WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 104

(By Mr. Committee Substitute)

PASSED March 7, 1947

In Effect Nineteen 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 Pools Deposited to Credit of General Fund.—All revenue collected as taxes from the operation of pari-mutuel pools shall be paid directly to the treasurer of the state of West Virginia, and be deposited by him to the credit of the general fund of the state.

Sec. 6. Per Diem Tax on Tracks; Tax on Total Contribution to Pari-Mutuel Pools; When Bond Required.—A person operating any horse race track one mile or more in length shall pay each day upon which horse races are run a license tax of five hundred dollars; any race track less than one mile in length shall pay for each day upon which horse races are run a license tax of two hundred fifty dollars: Provided, however, That the per diem tax shall not apply to horse shows or county fairs at which racing is conducted for not more than five days. Any person licensed by the commission to conduct racing and to permit and conduct pari-mutuel wagering under this act, shall in addition to the aforementioned tax, pay to the racing commission of the state of West Virginia a tax of three per cent of the total contribution to all pari-
mutuel pools conducted or made at any and every race
meeting licensed under this article. Said payments shall
be made to the commission or its agent after the last race
on each day and every day or each and every race meet-
ing, and shall be made from all contributions to all par-
mutuel pools to each and every race of the day, which
payment shall be deposited with the treasurer of the state
of West Virginia.

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

Sec. 6-a. Disposition of Funds for Payment of Out-
standing Pari-Mutuel Tickets.—All moneys held by any
licensee for payment of outstanding pari-mutuel tickets,
if not claimed within one year after the close of any race meeting, shall be turned over by the licensee to the commission within fifteen days after the expiration of such one-year period, and the licensee shall give such information as the commission may require concerning such outstanding and unredeemed tickets. All such moneys shall be deposited by the commission with the treasurer of the state of West Virginia, to be kept by him in a special account to be known as "West Virginia Racing Commission Special Account—Unredeemed Pari-mutuel Tickets." The commission shall cause to be published one time, in some newspaper published of general circulation in the county in which such race meeting was held, a notice to the holders of such unredeemed tickets, notifying them to present such tickets for payment at the office of the commission in the city of Charleston within one year from the date of the publication of such notice. Any such tickets that shall not be presented for payment within one year from the date of the publication of the notice shall thereafter be irredeemable, and the
moneys theretofore held for the redemption of such
tickets shall become the property of the state of West
Virginia, and be deposited to the credit of the general
fund of the state, and be expended in such manner as may
be provided by law.

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

Sec. 7. Only Pari-Mutuel System of Wagering Permitted; Minors; Supervisor.—A person licensed by the com-
mission shall permit only the pari-mutuel system of wa-
gering 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-
Provided, however, That no holder of such license shall permit or allow any person under the age of twenty-one years to wager thereat, knowing or having reason to believe that such person is under the age of twenty-one years. Any violation of this proviso shall be punishable by revocation of license.

A supervisor of pari-mutuel pools shall be appointed by the commission and shall be compensated by said commission. Said supervisor shall have free access to the space or enclosure where the pari-mutuel pool system of wagering is conducted or calculated at any race meeting to which he shall be assigned for the purpose of ascertaining whether or not said licensee is retaining only the commission provided for in said section, and shall have general supervisory powers over the operation of the pari-mutuel pools. He shall also, for the same purposes only, have full and free access to all records and papers pertaining to such pari-mutuel pool system of wagering, and shall report to the commission in writing, under oath, whether or not the licensee has retained any commissions 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. McKee
Chairman Senate Committee

R.L. Mathias
Chairman House Committee

Originated in the House of Delegates

Takes effect Thirty days from passage.

Howard Meyers
Clerk of the Senate

Ralph
Clerk of the House of Delegates

Arnold M. Vickery
President of the Senate

John E. Amos
Speaker House of Delegates

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

Owen Moore
Governor

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

WM. S. CRAIG,
SECRETARY OF STATE