

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 181

(By Mr.)

PASSED March 5 1957

In Effect From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 181

[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 Com-

2 pensionation of Members, Secretary, Steward and Employees.

3 —The compensation of the members of the commission
4 shall not exceed the sum of forty dollars per day, and
5 actual bona fide expenses, while actually engaged in the
6 business of the commission, and shall not exceed the sum
7 of four thousand dollars per annum in the aggregate for
8 compensation. The commission shall, under the restric-
9 tions and within the qualifications hereinafter set forth,
10 appoint a secretary and steward, to represent the com-
11 mission, and such additional help as shall be reasonably
12 necessary to administer the provisions of this article, and
13 shall, within the limits prescribed by the legislature, fix
14 their compensation and actual expenses. The compensa-
15 tion and actual expenses of the members and employees
16 of the commission shall be paid from the funds in the

17 hands of the state treasurer collected from the license tax
18 on parimutuel wagering and shall be itemized in the bud-
19 get in the same manner as all other departments of the
20 state government, but no such expenses shall be paid un-
21 less an itemized account thereof, under oath, be first filed
22 with the state auditor.

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

28 (b) No person while serving as a member of the legisla-
29 ture, or as an elective officer of this state, shall be eligible
30 for appointment to the commission.

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

36 (d) No person shall knowingly be employed by the
37 commission in any capacity whatsoever who shall:

38 1. Directly, or indirectly, or in any capacity, own or
39 have an interest in any race track where horse race meet-
40 ings may be held, included an interest as owner, lessor,
41 lessee, stockholder or employee.

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

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

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

56 Any steward employed by the commission or by a
57 licensee thereof, shall be a person of integrity, and ex-
58 perience and qualified for such position by the generally

59 accepted practices and customs of horse racing in the
60 United States.

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

Sec. 16 *Application for License; Priority of Racing*
2 *Dates; Review.*—Any person desiring to conduct a horse
3 race meeting within the state of West Virginia to permit
4 or conduct pari-mutuel pools shall apply to the West Vir-
5 ginia racing commission for a license to do so. Such ap-
6 plication shall be filed with the commission at least thirty
7 days prior to the first day of each horse race meeting
8 which said person proposes to hold or conduct. The com-

9 mission shall prescribe blank forms in making such ap-
10 plications. Such applications shall specify the days upon
11 which said race meeting is to be conducted. It shall state
12 the name of the person making such application, the post-
13 office address of the person making such application, the
14 number of days he intends to hold or conduct such meet-
15 ing (which shall be successive week days, excluding Sun-
16 days), and the location of the place or track or enclosure
17 where he proposes to hold or conduct such race meeting.

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

26 In fixing dates for race meetings at the various tracks
27 in this state the commission shall consider the racing
28 circuits with which the race tracks in this state are as-
29 sociated, or contiguous to, and shall also consider dates

30 which are calculated to increase the tax revenues accruing
31 from racing.

32 The commission shall promptly consider such applica-
33 tions and within ten days after the filing of such applica-
34 tion with the commission, shall grant or reject any ap-
35 plication for a license. If said license is refused, said com-
36 mission shall forthwith publicly state its reasons for the
37 refusal in writing, attach them to the application so re-
38 fused and immediately notify the applicant. Such refusal
39 and reasons for same shall, at all times, be subject to in-
40 spection upon application of anyone desiring to inspect
41 same. Said findings shall be subject to review by manda-
42 mus in any court of this state having jurisdiction, includ-
43 ing the circuit court of the county wherein the horse race
44 meeting is proposed to be held, with the right to appeal
45 to the supreme court of appeals in the manner prescribed
46 by law.

Sec. 17-a. *Disposition of Funds for Payment of Outstand-*
2 *ing Pari-Mutuel Tickets.*—All moneys held by any licensee
3 for payment of outstanding pari-mutuel tickets, if not
4 claimed within one hundred eighty days after the close

5 of any race meeting, shall be turned over by the licensee
6 to the commission within fifteen days after the expira-
7 tion of such one hundred eighty day period, and the
8 licensee shall give such information as the commission
9 may require concerning such outstanding and unredeem-
10 ed tickets. All such moneys shall be deposited by the com-
11 mission with the treasurer of the state of West Virginia,
12 to be kept by him in a special account to be known as
13 "West Virginia Racing Commission Special Account—Un-
14 redeemed Pari-Mutuel Tickets." The commission shall
15 cause to be published one time, on the day following the
16 close of any race meeting, in some newspaper of general
17 circulation in the county in which such race meeting was
18 held, a notice to the holders of such unredeemed tickets,
19 notifying them to present such tickets for payment at the
20 office of the commission in the city of Charleston within
21 one hundred eighty days from the date of the publication
22 of such notice.

23 Any such tickets that shall not be presented for pay-
24 ment within one hundred eighty days from the date of the
25 publication of the notice shall thereafter be irredeemable,

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

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

Article 24. Race Tracks.

Section 6-a. *Restrictions on Construction Permits.*—No
2 construction permit which may be or has been issued
3 under the provisions of this article shall be transferred or
4 assigned in any manner whatsoever without the consent
5 of the commission. When a permit is issued for construc-
6 tion of a race track for running, trotting or other particu-
7 lar type or kind of horse race meeting, the owner, holder
8 or other person responsible for the race track constructed

9 under such permit may not convert or change the meeting
10 into a horse race meeting of another type or kind within
11 one year from and after the date on which construction is
12 completed and the first race meeting is held, whichever
13 is the later, but may, after expiration of such one year
14 period, convert or change the type or kind of meeting
15 with the consent of the commission entered of record.

16 The life of any construction permit issued under the
17 provisions of this article shall be limited to a period of
18 three months only: *Provided, however,* That if the com-
19 mission is satisfied that the holder or holders of such per-
20 mit has in good faith started construction of the proposed
21 race track, such permit may be extended for successive
22 periods of three months each but in no event shall the
23 aggregate time of the permit exceed a period of twenty-
24 four months from the date of the original permit. Any
25 construction permit issued and in effect on the effective
26 date of this section shall be included under and controlled
27 by the provisions of this section.

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

E. Hancock
Chairman Senate Committee

Thomas M. Holt
Chairman House Committee

Originated in the Senate.

Takes effect From passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. H. ...
Speaker House of Delegates

The within approved this the 12th
day of March, 1957.

Lee P. Henderson
Governor



Filed in the Office of the Secretary of State
of West Virginia, **MAR 12 1957**
D. PITT O'BRIEN
SECRETARY OF STATE