

## CHAPTER 55.

[H. B. 59.]

## HORSE RACING.

AN ACT relating to, providing for and authorizing and regulating thoroughbred and/or standard bred horse racing; creating the Washington horse racing commission; defining its powers and duties, and fixing compensation thereof; prescribing the manner in which race meets may be conducted; prohibiting pool selling, book making, and circulation of hand books; authorizing the pari-mutuel system; providing for issuance of licenses and fees to be charged; apportioning revenue to the old age pension fund; fixing the penalties for violation of the act; and providing that the act shall take effect immediately.

*Be it enacted by the Legislature of the State of Washington:*

Definitions:

SECTION 1. Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commis-  
sion,"

"Commission" shall mean the Washington horse racing commission, hereinafter created.

"Person,"

"Person" shall mean and include individuals, firms, corporations and associations.

"Race  
meet,"

"Race meet" shall mean and include any exhibition of thoroughbred horse racing where the pari-mutuel system is used.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

Commis-  
sioners.

SEC. 2. There is hereby created the Washington horse racing commission, to consist of three commissioners, who shall be citizens, residents, and qualified electors of the State of Washington, and one of whom shall be a breeder of thoroughbred and/or standard bred horses and he shall be of at least one year's standing. The first members of said commission shall be appointed by the governor within thirty days after this act takes effect, one for a term to

Appointed by  
Governor.

expire on the Thursday following the second Monday in January of 1935, one for a term to expire on the Thursday following the second Monday in January of 1937, and one for a term to expire on the Thursday following the second Monday in January of 1939, upon which expiration of the term of any member, the governor shall appoint a successor for a term of six years. Each member shall hold office until his successor is appointed and qualified. Vacancies in the office of commissioner shall be filled by appointment to be made by the governor for the unexpired term. Any commissioner may be removed at any time at the pleasure of the governor. Before entering upon the duties of his office, each commissioner shall enter into a surety company bond, to be approved by the governor and attorney-general, payable to the State of Washington, in the penal sum of five thousand dollars (\$5,000.00), conditioned upon the faithful performance of his duties and the correct accounting and payment of all sums received and coming within his control under this act, and in addition thereto each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for elective state officers. Each member of the commission shall receive an annual salary of twelve hundred dollars (\$1,200.00), payable monthly.

SEC. 3. The commission shall organize by electing one of its members chairman, and shall appoint and employ a secretary, and such other clerical, office, and other help as is necessary in the performance of the duties imposed upon it by this act. The commission shall keep detailed records of all meetings and of the business transacted therein, and of all the collections and disbursements, reports of which shall be embodied in a biennial report which the commission shall prepare and submit to the governor on or before the thirty-first day of December

Term of office.

Bond.

Oath.

Salary.

Organization of Commission.

Records.

Reports.

preceding the date of the expiration of the term of office of any member of the commission, and it shall cover the activities of the commission for the preceding biennial period, or portion thereof as to the first report, to the first day of December. All records of the commission shall be public records and as such, subject to public inspection. The director of business control shall provide office accommodations for the commission at the state capitol, unless the commission deems it more advantageous to have its office established elsewhere.

Office.

Rules and regulations of race meets.

SEC. 4. It shall be the duty of the commission, as soon as it is possible after its organization, to prepare and promulgate a complete set of rules and regulations to govern the race meets in this state. It shall determine and announce the place, time and duration of race meets for which license fees are exacted; and it shall be the duty of each person holding a license under the authority of this act, and every owner, trainer, jockey, and attendant at any race course in this state, to comply with all rules and regulations promulgated and all orders issued by the commission. It shall be unlawful for any person to hold any race meet without having first obtained and having in force and effect a license issued by the commission as in this act provided; and it shall be unlawful for any owner, trainer or jockey to participate in race meets in this state without first securing an annual license therefor from the state racing commission, the fee for which shall be one dollar (\$1.00).

License.

Duties of commission.

SEC. 5. The commission created by this act is hereby authorized, and it shall be its duty, to license, regulate and supervise all race meets held in this state under the terms of this act, and to cause the various race courses of the state to be visited and inspected at least once a year.

SEC. 6. Every person making application for license to hold a race meet, under the provisions of this act shall file an application with the commission which shall set forth the time, the place, the number of days such meet will continue, and such other information as the commission may require. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue. No person who has been convicted of any crime involving moral turpitude shall be issued a license, nor shall any license be issued to any person who has violated the terms or provisions of this act, or any of the rules and regulations of the commission made pursuant thereto, or who has failed to pay to the commission any or all sums required under the provisions of this act. The license shall specify the number of days the race meet shall continue and the number of races per day, which shall be not less than six nor more than eight, and for which a fee shall be paid in advance of one hundred dollars (\$100.00) for each day: *Provided*, That if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee for the meet, or for a portion which cannot be held may be refunded the licensee, if the commission deems the reasons for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this act, or any of the rules or regulations of the commission made pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this act, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three (3) days' notice, in writing, shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall

License.

Application  
for.Who shall  
receive  
license.

Fee.

Refund.

Cancellation.

Notice and  
hearing.

be given an opportunity to be heard in opposition to the proposed cancellation.

Pool selling,  
book making,  
etc., pro-  
hibited.

Pari-mutuel  
system.

Violation.

Exclusion of  
detrimental  
persons.

Washington  
bred horses.

5% pari-  
mutuel  
receipts paid  
to commis-  
sion.

SEC. 7. It shall be unlawful to conduct pool selling, book making, or to circulate hand books, or to bet or wager on any horse race other than by the pari-mutuel method, or for any licensee to take more than ten (10) per centum of the gross receipts of any pari-mutuel machine; or for any licensee to compute breaks in the pari-mutuel system otherwise than at five cents. Any wilful violation of the terms of this act, or of any rule, regulation or order of the commission shall constitute a gross misdemeanor and when such violation is by a person holding a license under this act, the commission may cancel the license held by the offender, and such cancellation shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender; and the action of the commission in that respect shall be final. The commission shall have power to exclude from any and all race courses of the State of Washington any person whom the commission deems detrimental to the best interests of racing or any person who wilfully violates any of the provisions of this act or of any rule, regulation or order issued by the commission. Every race meet held in this state contrary to the provisions of this act is hereby declared to be a public nuisance.

SEC. 8. For the purpose of encouraging the breeding, within this state, of valuable thoroughbred and/or standard bred race horses, at least one race of each day's meet shall consist exclusively of Washington bred horses.

SEC. 9. In addition to the license fees required by this act, the licensee shall pay to the racing commission five (5) per centum of the gross receipts of all pari-mutuel machines at each race meet, which

sums shall be paid daily to the racing commission. All sums paid to the commission, together with all sums collected for license fees under the provisions of this act, shall be disposed of by the commission as follows: Twenty (20) per centum thereof shall be paid to and retained by the commission for the payment of the salary of its members; of its secretary, and the salaries of all other clerical, office, and other help employed by the commission, together with all expenses in connection with the carrying out of the provisions of this act, except that no payment need be made for office accommodation furnished by the state: *Provided, however,* That no salary, wages, expenses or compensation of any kind shall be paid by the State of Washington for, or in connection with the work of the commission in carrying out the provisions of this act; and the remaining eighty (80) per centum of all sums collected by the commission shall, on the next business day following the receipt thereof, be paid to the state treasurer, and by him placed in the old age pension fund of the state treasury, which is hereby created. On or before the 10th day of each month the state treasurer shall pay to the respective county treasurers of this state the funds in the old age pension fund in proportion to the assessed valuation of the property in the various counties as determined by the certificate of the state auditor filed with the state treasurer under the provisions of chapter 308 of the Laws of 1927; and the funds so paid to the respective county treasurers shall be by them placed in a fund designated as the county old age pension fund and the monies therein shall be used and dispersed [disbursed] only for the payment of old age pensions under the provisions of chapter 29 of the Laws of 1933. Any monies collected or paid to the commission under the terms of this act, and not expended by the commission as herein provided, at the time of making its report to

Disposition  
of funds.

Salaries.

Old age  
pension fund.

the legislature, shall be paid to the state treasurer and be placed in the old age pension fund of the state treasurer.

Partial  
invalidity.

SEC. 10. In case any part or portion of this act shall be held unconstitutional, such holding shall not affect the validity of this act as a whole or any other part or portion of this act not adjudged unconstitutional. All acts in conflict herewith are hereby repealed.

Radio broad-  
casting,  
motion  
picture  
rights.

SEC. 11. All radio broadcasting rights, and motion picture rights in connection with meets licensed hereunder are reserved to the state and the commission shall lease or license same only to the highest bidder. The exercise of such rights shall at all times be under the supervision of the commission. All income therefrom shall be paid into the state treasury and credited to the old age pension fund.

Effective  
immediately.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 7, 1933.

Passed the Senate February 23, 1933.

Approved by the Governor March 3, 1933.