

No. 6

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1989**



**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO. 6**

(By Senators *CHERVENKO AND BLATNIK*)



**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*)

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

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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 intra-state horse and dog racing.**

- 1 (1) Notwithstanding any other provisions of this
- 2 code, a racing association licensed in this state to
- 3 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  
32 daily double, quinella and perfecta or plus an addi-  
33 tional amount equal to seven and seventy-five one-  
34 hundredths percent of the amount wagered each day  
35 on all trifecta wagers or any other multiple wager  
36 which involves a single betting interest on three or  
37 more horses. Breakage shall be calculated and  
38 distributed in the manner provided by subsection (c),  
39 section nine of this article.

40 (3) The commission deducted by any licensee from  
41 the pari-mutuel pools on dog racing shall not exceed  
42 sixteen and one-fourth percent of the total of such  
43 pari-mutuel pools for the day.

44 (4) Out of the commission retained or deducted by a  
45 licensee under the provisions of subsections (2) and (3)  
46 of this section, the licensee shall pay one tenth of one  
47 percent into the general fund of the county commis-  
48 sion of the county in which the racetrack is located,  
49 except if within a municipality, then to such  
50 municipality's general fund.

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

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

64 (7) All of the provisions of the "Federal Interstate  
65 Horseracing Act of 1978," also known as Public Law  
66 95-515, section 3001-3007 of title 15, U.S. Code, shall be  
67 instructive as the intent of this section.

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

Enr. Com. Sub. For S. B. No. 6] 4

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

*Shari Klatnik*  
.....  
~~the~~ Chairman Senate Committee

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

Originated in the Senate.

In effect ninety days from passage.

*Paul C. Nuchi*  
.....  
Clerk of the Senate

*Donald Z. Hoop*  
.....  
Clerk of the House of Delegates

*Sam T. Taylor*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *17<sup>th</sup>*  
day of *March* 1889

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/13/89

Time 2:00