WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

SENATE BILL NO. 737
(Originating in the
(By Senator Committee on Finance)

PASSED MARCH 12, 1988
In Effect 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, authorizing the racing commission to expend funds from the "unredeemed pari-mutuel tickets" special account for continuation of racing days and for educational and promotional activities in connection with the West Virginia Thoroughbred Development Fund purposes.

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.

§19-23-13. Disposition of funds for payment of outstanding and unredeemed pari-mutuel tickets; publication of notice; irredeemable tickets; stake races for dog tracks.

(a) All moneys held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets, if not claimed within ninety days after the close of the horse or dog race meeting in connection with which the tickets were
issued, shall be turned over by the licensee to the racing
commission within fifteen days after the expiration of such
ninety-day period, and the licensee shall give such
information as the racing commission may require
concerning such outstanding and unredeemed tickets. All
such moneys shall be deposited by the racing commission in
a banking institution of its choice in a special account to be
known as "West Virginia Racing Commission Special
Account—Unredeemed Pari-Mutuel Tickets." Notice of the
amount, date and place of such deposit shall be given by the
racing commission, in writing, to the state treasurer. The
racing commission shall then cause to be published a notice
to the holders of such outstanding and unredeemed pari-
mutuel tickets, notifying them to present such tickets for
payment at the principal office of the racing commission
within ninety days from the date of the publication of such
notice. Such notice shall be published within fifteen days
following the receipt of said moneys by the commission
from the licensee as a Class I legal advertisement in
compliance with the provisions of article three, chapter
fifty-nine of this code, and the publication area for such
publication shall be the county in which such horse or dog
race meeting was held.

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

(1) To the owner of the winning horse in any horse race
at a horse race meeting held or conducted by any licensee:
Provided, That the owner of such horse is at the time of such
horse race a bona fide resident of this state, a sum equal to
ten percent of the purse won by such horse. The commission
may require proof that the owner was, at the time of the
race, a bona fide resident of this state. Upon proof by the
owner that he filed a personal income tax return in this state
for the previous two years and that he owned real or
personal property in this state and paid taxes in this state on
said property for the two previous years, he shall be
presumed to be a bona fide resident of this state; and

(2) To the breeder (that is, the owner of the mare) of the
winning horse in any horse race at a horse race meeting held
or conducted by any licensee: Provided, That the mare
foaled in this state, a sum equal to ten percent of the purse
won by such horse; and
(3) To the owner of the stallion which sired the winning
horse in any horse race at a horse race meeting held or
conducted by any licensee: Provided, That the mare which
foaled such winning horse was served by a stallion standing
and registered in this state, a sum equal to ten percent of the
purse won by such horse; and
(4) When the moneys in the special account, known as
the “West Virginia Racing Commission Special Account—
Unredeemed Pari-Mutuel Tickets” will more than satisfy
the requirements of subdivisions (1), (2) and (3), subsection
(b) of this section, the West Virginia racing commission.
shall have the authority to expend the excess moneys from
unredeemed horse racing pari-mutuel tickets as purse
money in any race conditioned exclusively for West
Virginia bred or sired horses, and to expend the excess
moneys from unredeemed dog racing pari-mutuel tickets in
supplementing purses and establishing dog racing
handicaps at the dog tracks: Provided, That for the fiscal
year one thousand nine hundred eighty-eight only, the
commission may expend up to one hundred seventy-five
cent of such excess moneys for the purpose of
continuing racing days at tracks under its jurisdiction, and
may expend up to one hundred thousand dollars of such
excess moneys, over and above funds otherwise available,
for the purpose of educational and promotional activities in
connection with the West Virginia thoroughbred
development fund as set forth in section thirteen-b of this
article. Prior to the expenditure thereof, the commission
shall submit to the commissioner of finance and
administration and the legislative auditor an expenditure
schedule containing the information required in such
schedules by the provisions of article two, chapter five-a of
this code. Beginning with the fiscal year one thousand nine
hundred eighty-nine, and in each fiscal year thereafter, the
commission shall submit to the legislative auditor a
quarterly report and accounting of the income,
expenditures and unobligated balance in the special
account created by this section.
(c) Nothing contained in this article shall prohibit one
person from qualifying for all or more than one of the aforesaid awards, or for awards under section thirteen-b of this article.

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

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill is approved this the 28th day of March, 1988.

Governor