

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2167**

Chapter 159, Laws of 1994

53rd Legislature  
1994 Regular Session

THOROUGHBRED RACING FUND DISTRIBUTION

EFFECTIVE DATE: 3/30/94

Passed by the House March 6, 1994  
Yeas 88 Nays 0

BRIAN EBERSOLE

**Speaker of the  
House of Representatives**

Passed by the Senate March 3, 1994  
Yeas 47 Nays 0

JOEL PRITCHARD

**President of the Senate**

Approved March 30, 1994

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2167** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

**Chief Clerk**

FILED

March 30, 1994 - 1:09 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2167**

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AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

**State of Washington                      53rd Legislature                      1994 Regular Session**

**By** House Committee on Revenue (originally sponsored by Representatives Heavey, G. Fisher, Lemmon, Forner, Voloria, Roland, Eide, Campbell, Jones, Dorn, Zellinsky, Rayburn, Springer, Leonard and Patterson)

Read first time 02/04/94.

1            AN ACT Relating to thoroughbred race track gross receipts and  
2            licensing provisions; amending RCW 67.16.105 and 67.16.250; creating a  
3            new section; and declaring an emergency.

4            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    It is the intent of the legislature to  
6            terminate payments into the Washington thoroughbred racing fund from  
7            licensees of nonprofit race meets from the effective date of this act  
8            until June 1, 1995, and to provide that one-half of moneys that  
9            otherwise would have been paid into the fund be directed to enhanced  
10           purses and one-half of moneys be deposited in an escrow or trust  
11           account and used solely for construction of a new thoroughbred race  
12           track facility in western Washington.

13           **Sec. 2.**    RCW 67.16.105 and 1993 c 170 s 2 are each amended to read  
14           as follows:

15           (1) Licensees of race meets that are nonprofit in nature, are of  
16           ten days or less, and have an average daily handle of one hundred  
17           twenty thousand dollars or less shall withhold and pay to the  
18           commission daily for each authorized day of racing one-half percent of

1 the daily gross receipts from all parimutuel machines at each race  
2 meet.

3 (2) Licensees of race meets that do not fall under subsection (1)  
4 of this section shall withhold and pay to the commission daily for each  
5 authorized day of racing the following applicable percentage of all  
6 daily gross receipts from all parimutuel machines at each race meet:

7 (a) If the daily gross receipts of all parimutuel machines are more  
8 than two hundred fifty thousand dollars, the licensee shall withhold  
9 and pay to the commission daily two and one-half percent of the daily  
10 gross receipts; and

11 (b) If the daily gross receipts of all parimutuel machines are two  
12 hundred fifty thousand dollars or less, the licensee shall withhold and  
13 pay to the commission daily one percent of the daily gross receipts.

14 (3) In addition to those amounts in subsections (1) and (2) of this  
15 section, all licensees shall forward one-tenth of one percent of the  
16 daily gross receipts of all parimutuel machines to the commission daily  
17 for payment to those nonprofit race meets as set forth in RCW 67.16.130  
18 and subsection (1) of this section, but said percentage shall not be  
19 charged against the licensees. The total of such payments shall not  
20 exceed one hundred fifty thousand dollars in any one year and any  
21 amount in excess of one hundred fifty thousand dollars shall be  
22 remitted to the general fund. Payments to nonprofit race meets under  
23 this subsection shall be distributed on a pro rata per-race-day basis  
24 and used only for purses at race tracks that have been operating under  
25 RCW 67.16.130 and subsection (1) of this section for the five  
26 consecutive years immediately preceding the year of payment.

27 (4) In addition to those sums paid to the commission in subsection  
28 (2) of this section, licensees who are nonprofit corporations and have  
29 race meets of thirty days or more shall (~~withhold and pay to the~~  
30 ~~commission daily for each authorized day of racing~~) retain and  
31 dedicate: (a) An amount equal to one and one-quarter percent of the  
32 daily gross receipts of all parimutuel machines at each race meet to be  
33 used solely for the purpose of increasing purses; and (b) an amount  
34 equal to one and one-quarter percent of the daily gross receipts of all  
35 parimutuel machines at each race meet to be deposited in an escrow or  
36 trust account and used solely for construction of a new thoroughbred  
37 race track facility in western Washington. Said percentages shall come  
38 from that amount the licensee is authorized to retain under RCW

1 67.16.170(2). ((The commission shall deposit these moneys in the  
2 Washington thoroughbred racing fund created in RCW 67.16.250.

3 ~~(5) The additional one and one quarter percent of the moneys~~  
4 ~~allowed to be retained by this section must be used for increased~~  
5 ~~purses.))~~ The commission shall adopt such rules as may be necessary to  
6 enforce this subsection. The provisions of this subsection shall apply  
7 through June 1, 1995.

8 (5) In the event the new racetrack is not constructed before  
9 January 1, 2001, all funds including interest, remaining in the escrow  
10 or trust account established in subsection (4) of this section, shall  
11 revert to the state general fund.

12 (6) Effective ((January 1, 1994, the amount of daily gross receipts  
13 withheld and paid to the commission, as set out in subsection (4) of  
14 this section, shall revert to two and one half percent of the daily  
15 gross receipts of all parimutuel machines at each race meet)) June 1,  
16 1995, licensees who are nonprofit corporations and have race meets of  
17 thirty days or more shall withhold and pay to the commission daily for  
18 each authorized day of racing an amount equal to two and one-half  
19 percent of the daily gross receipts of all parimutuel machines at each  
20 race meet. These percentages shall come from the amount that the  
21 licensee is authorized to retain under RCW 67.16.170(2) and shall be in  
22 addition to those sums paid to the commission in subsection (2) of this  
23 section. The commission shall deposit these moneys in the Washington  
24 thoroughbred racing fund created in RCW 67.16.250.

25 **Sec. 3.** RCW 67.16.250 and 1991 c 270 s 12 are each amended to read  
26 as follows:

27 The Washington thoroughbred racing fund is created in the state  
28 treasury. Effective June 1, 1995, all receipts derived under RCW  
29 67.16.105(~~(4)~~)) (6) from licensees who are nonprofit corporations and  
30 whose race meets are thirty days or more shall be deposited into the  
31 account. Moneys in the account may be spent only after legislative  
32 appropriation. Expenditures from the account shall be expended to  
33 benefit and support interim continuation of thoroughbred racing,  
34 capital construction of a new race track facility, and programs  
35 enhancing the general welfare, safety, and advancement of the  
36 Washington thoroughbred racing industry.

1        NEW SECTION.    **Sec. 4.**    This act is necessary for the immediate  
2 preservation of the public peace, health, or safety, or support of the  
3 state government and its existing public institutions, and shall take  
4 effect immediately.

      Passed the House March 6, 1994.

      Passed the Senate March 3, 1994.

      Approved by the Governor March 30, 1994.

      Filed in Office of Secretary of State March 30, 1994.