WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED
SENATE BILL NO. 3
(By Mr. Mccourt)

PASSED March 17, 1965
In Effect July 1, 1965

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-18-65
ENROLLED

Senate Bill No. 3

(By MR. McCOURT)

[Passed March 12, 1965; in effect July 1, 1965.]

AN ACT to amend and reenact section two, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the qualifications and compensation of members of the West Virginia racing commission and the employment and qualifications of employees of the commission.

Be it enacted by the Legislature of West Virginia:

That section two, 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 2. Qualifications and Compensation of Members,

2 Secretary, Steward and Employees.—Each member of the commission shall receive a salary of five thousand dollars
per annum to be paid in monthly installments and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties as a member of the commission. 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 pari-mutuel 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, including 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, consti-
tutes 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 direc-
tor or supervisor of racing, or in any other manner or
capacity whatsoever, except such authority as shall be
necessary in order to carry out fully and effectively the
reasonable regulations adopted and promulgated by the
commission, may be delegated to employees and/or rep-
resentatives of the commission.

Any steward employed by the commission or by a
licensee thereof, shall be a person of integrity, and experi-
enced 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 imprison-
ment. 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1965. Passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 18th day of March, 1965.

Governor