ENROLLED

SENATE BILL NO. 181

(By Mr. ..............................................)

PASSED March 5, 1957

In Effect From Passage
AN ACT to amend and reenact sections thirteen, sixteen and seventeen-a, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend article twenty-four of said chapter nineteen by adding thereto a new section, designated section six-a, all relating to West Virginia racing commission personnel and the licensing, management and control of horse race meetings and race tracks thereby.

Be it enacted by the Legislature of West Virginia:

That sections thirteen, sixteen and seventeen-a, article twenty-three, chapter nineteen of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that article twenty-four of said chapter nineteen be amended by adding thereto a new section, designated section six-a, all to read as follows:

Article 23. Horse Racing.

Section 13. Racing Commission; Qualifications and Compensation of Members, Secretary, Steward and Employees.

The compensation of the members of the commission shall not exceed the sum of forty dollars per day, and actual bona fide expenses, while actually engaged in the business of the commission, and shall not exceed the sum of four thousand dollars per annum in the aggregate for compensation. The commission shall, under the restrictions and within the qualifications hereinafter set forth, appoint a secretary and steward, to represent the commission, and such additional help as shall be reasonably necessary to administer the provisions of this article, and shall, within the limits prescribed by the legislature, fix their compensation and actual expenses. The compensation and actual expenses of the members and employees of the commission shall be paid from the funds in the
hands of the state treasurer collected from the license tax on parimutuel wagering and shall be itemized in the budget in the same manner as all other departments of the state government, but no such expenses shall be paid unless an itemized account thereof, under oath, be first filed with the state auditor.

(a) No person who directly or indirectly has an interest in any manner whatsoever, including an interest as owner, lessor, lessee, stockholder or employee, in any race track, where horse race meetings may be held, shall be eligible for appointment to the commission,

(b) No person while serving as a member of the legislature, or as an elective officer of this state, shall be eligible for appointment to the commission.

(c) No person convicted of an offense, which, under the laws of this state or any other state or of the United States of America, constitutes a felony or a violation of chapter sixty-one, article four of this code, shall be eligible for appointment to the commission.

(d) No person shall knowingly be employed by the commission in any capacity whatsoever who shall:
1. Directly, or indirectly, or in any capacity, own or have an interest in any race track where horse race meetings may be held, included an interest as owner, lessor, lessee, stockholder or employee.

2. At the time of his employment as a racing official be or have been within one year prior thereto, a member of the legislature or an elective officer of this state, unless he is experienced and qualified as a racing official.

3. Have been prior to the time of his employment, or shall be during the time of his employment, convicted of an offense, which, under the laws of this state or any other state or of the United States of America, constitutes a felony or a violation of chapter sixty-one, article four of this code.

4. In any manner have delegated to him the duties and powers of the members of the commission, as director or supervisor of racing, or in any other manner or capacity whatsoever.

Any steward employed by the commission or by a licensee thereof, shall be a person of integrity, and experienced and qualified for such position by the generally
accepted practices and customs of horse racing in the United States.

Any person violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than six months nor more than one year or be fined not less than five hundred nor more than one thousand dollars, or, in the discretion of the court, may be punished by both such fine and imprisonment. Venue of such offense shall be in the county, or any one of the counties, wherein the person violating this section carries out any duties of, or performs any work for, the commission, which constitutes the basis of the charge or complaint against him.

Sec. 16 Application for License; Priority of Racing Dates; Review.—Any person desiring to conduct a horse race meeting within the state of West Virginia to permit or conduct pari-mutuel pools shall apply to the West Virginia racing commission for a license to do so. Such application shall be filed with the commission at least thirty days prior to the first day of each horse race meeting which said person proposes to hold or conduct. The com-
mission shall prescribe blank forms in making such applications. Such applications shall specify the days upon which said race meeting is to be conducted. It shall state the name of the person making such application, the post-office address of the person making such application, the number of days he intends to hold or conduct such meeting (which shall be successive week days, excluding Sundays), and the location of the place or track or enclosure where he proposes to hold or conduct such race meeting.

No license shall be granted to any person, firm or corporation, the owners, members, stockholders, officers or directors of which shall consist of persons any one of whom has heretofore been convicted, within ten years prior to the date of such license application, of an offense which, under the laws of this state, of any other state or of the United States of America, shall constitute a felony or a crime involving moral turpitude.

In fixing dates for race meetings at the various tracks in this state the commission shall consider the racing circuits with which the race tracks in this state are associated, or contiguous to, and shall also consider dates
which are calculated to increase the tax revenues accruing from racing.

The commission shall promptly consider such applications and within ten days after the filing of such application with the commission, shall grant or reject any application for a license. If said license is refused, said commission shall forthwith publicly state its reasons for the refusal in writing, attach them to the application so refused and immediately notify the applicant. Such refusal and reasons for same shall, at all times, be subject to inspection upon application of anyone desiring to inspect same. Said findings shall be subject to review by mandamus in any court of this state having jurisdiction, including the circuit court of the county wherein the horse race meeting is proposed to be held, with the right to appeal to the supreme court of appeals in the manner prescribed by law.

Sec. 17-a. Disposition of Funds for Payment of Outstanding Pari-Mutuel Tickets.—All moneys held by any licensee for payment of outstanding pari-mutuel tickets, if not claimed within one hundred eighty days 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 hundred eighty day 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, on the day following the close of any race meeting, in some newspaper 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 hundred eighty days from the date of the publication of such notice.

Any such tickets that shall not be presented for payment within one hundred eighty days 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.

Article 24. Race Tracks.

Section 6-a. Restrictions on Construction Permits.—No construction permit which may be or has been issued under the provisions of this article shall be transferred or assigned in any manner whatsoever without the consent of the commission. When a permit is issued for construction of a race track for running, trotting or other particular type or kind of horse race meeting, the owner, holder or other person responsible for the race track constructed
under such permit may not convert or change the meeting into a horse race meeting of another type or kind within one year from and after the date on which construction is completed and the first race meeting is held, whichever is the later, but may, after expiration of such one year period, convert or change the type or kind of meeting with the consent of the commission entered of record.

The life of any construction permit issued under the provisions of this article shall be limited to a period of three months only: Provided, however, That if the commission is satisfied that the holder or holders of such permit has in good faith started construction of the proposed race track, such permit may be extended for successive periods of three months each but in no event shall the aggregate time of the permit exceed a period of twenty-four months from the date of the original permit. Any construction permit issued and in effect on the effective date of this section shall be included under and controlled by the provisions of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

Takes effect ________________ passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ______ approved ______ this the ________ day of ________ 1957.

[Signature]
Governor

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

MAR 12 1957
D. PITT O'BRIEN
SECRETARY OF STATE