

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 3021**

BY DELEGATE ESPINOSA

[Introduced February 12, 2019; Referred  
to the Committee on Finance.]

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; to require 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; to authorize the racing commission to promulgate rules to govern the  
 10 expenditure of any funds used to aid in the rescue, retraining, rehabilitation and aftercare  
 11 of thoroughbred racehorses that are no longer able to compete on the racetracks in this  
 12 state; and, to require the payment of all civil penalties imposed against greyhound racing  
 13 licensees or permit holders to be paid into a fund to be expended for greyhound adoption  
 14 programs involving West Virginia whelped dogs owned by residents of this state pursuant  
 15 to rules promulgated by the racing 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~~ fund for expenses associated with the post-mortem  
15 examination of thoroughbreds that suffer breakdowns on a racetrack, in training or in competition,  
16 and that are euthanized, or thoroughbreds that expire while stabled on a racetrack under the  
17 jurisdiction of the Racing Commission: *Provided*, That any balance in the fund at the end of any  
18 fiscal year in excess of \$10,000 less any outstanding obligations, may be expended by the Racing  
19 Commission to aid in the rescue, retraining, rehabilitation and aftercare of thoroughbred  
20 racehorses that are no longer able to compete on the racetracks in this state pursuant to rules  
21 promulgated by the Racing Commission to govern such expenditures. All civil penalties imposed  
22 by the judges or the commission against greyhound racing licensees or permit holders shall be  
23 paid into a fund to be expended for greyhound adoption programs involving West Virginia whelped  
24 dogs owned by residents of this state pursuant to rules promulgated by the Racing Commission.

NOTE: The purpose of this bill is to require the payment of all civil penalties imposed against thoroughbred horse racing licensees or permit holders to be paid into a fund for expenses associated with the post-mortem examination of all thoroughbreds that suffer breakdowns and are euthanized on a racetrack or that otherwise expire on a racetrack; to require that any funds in excess of \$10,000.00 in such fund at the end of a fiscal year, less outstanding obligations, may be expended by the racing commission to aid in the rescue, retraining, rehabilitation and aftercare of thoroughbred racehorses that are no longer able to compete on the racetracks in this state; to authorize the racing commission to promulgate rules to govern the expenditure of any funds used to aid in the rescue, retraining, rehabilitation and aftercare of thoroughbred racehorses that are no longer able to compete on the racetracks in this state; and, to require the payment of all civil penalties imposed against greyhound racing licensees or permit holders to be paid into a fund to be expended for greyhound adoption programs involving West Virginia whelped dogs owned by residents of this state pursuant to rules promulgated by the racing commission.

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