

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 104

(By Mr. Committee Substitute)



PASSED March 7, 1947

In Effect Thirty days from Passage



104

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 104

(Originating in the Committee on Finance)

[Passed March 7, 1947; in effect ninety days from passage.]

AN ACT to amend chapter seventy-one, acts of the Legislature, one thousand nine hundred thirty-five, by amending and reenacting sections three, six and seven thereof, and by adding thereto a new section, to be designated section six-a, relating to the regulation and licensing of horse racing, and the operation of the pari-mutuel system of wagering within the state.

Be it enacted by the Legislature of West Virginia:

That chapter seventy-one, acts of the Legislature, one thousand nine hundred thirty-five, be amended by amending and reenacting sections three, six and seven thereof, and by adding thereto a new section to be designated section six-a, to read as follows:

Section 3. *Revenue from Operation of Pari-Mutuel*

2 *Pools Deposited to Credit of General Fund.*—All revenue
3 collected as taxes from the operation of pari-mutuel pools
4 shall be paid directly to the treasurer of the state of West
5 Virginia, and be deposited by him to the credit of the gen-
6 eral fund of the state.

Sec. 6. *Per Diem Tax on Tracks; Tax on Total Contri-*

2 *bution to Pari-Mutuel Pools; When Bond Required.*—A
3 person operating any horse race track one mile or more in
4 length shall pay each day upon which horse races are
5 run a license tax of five hundred dollars; any race track
6 less than one mile in length shall pay for each day
7 upon which horse races are run a license tax of two hun-
8 dred fifty dollars: *Provided, however,* That the per diem
9 tax shall not apply to horse shows or county fairs at which
10 racing is conducted for not more than five days. Any
11 person licensed by the commission to conduct racing and
12 to permit and conduct pari-mutuel wagering under this
13 act, shall in addition to the aforementioned tax, pay to
14 the racing commission of the state of West Virginia a tax
15 of three per cent of the total contribution to all pari-

16 mutuel pools conducted or made at any and every race
17 meeting licensed under this article. Said payments shall
18 be made to the commission or its agent after the last race
19 on each day and every day or each and every race meet-
20 ing, and shall be made from all contributions to all pari-
21 mutuel pools to each and every race of the day, which
22 payment shall be deposited with the treasurer of the state
23 of West Virginia.

24 Any person making application for a license for a meet-
25 ing to be held on any track in the state of West Virginia,
26 shall, when required, furnish satisfactory evidence to the
27 commission of his or their ability to pay license fees,
28 purses, salaries of officials and other expenses incident to
29 the meeting. In the event the applicant is not able to fur-
30 nish such satisfactory evidence of his or their ability to
31 pay such expenses and fees, then the commission may
32 require bond or other adequate security for not more
33 than four successive days before such license is issued.

Sec. 6-a. *Disposition of Funds for Payment of Out-*
2 *standing Pari-Mutuel Tickets.*—All moneys held by any
3 licensee for payment of outstanding pari-mutuel tickets,

4 if not claimed within one year after the close of any
5 race meeting, shall be turned over by the licensee to the
6 commission within fifteen days after the expiration of such
7 one-year period, and the licensee shall give such in-
8 formation as the commission may require concerning
9 such outstanding and unredeemed tickets. All such
10 moneys shall be deposited by the commission with the
11 treasurer of the state of West Virginia, to be kept by him
12 in a special account to be known as "West Virginia Rac-
13 ing Commission Special Account -- Unredeemed Pari-
14 mutuel Tickets." The commission shall cause to be pub-
15 lished one time, in some newspaper published of gen-
16 eral circulation in the county in which such race meeting
17 was held, a notice to the holders of such unredeemed tick-
18 ets, notifying them to present such tickets for payment
19 at the office of the commission in the city of Charleston
20 within one year from the date of the publication of such
21 notice.

22 Any such tickets that shall not be presented for pay-
23 ment within one year from the date of the publication
24 of the notice shall thereafter be irredeemable, and the

25 moneys theretofore held for the redemption of such
26 tickets shall become the property of the state of West
27 Virginia, and be deposited to the credit of the general
28 fund of the state, and be expended in such manner as may
29 be provided by law.

30 The costs for the publication of the notice provided for
31 by this section shall be paid from the funds in the hands
32 of the state treasurer collected from the license tax on
33 pari-mutuel wagering, when not otherwise provided in
34 the budget; but no such costs shall be paid unless an
35 itemized account thereof, under oath, be first filed with
36 the state auditor.

Sec. 7. *Only Pari-Mutuel System of Wagering Permitted; Minors; Supervisor.*—A person licensed by the commission shall permit only the pari-mutuel system of wagering within the enclosure at which horse racing is held, and the commission deducted by the licensee from the said pari-mutuel pools shall not exceed twelve per cent of the total pari-mutuel pools for the day, including the license fee of the gross amount handled hereinbefore provided for, and the breakage, which shall be made and calcu-

10 lated to the dime: *Provided, however,* That no holder of
11 such license shall permit or allow any person under the
12 age of twenty-one years to wager thereat, knowing or
13 having reason to believe that such person is under the age
14 of twenty-one years. Any violation of this proviso shall
15 be punishable by revocation of license.

16 A supervisor of pari-mutuel pools shall be appointed
17 by the commission and shall be compensated by said
18 commission. Said supervisor shall have free access to the
19 space or enclosure where the pari-mutuel pool system of
20 wagering is conducted or calculated at any race meet-
21 ing to which he shall be assigned for the purpose of ascer-
22 taining whether or not said licensee is retaining only the
23 commission provided for in said section, and shall have
24 general supervisory powers over the operation of the
25 pari-mutuel pools. He shall also, for the same purposes
26 only, have full and free access to all records and papers
27 pertaining to such pari-mutuel pool system of wagering,
28 and shall report to the commission in writing, under oath,
29 whether or not the licensee has retained any commis-
30 sions in excess of those permitted under this act.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McNeer
Chairman Senate Committee

B. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect Thirty days from passage.

Howard Myers
Clerk of the Senate

J. R. Slipp
Clerk of the House of Delegates

Arnold W. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 14th
day of March, 1947.

Donnell Rodgers
Governor.



Filed in the Office of the Secretary of State
of West Virginia.....

MAR 14 1947

WM. S. O'BRIEN,
SECRETARY OF STATE