

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 3

(By Mr. McCormick)

PASSED March 12, 1965

In Effect July 1, 1965 Passage

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
3 commission shall receive a salary of five thousand dollars

4 per annum to be paid in monthly installments and shall
5 be reimbursed for all actual and necessary expenses in-
6 curred in the performance of his duties as a member of
7 the commission. The commission shall, under the re-
8 strictions and within the qualifications hereinafter set
9 forth, appoint a secretary and steward, to represent the
10 commission, and such additional help as shall be rea-
11 sonably necessary to administer the provisions of this
12 article, and shall, within the limits prescribed by the
13 Legislature, fix their compensation and actual expenses.
14 The compensation and actual expenses of the members
15 and employees of the commission shall be paid from the
16 funds in the hands of the state treasurer collected from
17 the license tax on pari-mutuel wagering and shall be
18 itemized in the budget in the same manner as all other
19 departments of the state government, but no such ex-
20 penses shall be paid unless an itemized account thereof,
21 under oath, be first filed with the state auditor.

22 (a) No person who directly or indirectly has an interest
23 in any manner whatsoever, including an interest as owner,
24 lessor, lessee, stockholder or employee, in any race track,

25 where horse race meetings may be held, shall be eligible
26 for appointment to the commission.

27 (b) No person while serving as a member of the Leg-
28 islature, or as an elective officer of this state, shall be eli-
29 gible for appointment to the commission.

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

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

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

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

45 3. Have been prior to the time of his employment, or

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

51 4. In any manner have delegated to him the duties
52 and powers of the members of the commission, as direc-
53 tor or supervisor of racing, or in any other manner or
54 capacity whatsoever, except such authority as shall be
55 necessary in order to carry out fully and effectively the
56 reasonable regulations adopted and promulgated by the
57 commission, may be delegated to employees and/or rep-
58 resentatives of the commission.

59 Any steward employed by the commission or by a
60 licensee thereof, shall be a person of integrity, and experi-
61 enced and qualified for such position by the generally
62 accepted practices and customs of horse racing in the
63 United States.

64 Any person violating any provision of this section shall
65 be guilty of a misdemeanor, and, upon conviction, shall
66 be confined in jail not less than six months nor more

67 than one year or be fined not less than five hundred nor
68 more than one thousand dollars, or, in the discretion of
69 the court, may be punished by both such fine and impris-
70 onment. Venue of such offense shall be in the county,
71 or any one of the counties, wherein the person violating
72 this section carries out any duties of, or performs any
73 work for, the commission, which constitutes the basis of
74 the charge or complaint against him.

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

A. Ray Parker

Chairman Senate Committee

James W. Loop

Chairman House Committee

Originated in the Senate.

Takes effect

July 1, 1965

Passage.

J. S. Duncan

Clerk of the Senate

A. Blankenship

Clerk of the House of Delegates

Howard M. Hanson

President of the Senate

H. Lebar White

Speaker House of Delegates

The within *approved* this the *18*

day of *March*, 1965.

Frederic C. Smith

Governor

