

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5508**

By Delegates Cannon, Foster, Steele, and C. Pritt

[Introduced February 07, 2024; Referred to the  
Committee on Finance]

1 A BILL to amend and reenact §16-4C-24 of the Code of West Virginia, 1931, as amended; to  
 2 amend and reenact §19-23-10 of said code; and to amend and reenact §33-3-33 of said  
 3 code, all relating to requiring certain transfers and disbursements of funds; and providing  
 4 that the West Virginia Racing Commission annually transfer \$8,000,000 from the West  
 5 Virginia Greyhound Breeding Development Fund to the Fire Protection Fund and the  
 6 Emergency Medical Services Equipment and Training Fund.

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

**CHAPTER 16. PUBLIC HEALTH.**

**ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

1 **§16-4C-24. Emergency Medical Services Equipment and Training Fund; establishment of**  
 2 **grant program for equipment and training of emergency medical service providers**  
 3 **and personnel.**

4 (a) There is hereby created in the State Treasury a special revenue fund to be known as  
 5 the Emergency Medical Services Equipment and Training Fund. Expenditures from the fund by  
 6 the Office of Emergency Medical Services, Bureau for Public Health, ~~Department of Health and~~  
 7 ~~Human Resources~~ West Virginia Department of Health, West Virginia Department of Human  
 8 Services, and West Virginia Department of Health Facilities are authorized from collections. The  
 9 fund may only be used for the purpose of providing grants to equip emergency medical services  
 10 providers and train emergency medical services personnel, as defined in §16-4C-3 of this code.  
 11 Any balance remaining in the fund at the end of any fiscal year does not revert to the General  
 12 Revenue Fund but remains in the special revenue fund.

13 (b) The Commissioner of the Bureau for Public Health shall establish a grant program for  
 14 equipment and training of emergency medical services providers and personnel. Such grant  
 15 program shall be open to all emergency medical services personnel and providers, but priority  
 16 shall be given to rural and volunteer emergency medical services providers.

17 (c) The Commissioner of the Bureau for Public Health shall propose legislative rules for  
18 promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the grant program  
19 established pursuant to this section.

20 (d) On July 1, 2024, and each July 1 thereafter, the State Racing Commission shall transfer  
21 to the Emergency Medical Services Equipment and Training Fund \$4,000,000 from the balance of  
22 funds in the West Virginia Greyhound Breeding Development Fund, as created in §19-23-10 of  
23 this code.

## CHAPTER 19. AGRICULTURE.

### ARTICLE 23. HORSE AND DOG RACING.

#### PART VII. TAXATION OF HORSE AND DOG RACING AND PARI-MUTUEL

#### WAGERING; DISPOSITION OF REVENUES.

#### **§19-23-10. Daily license tax; pari-mutuel pools tax; how taxes paid; alternate tax; credits.**

1 (a) Any racing association conducting thoroughbred racing at any horse racetrack in this  
2 state shall pay each day upon which horse races are run a daily license tax of \$250. Any racing  
3 association conducting harness racing at any horse racetrack in this state shall pay each day upon  
4 which horse races are run a daily license tax of \$150. Any racing association conducting dog races  
5 shall pay each day upon which dog races are run a daily license tax of \$150. In the event  
6 thoroughbred racing, harness racing, dog racing or any combination of the foregoing are  
7 conducted on the same day at the same racetrack by the same racing association, only one daily  
8 license tax in the amount of \$250 shall be paid for that day. Any daily license tax shall not apply to  
9 any local, county or state fair, horse show or agricultural or livestock exposition at which horse  
10 racing is conducted for not more than six days.

11 (b) Any racing association licensed by the Racing Commission to conduct thoroughbred  
12 racing and permitting and conducting pari-mutuel wagering under the provisions of this article

13 shall, in addition to the daily license tax set forth in subsection (a) of this section, pay to the Racing  
14 Commission, from the commission deducted each day by the licensee from the pari-mutuel pools  
15 on thoroughbred racing a tax calculated on the total daily contribution of all pari-mutuel pools  
16 conducted or made at any and every thoroughbred race meeting of the licensee licensed under  
17 the provisions of this article. The tax, on the pari-mutuel pools conducted or made each day during  
18 the months of January, February, March, October, November and December, shall be calculated  
19 at four-tenths of one percent of the pool; and, on the pari-mutuel pools conducted or made each  
20 day during all other months, shall be calculated at one and four-tenths percent of the pool:  
21 *Provided*, That out of the amount realized from the three tenths of one percent decrease in the tax  
22 effective for fiscal year 1991 and thereafter, which decrease correspondingly increases the  
23 amount of commission retained by the licensee, the licensee shall annually expend or dedicate: (i)  
24 One half of the realized amount for capital improvements in its barn area at the track, subject to the  
25 Racing Commission's prior approval of the plans for the improvements; and (ii) the remaining one  
26 half of the realized amount for capital improvements as the licensee may determine appropriate at  
27 the track. The term "capital improvement" shall be as defined by the Internal Revenue Code:  
28 *Provided, however*, That any racing association operating a horse racetrack in this state having an  
29 average daily pari-mutuel pool on horse racing of \$280,000 or less per day for the race meetings of  
30 the preceding calendar year shall, in lieu of payment of the pari-mutuel pool tax, calculated as in  
31 this subsection, be permitted to conduct pari-mutuel wagering at the horse racetrack on the basis  
32 of a daily pari-mutuel pool tax fixed as follows: On the daily pari-mutuel pool not exceeding  
33 \$300,000 the daily pari-mutuel pool tax shall be \$1,000 plus the otherwise applicable percentage  
34 rate imposed by this subsection of the daily pari-mutuel pool, if any, in excess of \$300,000:  
35 *Provided further*, That upon the effective date of the reduction of the daily pari-mutuel pool tax to  
36 \$1,000 from the former \$2,000, the association or licensee shall daily deposit \$500 into the special  
37 fund for regular purses established by subdivision (1), subsection (b), section nine of this article:  
38 *And provided further*, That if an association or licensee qualifying for the foregoing alternate tax

39 conducts more than one racing performance, each consisting of up to thirteen races in a calendar  
40 day, the association or licensee shall pay both the daily license tax imposed in subsection (a) of  
41 this section and the alternate tax in this subsection for each performance: *And provided further,*  
42 That a licensee qualifying for the foregoing alternate tax is excluded from participation in the fund  
43 established by section thirteen-b of this article: *And provided further,* That this exclusion shall not  
44 apply to any thoroughbred racetrack at which the licensee has participated in the West Virginia  
45 Thoroughbred Development Fund for more than four consecutive years prior to December 31,  
46 1992.(c) Any racing association licensed by the Racing Commission to conduct harness racing  
47 and permitting and conducting pari-mutuel wagering under the provisions of this article shall, in  
48 addition to the daily license tax required under subsection (a) of this section, pay to the Racing  
49 Commission, from the commission deducted each day by the licensee from the pari-mutuel pools  
50 on harness racing, as a tax, three percent of the first \$100,000 wagered, or any part thereof; four  
51 percent of the next \$150,000; and five and three-fourths percent of all over that amount wagered  
52 each day in all pari-mutuel pools conducted or made at any and every harness race meeting of the  
53 licensee licensed under the provisions of this article.

54 (d) Any racing association licensed by the Racing Commission to conduct dog racing and  
55 permitting and conducting pari-mutuel wagering under the provisions of this article shall, in  
56 addition to the daily license tax required under subsection (a) of this section, pay to the Racing  
57 Commission, from the commission deducted each day by the licensee from the pari-mutuel pools  
58 on dog racing, as a tax, four percent of the first \$50,000 or any part thereof of the pari-mutuel  
59 pools, five percent of the next \$50,000 of the pari-mutuel pools, six percent of the next \$100,000 of  
60 the pari-mutuel pools, seven percent of the next \$150,000 of the pari-mutuel pools, and eight  
61 percent of all over \$350,000 wagered each day: *Provided,* That the licensee shall deduct daily  
62 from the pari-mutuel tax an amount equal to one tenth of one percent of the daily pari-mutuel pools  
63 in dog racing in fiscal year 1990; fifteen hundredths of one percent in fiscal year 1991; two tenths of  
64 one percent in fiscal year 1992; one quarter of one percent in fiscal year 1993; and three tenths of

65 one percent in fiscal year 1994 and every fiscal year thereafter. The amounts deducted shall be  
66 paid to the Racing Commission to be deposited by the Racing Commission in a banking institution  
67 of its choice in a special account to be known as "West Virginia Racing Commission-Special  
68 Account-West Virginia Greyhound Breeding Development Fund". The purpose of the fund is to  
69 promote better breeding, training track facilities and racing of greyhounds in the state through  
70 awards and purses to bona fide resident registered greyhound owners of accredited West Virginia  
71 whelped greyhounds. In order to participate and be eligible to receive an award or purse through  
72 the fund, the registered greyhound owner must have an appropriate license from the Racing  
73 Commission to race in West Virginia. The registered greyhound dam at the time of breeding must  
74 be wholly or solely owned or leased by a bona fide resident or residents of West Virginia. The  
75 accredited West Virginia whelped greyhound must be wholly or solely owned by a bona fide  
76 resident or residents of this state. To qualify as a bona fide resident of West Virginia, a registered  
77 greyhound owner may not claim residency in any other state. A registered greyhound owner must  
78 prove bona fide residency by providing to the commission personal income tax returns filed in the  
79 State of West Virginia for the most recent tax year and the three previous tax years, has real or  
80 personal property in this state on which the owner has paid real or personal property taxes during  
81 the most recent tax year and the previous three tax years and an affidavit stating that the owner  
82 claims no other state of residency. The Racing Commission shall maintain a registry for West  
83 Virginia bred greyhounds. The moneys shall be expended by the Racing Commission for purses  
84 for stake races, training track facilities, supplemental purse awards, administration, promotion,  
85 education and greyhound adoption programs involving West Virginia whelped dogs, owned by  
86 residents of this state under rules promulgated by the Racing Commission. The Racing  
87 Commission shall pay out of the greyhound breeding development fund to each of the licensed  
88 dog racing tracks the sum of \$75,000 for the fiscal year ending June 30, 1994. The licensee shall  
89 deposit the sum into the special fund for regular purses established under the provisions of section  
90 nine of this article. The funds shall be expended solely for the purpose of supplementing regular

91 purses under rules promulgated by the Racing Commission.

92 Supplemental purse awards will be distributed as follows: Supplemental purses shall be  
93 paid directly to the registered greyhound owner of an accredited greyhound.

94 The registered greyhound owner of accredited West Virginia whelped greyhounds that  
95 earn points at any West Virginia meet will receive a bonus award calculated at the end of each  
96 month as a percentage of the fund dedicated to the owners as purse supplements, which shall be  
97 a minimum of fifty percent of the total moneys deposited into the West Virginia Greyhound  
98 Breeding Development fund monthly.

99 The total amount of the fund available for the owners' awards shall be distributed according  
100 to the ratio of points earned by an accredited greyhound to the total amount earned in races by all  
101 accredited West Virginia whelped greyhounds for that month as a percentage of the funds  
102 dedicated to the owners' purse supplements. The point value at all greyhound tracks shall be the  
103 same as approved by the Racing Commission to be effective April 1, 2007. The West Virginia  
104 Greyhound Owners and Breeders Association shall submit a list of any additions or deletions to  
105 the registry of accredited West Virginia whelped greyhounds on the first of each month. The  
106 Racing Commission shall not require anyone to be a member of a particular association in order to  
107 participate in the West Virginia Greyhound Breeding Development Fund.

108 The registered greyhound owner of an accredited West Virginia whelped greyhound shall  
109 file a purse distribution form with the Racing Commission for a percentage of his or her dog's  
110 earnings to be paid directly to the registered greyhound owner or owners of the greyhound.  
111 Distribution shall be made on the fifteenth day of each month for the preceding month's  
112 achievements.

113 In no event shall points earned at a meet held at a track which did not make contributions to  
114 the West Virginia Greyhound Breeding Development Fund out of the daily pool on the day the  
115 meet was held qualify or count toward eligibility for supplemental purse awards.

116 Any balance in the purse supplement funds after all distributions have been made for the

117 year revert to the general account of the fund for distribution in the following year: *Provided*, That  
118 not more than \$2 million from the balance in the purse supplemental fund shall be used for the  
119 construction and maintenance of two dog training track facilities if such be approved by the Racing  
120 Commission: *Provided, however*, That not more than \$1 million may be allocated for the  
121 construction and maintenance of each training track: *Provided further*, That both training track  
122 facilities must be located in West Virginia. The West Virginia Racing Commission shall be  
123 authorized to promulgate rules governing dog training tracks: *And provided further*, That the  
124 Racing Commission shall: (1) Provide a process in its rules for competitive bidding of the  
125 construction or maintenance, or both, of the training tracks; and (2) set standards to assure that  
126 only the actual costs of construction and maintenance shall be paid out of the foregoing fund.

127 In an effort to further promote the breeding of quality West Virginia whelped greyhounds, a  
128 bonus purse supplement shall be established in the amount of \$50,000 per annum, to be paid in  
129 equal quarterly installments of \$12,500 per quarter using the same method to calculate and  
130 distribute these funds as the regular supplemental purse awards. This bonus purse supplement is  
131 for three years only, commencing on July 1, 1993, and ending June 30, 1996. This money would  
132 come from the current existing balance in the greyhound development fund.

133 Each pari-mutuel greyhound track shall provide stakes races for accredited West Virginia  
134 whelped greyhounds: *Provided*, That each pari-mutuel track shall have one juvenile and one open  
135 stake race annually. Each pari-mutuel dog track shall provide at least three restricted races for  
136 accredited West Virginia whelped greyhounds per race card: *Provided, however*, That sufficient  
137 dogs are available. To assure breeders of accredited West Virginia whelped greyhounds an  
138 opportunity to participate in the West Virginia Greyhound Breeding Development Fund the West  
139 Virginia Racing Commission by July 1, each year shall establish and announce the minimum  
140 number of accredited West Virginia whelped greyhounds that greyhound racing kennels at West  
141 Virginia dog tracks must have on their racing active list during the calendar year following such  
142 action. The minimum number may vary from dog track to dog track. The minimum number shall be

143 established after consultation with the West Virginia Greyhound Owners and Breeders  
144 Association and kennel owners and operators. Factors to be considered in establishing this  
145 minimum number shall be the number of individually registered accredited West Virginia whelped  
146 greyhounds whelped in the previous two years. The number of all greyhounds seeking  
147 qualification at each West Virginia dog track, the ratio of active running greyhounds to housed  
148 number of greyhounds at each West Virginia dog track, and the size and number of racing kennels  
149 at each West Virginia dog track. Any greyhound racing kennel not having the minimum number of  
150 accredited West Virginia whelped greyhounds determined by the West Virginia Racing  
151 Commission on their active list shall only be permitted to race the maximum allowable number on  
152 the active list less the number of accredited West Virginia whelped greyhounds below the  
153 established minimum number. Consistent violations of this minimum requirement may be  
154 reviewed by the Racing Commission and may constitute cause for denial or revocation of a  
155 kennel's racing license. The Racing Commission shall oversee and approve racing schedules and  
156 purse amounts.

157         Ten percent of the deposits into the greyhound breeding development fund beginning July  
158 1, 1993 and continuing each year thereafter, shall be withheld by the Racing Commission and  
159 placed in a special revenue account hereby created in the State Treasury called the  
160 "administration, promotion, education, capital improvement and greyhound adoption programs to  
161 include spaying and neutering account". The Racing Commission is authorized to expend the  
162 moneys deposited in the administration, promotion, education, capital improvement and  
163 greyhound adoption programs to include spaying and neutering account at such times and in such  
164 amounts as the commission determines to be necessary for purposes of administering and  
165 promoting the greyhound development program: *Provided*, That beginning with fiscal year 1995  
166 and in each fiscal year thereafter in which the commission anticipates spending any money from  
167 the account, the commission shall submit to the executive department during the budget  
168 preparation period prior to the Legislature convening before that fiscal year for inclusion in the

169 executive budget document and budget bill, the recommended expenditures, as well as requests  
170 of appropriations for the purpose of administration, promotion, education, capital improvement  
171 and greyhound adoption programs to include spaying and neutering. The commission shall make  
172 an annual report to the Legislature on the status of the administration, promotion, education,  
173 capital improvement and greyhound adoption programs to include spaying and neutering account,  
174 including the previous year's expenditures and projected expenditures for the next year.

175         The Racing Commission, for the fiscal year 1994 only, may expend up to \$35,000 from the  
176 West Virginia Greyhound Breeding Development Fund to accomplish the purposes of this section  
177 without strictly following the requirements in the previous paragraph.

178         For fiscal years beginning on and after July 1, 2024, the Racing Commission shall transfer  
179 equal annual amounts of \$4,000,000 from the balance of funds in the West Virginia Greyhound  
180 Breeding Development Fund to both the Fire Protection Fund, as created in §33-3-33 of this code,  
181 and the Emergency Medical Services Equipment and Training Fund, as created in §16-4c-24 of  
182 this code.

183         (e) All daily license and pari-mutuel pools tax payments required under the provisions of  
184 this section shall be made to the Racing Commission or its agent after the last race of each day of  
185 each horse or dog race meeting, and the pari-mutuel pools tax payments shall be made from all  
186 contributions to all pari-mutuel pools to each and every race of the day.

187         (f) Every association or licensee subject to the provisions of this article, including the  
188 changed provisions of sections nine and ten of this article, shall annually submit to the Racing  
189 Commission and the Legislature financial statements, including a balance sheet, income  
190 statement, statement of change in financial position and an audit of any electronic data system  
191 used for pari-mutuel tickets and betting, prepared in accordance with generally accepted auditing  
192 standards, as certified by an experienced public accountant or a certified public accountant.

### **CHAPTER 33. INSURANCE.**

**ARTICLE 3. LICENSING, FEES, AND TAXATION OF INSURERS.****§33-3-33. Surcharge on fire and casualty insurance policies to benefit volunteer and part-volunteer fire departments; Public Employees Insurance Agency and municipal pension plans; special fund created; allocation of proceeds; effective date.**

1 (a)(1) For the purpose of providing additional revenue for volunteer fire departments, part-  
2 volunteer fire departments and certain retired teachers and the Teachers Retirement Reserve  
3 Fund, there is hereby authorized and imposed on and after July 1, 1992, on the policyholder of any  
4 fire insurance policy or casualty insurance policy issued by any insurer, authorized or  
5 unauthorized, or by any risk retention group, a policy surcharge equal to one percent of the taxable  
6 premium for each such policy. After June 30, 2005, the surcharge shall be imposed as specified in  
7 subdivisions (2) and (3) of this subsection.

8 (2) After June 30, 2005, through December 31, 2005, for the purpose of providing  
9 additional revenue for volunteer fire departments, part-volunteer fire departments and to provide  
10 additional revenue to the Public Employees Insurance Agency and municipal pension plans, there  
11 is hereby authorized and imposed on and after July 1, 2005, on the policyholder of any fire  
12 insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or  
13 by any risk retention group, a policy surcharge equal to one percent of the taxable premium for  
14 each such policy.

15 (3) After December 31, 2005, for the purpose of providing additional revenue for volunteer  
16 fire departments and part-volunteer fire departments, there is hereby authorized and imposed on  
17 the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer,  
18 authorized or unauthorized, or by any risk retention group, a policy surcharge equal to fifty-five one  
19 hundredths of one percent of the taxable premium for each such policy.

20 (4) For purposes of this section, casualty insurance may not include insurance on the life of  
21 a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on  
22 a debtor to provide indemnity for payments becoming due on a specific loan or other credit

23 transaction while the debtor is disabled as defined in the policy. The policy surcharge may not be  
24 subject to premium taxes, agent commissions, or any other assessment against premiums.

25 (b) The policy surcharge shall be collected and remitted to the commissioner by the  
26 insurer, or in the case of surplus lines coverage, by the surplus lines licensee, or if the policy is  
27 issued by a risk retention group, by the risk retention group. The amount required to be collected  
28 under this section shall be remitted to the commissioner on a quarterly basis on or before the  
29 twenty-fifth day of the month succeeding the end of the quarter in which they are collected, except  
30 for the fourth quarter for which the surcharge shall be remitted on or before March 1 of the  
31 succeeding year.

32 (c) Any person failing or refusing to collect and remit to the commissioner any policy  
33 surcharge and whose surcharge payments are not postmarked by the due dates for quarterly filing  
34 is liable for a civil penalty of up to \$100 for each day of delinquency, to be assessed by the  
35 commissioner. The commissioner may suspend the insurer, broker, or risk retention group until all  
36 surcharge payments and penalties are remitted in full to the commissioner.

37 (d)(1) All money from the policy surcharge shall be collected by the Commissioner who  
38 shall disburse the money received from the surcharge into a special account in the State Treasury,  
39 designated the Fire Protection Fund. The net proceeds of this portion of the tax and the interest  
40 thereon, after appropriation by the Legislature, shall be distributed quarterly on the first day of the  
41 months of January, April, July, and October to each volunteer fire company or department on an  
42 equal share basis by the State Treasurer. After June 30, 2005, the money received from the  
43 surcharge shall be distributed as specified in subdivisions (2) and (3) of this subsection.

44 (2)(A) After June 30, 2005, through December 31, 2005, all money from the policy  
45 surcharge shall be collected by the commissioner who shall disburse one half of the money  
46 received from the surcharge into the Fire Protection Fund for distribution as provided in  
47 subdivision (1) of this subsection.

48 (B) The remaining portion of moneys collected shall be transferred into the fund in the

49 State Treasury of the Public Employees Insurance Agency into which are deposited the  
50 proportionate shares made by agencies of this state of the Public Employees Insurance Agency  
51 costs of those agencies, until November 1, 2005. After October 31, 2005, through December 31,  
52 2005, the remain portion shall be transferred to the special account in the state Treasury, known as  
53 the Municipal Pensions and Protection Fund.

54 (3) After December 31, 2005, all money from the policy surcharge shall be collected by the  
55 commissioner who shall disburse all of the money received from the surcharge into the Fire  
56 Protection Fund for distribution as provided in subdivision (1) of this subsection.

57 (4) Before each distribution date to volunteer fire companies or departments, the State Fire  
58 Marshal shall report to the state Treasurer:

59 (A) The names and addresses of all volunteer and part-volunteer fire companies and  
60 departments within the state which meet the eligibility requirements established in §8-15-8a of this  
61 code during the preceding quarter;

62 (B) The number of volunteer firefighters and the number of full-time paid members  
63 providing services to each volunteer and part-volunteer fire company and department during the  
64 preceding quarter;

65 (C) A full accounting of each volunteer and part-volunteer fire company and department  
66 eligible to receive a distribution under this section's revenues and expenditures for the last two  
67 calendar years; and

68 (D) A list of each volunteer and part-volunteer fire company and department has  
69 implemented the State Auditor's West Virginia Checkbook fiscal reporting system on or before  
70 January 1, 2026.

71 (e) Notwithstanding any other provision of this subsection, each volunteer and part-  
72 volunteer fire company and department shall implement the State Auditor's West Virginia  
73 Checkbook fiscal reporting system on or before January 1, 2026, in order to remain eligible to  
74 receive any funds pursuant to this section.

75 (f) The allocation, distribution, and use of revenues provided in the Fire Protection Fund  
76 are subject to the provisions of §8-15-8a and §8-15-8b of this code.

77 (g) On July 1, 2024, and each July 1 thereafter, the State Racing Commission shall transfer  
78 to the Fire Protection Fund \$4,000,000 from the balance of funds in the West Virginia Greyhound  
79 Breeding Development Fund, as created in §19-23-10 of this code.

NOTE: The purpose of this bill is to provide that the West Virginia Racing Commission annually transfer \$8,000,000 from the West Virginia Greyhound Breeding Development Fund to the Fire Protection Fund and the Emergency Medical Services Equipment and Training Fund.

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