WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED

Committee Substitute for
SENATE BILL NO. 6

(By Senators CHEWENKO and BLATZ)

PASSED ________________
March 6, 1989

In Effect 90 days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 6
(By Senators Chernenko and Blatnik, Original Sponsors)

[Passed March 6, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve-a, article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permitting racetrack wagering on property controlled by the racing association that is contiguous to a racetrack, subject to certain requirements.

Be it enacted by the Legislature of West Virginia:

That section twelve-a, 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.

§19-23-12a. Pari-mutuel wagering on interstate and intrastate horse and dog racing.

1 (1) Notwithstanding any other provisions of this code, a racing association licensed in this state to conduct race meetings may, with the consent of the
4 racing commission and the written approval of the
5 authorized representative of a majority of the owners
6 and trainers who hold the permit required by section
7 two of this article at the horse racetrack, contract with
8 any legal wagering entity in this or any other state to
9 accept wagers on any race or races conducted by such
10 legal wagering entity. Unless the wager becomes part
11 of the host licensee's pari-mutuel pool, such wagering
12 shall be conducted within the confines of such
13 licensee's racetrack or at a hotel as defined in section
14 three, article six, chapter sixteen of this code, con-
15 trolled by such licensee and contiguous to the
16 licensee's property, subject to the following
17 requirements:
18 (a) That such hotel contain at least one hundred
19 rooms and be in existence on the effective date of this
20 section;
21 (b) That the licensee shall have invested at least one
22 million dollars in the hotel; and
23 (c) That such hotel is within one-half mile of the
24 licensee's racetrack surface.
25 (2) Such horse association shall retain a basic
26 commission not to exceed seventeen and twenty-five
27 one-hundredths percent of all money wagered, plus an
28 additional amount equal to one and seventy-five one-
29 hundredths percent of the amount wagered each day
30 on all multiple wagers determined by a combination of
31 two winning horses, including, but not limited to, the
daily double, quinella and perfecta or plus an addi-
32 tional amount equal to seven and seventy-five one-
33 hundredths percent of the amount wagered each day
34 on all trifecta wagers or any other multiple wager
35 which involves a single betting interest on three or
36 more horses. Breakage shall be calculated and
37 distributed in the manner provided by subsection (c),
38 section nine of this article.
39 (3) The commission deducted by any licensee from
40 the pari-mutuel pools on dog racing shall not exceed
41 sixteen and one-fourth percent of the total of such
42 pari-mutuel pools for the day.
(4) Out of the commission retained or deducted by a licensee under the provisions of subsections (2) and (3) of this section, the licensee shall pay one tenth of one percent into the general fund of the county commission of the county in which the racetrack is located, except if within a municipality, then to such municipality's general fund.

(5) The association shall pay each day a pari-mutuel pools tax calculated under the provisions of section ten of this article.

(6) After deducting the county or municipal share provided for in subsection (4) of this section and the pari-mutuel pools tax required by subsection (5) of this section, and the amount required to be paid under the terms of the contract with the legal wagering entity of this or another state and the cost of transmission, the horse racing association shall make a deposit equal to fifty percent of the remainder into the purse fund established under the provisions of subdivision (b) (1), section nine of this article.

(7) All of the provisions of the "Federal Interstate Horseracing Act of 1978," also known as Public Law 95-515, section 3001-3007 of title 15, U.S. Code, shall be instructive as the intent of this section.

(8) For the purposes of this section the words "legal wagering entity" shall be limited to any person engaged in horse racing or dog racing pursuant to a license or other permission granted by the state in which such person's racetrack is situated and conducting race meetings, with a pari-mutuel wagering system permitted under that state's laws and in which the participants are wagering with each other and not the operator.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is appointed this the _______ day of _______ 1989

Governor
PRESENTED TO THE
GOVERNOR
Date 3/13/69
Time 2:00