

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1962

ENROLLED

Committee Substitute For
SENATE BILL NO. 42

(By Mr. *McCourt*)

PASSED *February 8* 1962

In Effect *From* Passage

Filed in Office of the Secretary of State
of West Virginia 2-15-62

JOE F. BURDETT
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 42
(By MR. McCOURT)

[Passed February 8, 1962; in effect from passage.]

AN ACT to amend and reenact sections seven and nine, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to taxes to be paid by and the financial responsibility of licensees conducting horse racing within the state, and to the regulation and control of horse racing.

Be it enacted by the Legislature of West Virginia:

That sections seven and nine, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**Section 7. Per Diem Tax on Tracks; Tax on Pool Con-
2 tribution; How Taxes Paid; Financial Responsibility of
3 Licensees.**—Any person conducting thoroughbred or run-
4 ning type racing, and/or harness type racing at any horse
5 race track one mile or more in length shall pay each day
6 upon which horse races are run, a license tax of five hun-
7 dred dollars; any race track less than one mile in length
8 shall pay for each day upon which horse races are run a
9 license tax of two hundred fifty dollars: *Provided, That*
10 the per diem tax shall not apply to horse shows or county
11 fairs at which racing is conducted for not more than six
12 days. Any person licensed by the commission to conduct
13 thoroughbred or running type racing and to permit and
14 conduct pari-mutuel wagering under this article shall, in
15 addition to the aforementioned tax, pay to the racing com-
16 mission of the State of West Virginia a tax of six per cent
17 of the total contribution to all pari-mutuel pools con-
18 ducted or made at any and every race meeting licensed
19 under this article: *Provided, however, That* on and after
20 the first day of July, one thousand nine hundred sixty-
21 three, said tax shall be reduced to five per cent of said

22 contributions. Such payments shall be made to the com-
23 mission or its agent after the last race on each day and
24 every day of each and every race meeting, and shall be
25 made from all contributions to all pari-mutuel pools to
26 each and every race of the day, which payment shall be
27 deposited with the treasurer of the State of West Virginia
28 to the credit of the general revenue fund.

29 Any person licensed by the commission to conduct
30 harness type horse racing and to permit and conduct
31 pari-mutuel wagering under this article shall, in addition
32 to the aforementioned license tax, pay to the racing com-
33 mission of the State of West Virginia, from the commis-
34 sion deducted each day by the licensee from the pari-
35 mutuel pools, as a tax, five per cent of the first one hun-
36 dred thousand dollars wagered, or any part thereof; six
37 per cent of the next one hundred fifty thousand dollars;
38 and seven per cent of all over that amount wagered each
39 day in all pari-mutuel pools conducted or made at any and
40 every harness horse race meeting licensed under this
41 article. Such payments shall be made to the commission
42 or its agent after the last race on each day and every day

43 of each and every race meeting, and shall be made from
44 all contributions to all pari-mutuel pools to each and every
45 race of the day, which payment shall be deposited with
46 the treasurer of the State of West Virginia to the credit
47 of the general revenue fund.

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

58 When issuing any license under this article, the com-
59 mission shall designate upon the face of the license, the
60 kind or type of horse racing for which the same is issued,
61 the number of days the licensee is permitted to conduct
62 horse racing of any kind, the location of the place or track
63 or enclosure at which the horse racing thereby permitted,

64 is to be conducted, and such other provisions and condi-
65 tions as the commission may wish to prescribe; no kind
66 or type of horse racing shall be conducted by a licensee
67 other than that for which the license is issued.

Sec. 9. Only Pari-mutuel System of Wagering Per-
2 **mited; Commission of Licensee on Pari-mutuel Pools;**
3 **Minors; Auditor.**—A person licensed by the commission
4 shall permit only the pari-mutuel system of wagering
5 within the enclosure at which horse racing is held, and
6 the commission deducted by any thoroughbred or running
7 horse race licensee from the said pari-mutuel pools shall
8 not exceed fifteen per cent and the commission deducted
9 by any harness horse race licensee from the said pari-
10 mutuel pools shall not exceed seventeen per cent of the
11 total pari-mutuel pools for the day, including the license
12 fee of the gross amount handled hereinbefore provided
13 for, plus the breakage, which shall be made and calculated
14 to the dime. Such breakage shall be retained by the
15 licensee: *Provided, however,* That on and after the first
16 day of July, one thousand nine hundred sixty-three, the
17 said commission so deducted by any thoroughbred or

18 running horse race licensee shall not exceed fourteen per
19 cent and said commission so deducted by any harness
20 horse racing licensee shall not exceed sixteen per cent.

21 No holder of such license shall permit or allow any per-
22 son under the age of twenty-one years to wager thereat,
23 knowing or having reason to believe that such person is
24 under the age of twenty-one years. Any violation of this
25 paragraph shall be punishable by revocation of license.

26 An auditor of pari-mutuel pools shall be appointed by
27 the commission and shall be compensated by said com-
28 mission. He shall be an experienced public accountant.
29 Said auditor shall have free access to the space or en-
30 closure where the pari-mutuel pool system of wagering
31 is conducted or calculated at any race meeting to which
32 he shall be assigned for the purpose of ascertaining
33 whether or not said licensee is retaining only the com-
34 mission provided for in said section. He shall also, for
35 the same purposes only, have full and free access to all
36 records and papers pertaining to such pari-mutuel pool
37 system of wagering, and shall report to the commission
38 in writing, under oath, whether or not the licensee has

39 retained any commissions in excess of those permitted
40 under this article.

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

James Davis, Jr.
Chairman Senate Committee

Mrs. W. W. Wickham
Chairman House Committee

Originated in the Senate.

Takes effect _____ passage.

Howard H. Hye
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Singleton
Speaker House of Delegates

The within *approved* this the *Fifteenth*
day of *February*, 1962.

W. W. Carson
Governor