

No. 737

WEST VIRGINIA LEGISLATURE

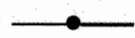
REGULAR SESSION, 1988



ENROLLED

SENATE BILL NO. 737

(Originating in the
Committee on Finance)
(By Senator *Committee on Finance*)



PASSED MARCH 12, 1988

In Effect from Passage



ENROLLED

Senate Bill No. 737

(Originating in the 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.

- 1 (a) All moneys held by any licensee for the payment of
- 2 outstanding and unredeemed pari-mutuel tickets, if not
- 3 claimed within ninety days after the close of the horse or
- 4 dog race meeting in connection with which the tickets were

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

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

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

47 (2) To the breeder (that is, the owner of the mare) of the

48 winning horse in any horse race at a horse race meeting held
49 or conducted by any licensee: *Provided*, That the mare
50 foaled in this state, a sum equal to ten percent of the purse
51 won by such horse; and

52 (3) To the owner of the stallion which sired the winning
53 horse in any horse race at a horse race meeting held or
54 conducted by any licensee: *Provided*, That the mare which
55 foaled such winning horse was served by a stallion standing
56 and registered in this state, a sum equal to ten percent of the
57 purse won by such horse; and

58 (4) When the moneys in the special account, known as
59 the "West Virginia Racing Commission Special Account—
60 Unredeemed Pari-Mutuel Tickets" will more than satisfy
61 the requirements of subdivisions (1), (2) and (3), subsection
62 (b) of this section, the West Virginia racing commission
63 shall have the authority to expend the excess moneys from
64 unredeemed horse racing pari-mutuel tickets as purse
65 money in any race conditioned exclusively for West
66 Virginia bred or sired horses, and to expend the excess
67 moneys from unredeemed dog racing pari-mutuel tickets in
68 supplementing purses and establishing dog racing
69 handicaps at the dog tracks: *Provided*, That for the fiscal
70 year one thousand nine hundred eighty-eight only, the
71 commission may expend up to one hundred seventy-five
72 thousand dollars of such excess moneys for the purpose of
73 continuing racing days at tracks under its jurisdiction, and
74 may expend up to one hundred thousand dollars of such
75 excess moneys, over and above funds otherwise available,
76 for the purpose of educational and promotional activities in
77 connection with the West Virginia thoroughbred
78 development fund as set forth in section thirteen-b of this
79 article. Prior to the expenditure thereof, the commission
80 shall submit to the commissioner of finance and
81 administration and the legislative auditor an expenditure
82 schedule containing the information required in such
83 schedules by the provisions of article two, chapter five-a of
84 this code. Beginning with the fiscal year one thousand nine
85 hundred eighty-nine, and in each fiscal year thereafter, the
86 commission shall submit to the legislative auditor a
87 quarterly report and accounting of the income,
88 expenditures and unobligated balance in the special
89 account created by this section.

90 (c) Nothing contained in this article shall prohibit one

91 person from qualifying for all or more than one of the
92 aforesaid awards, or for awards under section thirteen-b of
93 this article.

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

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

James O. Allison
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Jed C. Hillis
.....
Clerk of the Senate

Donald G. Kopp
.....
Clerk of the House of Delegates

Don Tolson
.....
President of the Senate

W. A. ...
.....
Speaker House of Delegates

The within *approved* this the *28th*
March day of 1988.

Richard D. ...
.....
Governor



PRESENTED TO THE
GOVERNOR

Date 3/22/88

Time 3:11 p.m.

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE