permit holder while in the~~

8 ~~discharge of his or her duties under the jurisdiction of the Racing Commission: *Provided*, That (1)~~
9 ~~No payment may be made from the relief fund for any hospitalization, medical care or funeral~~
10 ~~expenses of a permit holder who is covered by workers' compensation or an insurance policy~~
11 ~~providing payments for hospitalization, medical care or funeral expenses; and (2) any balance in~~
12 ~~the relief fund in excess of \$5,000, less any outstanding obligations, shall thereupon be~~
13 ~~transferred by the Racing Commission to the State Treasurer for deposit to the credit of the~~
14 General Revenue Fund of this state for expenses associated with the post-mortem examination
15 of thoroughbreds that suffer breakdowns on a racetrack, in training or in competition, and that are
16 euthanized, or thoroughbreds that expire while stabled on a racetrack under the jurisdiction of the
17 Racing Commission: *Provided*, That any balance in the fund at the end of any fiscal year in excess
18 of \$10,000, less any outstanding obligations, shall be divided equally and may be expended by
19 the Racing Commission for the following:

20 (1) To aid in the rescue, retraining, rehabilitation and aftercare of thoroughbred racehorses
21 that are no longer able to compete on the racetracks in this state pursuant to rules promulgated
22 by the Racing Commission to govern such expenditures.

23 (2) To aid in the payment of hospitalization, medical care and funeral expenses
24 occasioned by injuries or death sustained by a thoroughbred racing permit holder at a licensed
25 thoroughbred racetrack in this state pursuant to rules promulgated by the Racing Commission to
26 govern such expenditures: *Provided*, That no payment shall be made for any hospitalization,
27 medical care or funeral expenses to any thoroughbred racing permit holder who is covered under
28 workers compensation insurance or who is covered under any insurance policy that provides full
29 or partial payments for hospitalization, medical care or funeral expenses.

30 (c) All civil penalties imposed by the judges or the commission against greyhound racing
31 licensees or permit holders shall be paid into a fund to be expended for greyhound adoption
32 programs involving West Virginia whelped dogs owned by residents of this state pursuant to rules
33 promulgated by the Racing Commission.