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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 4113

(By Mr. Speaker, Mr. Kiss and Delegate Michael)



Passed March 14, 1998

In Effect from Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA
STATE HOUSE

ENROLLED

H. B. 4113

(BY MR. SPEAKER, MR. KISS, AND DELEGATE MICHAEL)

[Passed March 14, 1998; in effect from passage.]

AN ACT to amend and reenact section twelve-c, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to simulcasting of horse and dog races and pari-mutuel wagering on simulcast races; providing for a negotiated signal transmission fee as consideration for a host racing association's televised racing services; providing for payments into racetrack employees' pension funds, the thoroughbred development fund and purse funds; and making technical corrections to clarify current law.

Be it enacted by the Legislature of West Virginia:

That section twelve-c, 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.

§19-23-12c. Interstate simulcasts by licensed racetracks.

- 1 (a) Any licensed racing association may be authorized
- 2 by the commission to transmit broadcasts of races
- 3 conducted at its racetrack to legal wagering entities located
- 4 outside this state, which legal wagering entities located
- 5 outside this state shall not be subject to the provisions of
- 6 subsection (e), section twelve-b of this article: *Provided,*
- 7 That as consideration for the televised racing services it
- 8 provides, the host racing association shall receive a signal

9 transmission fee to be paid by the receiving legal wagering
10 entity which shall be in an amount agreed upon by the
11 receiving legal wagering entity and the host racing
12 association. All broadcasts of horse races shall be in
13 accordance with all of the provisions of the "Federal
14 Interstate Horseracing Act of 1978", also known as
15 Public Law 95-515, Section 3001-3007 of Title 15 of the
16 United States Code.

17 (b) One percent of the total signal transmission fee
18 provided in subsection (a) of this section shall be paid into
19 a special fund to be established by the racing commission
20 for and on behalf of all employees of the licensed racing
21 association to be used for payments into the pension plan
22 for all employees of the licensed racing association, and
23 any thoroughbred horse racetrack which has participated
24 in the West Virginia thoroughbred development fund for a
25 period of more than four consecutive calendar years prior
26 to the thirty-first day of December, one thousand nine
27 hundred ninety-two shall pay seven and one-half percent
28 of the signal transmission fee into the West Virginia
29 thoroughbred development fund established by the
30 racing commission according to section thirteen-b of this
31 article. After deducting (i) the amounts required to be
32 placed into the pension plan for all employees of the
33 licensed racing association under this section, (ii) the
34 amounts, if any, required to be paid into the West Virginia
35 thoroughbred development fund under this section, and
36 (iii) the direct costs necessary to send a live audio and
37 visual signal of horse races or dog races from any
38 racetrack licensed under the provisions of section one of
39 this article to any legal wagering entities outside this state
40 for the purpose of pari-mutuel wagering, which direct
41 costs shall include the cost of satellite equipment necessary
42 to transmit the signal, a satellite operator and the satellite
43 time necessary to broadcast the signal and the cost of
44 telecommunication and facsimile services needed to
45 communicate necessary information to all legal wagering
46 entities for the purpose of pari-mutuel wagering,
47 thoroughbred horseracing associations shall make a
48 deposit equal to fifty percent of the remainder into the
49 purse fund established under the provisions of subdivision
50 (1), subsection (b), section nine of this article.

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

Barry Scheraga

Chairman Senate Committee

Nick Fantasia

Chairman House Committee

Originating in the House.

Takes effect from passage.

Carol Bellon

Clerk of the Senate

Gregory A. Long

Clerk of the House of Delegates

Earl Ray Tomblin

President of the Senate

Tim

Speaker of the House of Delegates

The within approved this the 6th
day of April, 1998.

Jeff Abernethy

Governor

PRESENTED TO THE

GOVERNOR

Date

3/26/98

Time

10:25 am