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APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-82

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982



ENROLLED

SENATE BILL NO. 547

(By Mr. Staggs & Mr. Septoe)



PASSED March 13, 1982

In Effect ninety days from Passage



ENROLLED

Senate Bill No. 547

(By MR. STAGGERS AND MR. STEPTOE)

[Passed March 13, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to horse and dog racing; disposition of money from unredeemed pari-mutuel tickets at horse and dog race meetings.

Be it enacted by the Legislature of West Virginia:

That section thirteen, 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:

ARTICLE 23. HORSE AND DOG RACING.

PART VIII. DISPOSITION OF FUNDS FOR PAYMENT OF OUTSTANDING AND UNREDEEMED PARI-MUTUEL TICKETS; IRREDEEMABLE TICKETS; AWARDS.

§19-23-13. Disposition of funds for payment of outstanding and unredeemed pari-mutuel tickets; publication of notice; irredeemable tickets; awards to resident owners, etc., of winning horses and dogs.

- 1 (a) All moneys held by any licensee for the payment
- 2 of outstanding and unredeemed pari-mutuel tickets, if
- 3 not claimed within ninety days after the close of the
- 4 horse or dog race meeting in connection with which the
- 5 tickets were issued, shall be turned over by the licensee
- 6 to the racing commission within fifteen days after the
- 7 expiration of such ninety-day period, and the licensee
- 8 shall give such information as the racing commission

9 may require concerning such outstanding and unredeem-
10 ed tickets. All such moneys shall be deposited by the
11 racing commission in a banking institution of its choice
12 in a special account to be known as "West Virginia Rac-
13 ing Commission Special Account—Unredeemed Pari-
14 Mutuel Tickets." Notice of the amount, date and place
15 of such deposit shall be given by the racing commission,
16 in writing, to the state treasurer. The racing commis-
17 sion shall then cause to be published a notice to the
18 holders of such outstanding and unredeemed pari-mutuel
19 tickets, notifying them to present such tickets for pay-
20 ment at the principal office of the racing commission
21 within ninety days from the date of the publication of
22 such notice. Such notice shall be published within fifteen
23 days following the receipt of said moneys by the com-
24 mission from the licensee as a Class I legal advertise-
25 ment in compliance with the provisions of article three,
26 chapter fifty-nine of this code, and the publication area
27 for such publication shall be the county in which such
28 horse or dog race meeting was held.

29 (b) Any such pari-mutuel tickets that shall not be
30 presented for payment within ninety days from the date
31 of the publication of the notice shall thereafter be ir-
32 redeemable, and the moneys theretofore held for the
33 redemption of such pari-mutuel tickets shall become the
34 property of the racing commission, and shall be expended
35 as follows:

36 (1) To the owner of the winning horse in any horse
37 race at a horse race meeting held or conducted by any
38 licensee, provided that the owner of such horse is at the
39 time of such horse race a bona fide resident of this state,
40 a sum equal to ten percent of the purse won by such
41 horse. The commission may require proof that the owner
42 was, at the time of the race, a bona fide resident of this
43 state. Upon proof by the owner that he filed a personal
44 income tax return in this state for the previous two years
45 and that he owned real or personal property in this state
46 and paid taxes in this state on said property for the two
47 previous years, he shall be presumed to be a bona fide
48 resident of this state; and

49 (2) To the breeder (that is, the owner of the mare)
50 of the winning horse in any horse race at a horse race
51 meeting held or conducted by any licensee, provided that
52 the mare foaled in this state, a sum equal to ten percent
53 of the purse won by such horse; and

54 (3) To the owner of the stallion which sired the win-
55 ning horse in any horse race at a horse race meeting
56 held or conducted by any licensee, provided that the
57 mare which foaled such winning horse was served by a
58 stallion standing and registered in this state, a sum equal
59 to ten percent of the purse won by such horse; and

60 (4) When the moneys in the special account, known
61 as the "West Virginia Racing Commission Special Ac-
62 count—Unredeemed Pari-Mutuel Tickets" will more than
63 satisfy the requirements of subdivisions (1), (2) and
64 (3), subsection (b) of this section, the West Virginia
65 racing commission shall have the authority to expend the
66 excess moneys from unredeemed horse racing pari-
67 mutuel tickets as purse money in any race conditioned
68 exclusively for West Virginia bred or sired horses, and
69 to expend the excess moneys from unredeemed dog rac-
70 ing pari-mutuel tickets in supplementing purses and
71 establishing dog racing handicaps at the dog tracks.

72 (c) Nothing contained in this article shall prohibit
73 one person from qualifying for all or more than one of
74 the aforesaid.

75 (d) The cost of publication of the notice provided for
76 in this section shall be paid from the funds in the hands
77 of the state treasurer collected from the pari-mutuel
78 pools tax provided for in section ten of this article, when
79 not otherwise provided in the budget; but no such costs
80 shall be paid unless an itemized account thereof, under
81 oath, be first filed with the state auditor.

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

R. P. Boyles
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Todd C. Vail
Clerk of the Senate

Ch Blankenship
Clerk of the House of Delegates

Walter R. Brown
President of the Senate

Wm. H. Lee, Jr.
Speaker House of Delegates

The within is approved this the 24

day of March, 1982.

John R. Brown
Governor

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OFFICE OF THE GOVERNOR

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SECY. OF STATE