

Rec, Mar. 11, 1933

#100

ENROLLED BILL

Regular Session

COM. SUB. for
SENATE BILL NO. 100

By Mr. Smith

PASSED March 11, 1933

IN EFFECT ninety days from PASSAGE

Originating in the *Senate* Takes effect *ninety days from passage.*
Sam R. R. R. Clerk.
W. O. R. R. Clerk of the House of Delegates.

CORRECTLY ENROLLED

James L. Smith
Chairman House Committee.

Spencer D. Davis
Chairman Senate Committee.

ENROLLED BILL

(Com. Sub. for S. B. No. 100)

[Passed March 11, 1933; in effect ninety days from passage.]

AN ACT to encourage breeding, rehabilitate blue grass farms, provide additional funds for education, and to provide for the regulation, control and licensing of trials of speed, competitive and otherwise, within the state of West Virginia.

Be it enacted by the Legislature of West Virginia:

Section 1. No person or persons, association or corporation shall hereafter hold or conduct any meeting within the state of West Virginia whereat racing shall be permitted for any stake, purse or reward except under direct supervision of the commissioner of agriculture, who shall prescribe the rules and regulations under which these races are to be conducted.

Sec. 2. The commissioner of agriculture shall appoint a secretary of racing and such additional help as is necessary to administer all racing details of this office. Salaries of such officers shall be fixed by the commissioner of agriculture and

5 shall be paid only from the funds in the hands of the state
 6 treasurer collected from the license tax on pari-mutuel ma-
 7 chines. The entire expense of the administration of this de-
 8 partment shall in no year exceed five per cent of the total
 9 amount paid to the state treasurer from license fees of said
 10 pari-mutuel machines.

Sec. 3. All funds collected as a tax from the operation of
 2 pari-mutuel machines shall be paid directly to the state treas-
 3 urer, and be deposited by him to the credit of the state school
 4 fund.

Sec. 4. A person or persons, association or corporation de-
 2 siring to permit betting within their enclosure at which racing
 3 is to be held, shall apply to the commissioner of agriculture for
 4 a license to so do. Such application shall be filed with the com-
 5 missioner of agriculture at least ten days before the opening
 6 date of such meeting and shall specify the days upon which
 7 racing is desired to be conducted, and such application shall be
 8 in such form and supply such data and information as the com-
 9 missioner of agriculture shall prescribe. The commissioner of
 10 agriculture shall have the power to reject any application for
 11 a license for any cause which he may deem sufficient. But if

A. Rogers

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

James D. Smith

Chairman Senate Committee.

James D. Smith

Chairman House Committee.

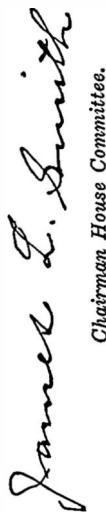
James D. Smith

Enrolled C. S. for S. B. No. 100] 3

12 said license is refused or revoked, said commissioner of agri-
13 culture shall publicly state his reasons for so doing and said
14 reasons shall be written in full in the minute book of said com-
15 mission, which shall at all times be subject to inspection upon
16 application of anyone desiring so to do. Said findings shall be
17 subject to review of the courts in the county in which the race
18 track is located.

Sec. 5. A person or persons, association or corporation
2 licensed by the commissioner of agriculture to conduct racing
3 under this act shall pay to the treasurer of the state of West
4 Virginia, in his capacity as ex officio treasurer, a sum equal to
5 three per cent of the total contributions to all pari-mutuel pools
6 conducted or made on any and every race track licensed under
7 this act. Said payment shall be made after the last race of each
8 and every day of each and every race meeting, and shall be
9 accompanied by a report under oath showing the total of all
10 said contributions to all pari-mutuel pools on each and every
11 race of the day.

12 A person or persons, association or corporation licensed by
13 the commissioner of agriculture shall permit only the pari-
14 mutuel system of betting within their enclosure at which racing


Chairman Senate Committee.
Chairman House Committee.
Chairman House Committee.

15 is held and the commission deducted from the pari-mutuel pools
16 shall not exceed ten per cent of the gross amount handled and
17 the breaks which shall be made and calculated on the penny.
18 Any violation of this rule shall be punished by revocation of
19 license. A supervisor of the pari-mutuel betting shall be ap-
20 pointed by the commissioner of agriculture and shall be com-
21 pensated by the association where he is employed. The duties
22 of such supervisor shall be determined from time to time by
23 the commissioner of agriculture. Such supervisor shall be sub-
24 ject at any time for removal by the commission.

25 Any person aiding or abetting in the conduct of any meet-
26 ing within the state of West Virginia at which racing and bet-
27 ting on the same shall be permitted for any stake, purse or re-
28 ward, except in accordance with a license duly issued and un-
29 suspended or unrevoked by the commissioner of agriculture,
30 shall be guilty of a misdemeanor, and, upon conviction, shall
31 be punished by a fine of not less than five hundred dollars and
32 not more than ten thousand dollars for each day of such un-
33 authorized meeting or by imprisonment for not exceeding two
34 years, or both fine and imprisonment, in the discretion of the
35 court.

CORRECTLY ENROLLED

D. H. Hays

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

Enrolled C. S. for S. B. No. 100] 5

Sec. 6. The license tax herein imposed shall be in lieu of all
2 other license, income, excise, special or franchise tax to the
3 state of West Virginia, and no county, city, town, municipality
4 or other political subdivision of the state of West Virginia shall
5 be authorized or empowered to levy or impose any license, in-
6 come, excise, special or franchise tax on any such person, per-
7 sons, association or corporation engaged in the business of con-
8 ducting a race track at which races are run for purses or prizes
9 under the jurisdiction of the commissioner of agriculture, or
10 on operation or maintenance of any pari-mutuel machine or
11 similar device or on the sale of any commodity or merchandise
12 during the running of races at any such race track.

13 All other acts, whether general or local, public or private, or
14 previous grants or franchises, inconsistent with the provisions
15 of this act are hereby repealed, except as hereinbefore pro-
16 vided.

Filed in the office of the Secretary of State
of West Virginia. MAY 17 1933
Wm. S. O'BRIEN,
Secretary of State

CORRECTLY ENROLLED

James A. Smith
Chairman Senate Committee.

Geo. S. Hall
Clerk of the House of Delegates.

6 [Enrolled C. S. for S. B. No. 100

B. S. Spier
Speaker of the House of Delegates.

A. G. M. Andrews
President of the Senate.

James A. Smith
Chairman House Committee.

Paul R. Smith
Clerk of the Senate.

The within is disapproved

this 16th day of March, 1933.

H. B. Kump
Governor.

The within is disapproved for the reason that the apparent object of the bill is not expressed in the title; because the title is misleading, and because the bill is vague and too uncertain for reasonable enforcement.

H. B. Kump, Governor,