

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Com. Sub. for Com. Sub. for
SENATE BILL NO. 270

(By Senator *Blatnick*)



PASSED *March 9,* 1990

In Effect *90 days from* Passage

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COMMITTEE SUBSTITUTE

FOR

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Senate Bill No. 270

(By SENATOR BLATNIK, *original sponsor*)

[Passed March 9, 1990; in effect ninety days from passage.]

AN ACT to amend article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-b, relating to the West Virginia racing commission; permitting televised racing days for racetrack licensees and authorizing commission to assign such days; permitting the comingling of pari-mutuel wagering pools on televised interstate races; providing certain definitions; requiring commission's auditor or steward to preside at televised racing day; providing for tax on licensees for televised racing days; providing for deposit into purse fund, and making certain federal law controlling in determining intent.

Be it enacted by the Legislature of West Virginia:

That article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as

amended, be amended by adding thereto a new section, designated section twelve-b, to read as follows:

ARTICLE 23. HORSE AND DOG RACING.

§19-23-12b. Televised racing days; merging of pari-mutuel wagering pools.

1 (a) For the purposes of this section:

2 (1) "Televised racing day" means a day, assigned by
3 the commission, at a licensed racetrack on which pari-
4 mutuel betting is conducted on horse or dog races run
5 at racetracks outside of the state which are broadcast
6 by television at a licensed racetrack and which day or
7 days have had the prior written approval of the
8 representative of the majority of the owners and
9 trainers who hold permits required by section two of
10 this article; and

11 (2) "Host racing association" means any person who,
12 pursuant to a license or other permission granted by
13 the host state, conducts the horse or dog race subject
14 to the interstate wager.

15 (b) A licensee conducting not less than two hundred
16 twenty live racing dates for each horse or dog race
17 meeting may, with the prior approval of the state
18 racing commission, contract with any legal wagering
19 entity in any other state to receive telecasts and accept
20 wagers on races conducted by such legal wagering
21 entity: *Provided*, That a track licensed to conduct only
22 horse racing may not receive telecasts of dog races,
23 and a track licensed to conduct only dog racing may
24 not receive telecasts of horse races other than nation-
25 ally televised special events such as the Kentucky
26 Derby, the Preakness, the Belmont Stakes and not
27 more than fifteen other special events deemed by the
28 racing commission to be of national significance. The
29 telecasts may be received and wagers accepted at any
30 location authorized by the provisions of section twelve-
31 a of this article. Such contract must receive the
32 approval of the representative of the majority of the
33 owners and trainers who hold permits required by
34 section two of this article at the receiving racetrack.

35 (c) The commission may allow the licensee to
36 commingle its wagering pools with the wagering pools
37 of the host racing association. If the pools are com-
38 mingled, the wagering at the licensee's racetrack must
39 be on tabulating equipment capable of issuing pari-
40 mutuel tickets and be electronically linked with the
41 equipment at the sending racetrack. Subject to the
42 approval of the commission, the types of betting,
43 licensee commissions and distribution of winnings on
44 pari-mutuel pools of the sending licensee racetrack are
45 those in effect at the licensee racetrack. Breakage for
46 pari-mutuel pools on a televised racing day must be
47 calculated in accordance with the law or rules govern-
48 ing the sending racetrack, and must be distributed in
49 a manner agreed to between the licensee and the
50 sending racetrack.

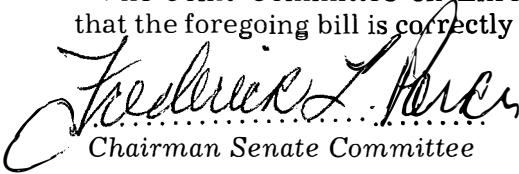
51 (d) The commission may assign televised racing days
52 at any time. When a televised racing day is assigned,
53 the commission shall assign either a steward or an
54 auditor to preside over the televised races at the
55 licensee racetrack.


56 (e) From the licensee commissions authorized by
57 subsection (c) of this section, there is imposed and the
58 licensee shall pay, for each televised racing day on
59 which the total pari-mutuel pool exceeds fifty thou-
60 sand dollars, the greater of either: (i) The total of the
61 daily license tax and the pari-mutuel pools tax
62 required by section ten of this article; or (ii) a daily
63 license tax of five hundred dollars. For each televised
64 racing day on which the total pari-mutuel pool is fifty
65 thousand dollars or less the licensee shall pay a daily
66 license tax of five hundred dollars. Payments of the
67 tax imposed by this section are subject to the require-
68 ments of subsection (e), section ten of this article.

69 (f) After deducting the tax required by subsection
70 (e) of this section, the amount required to be paid
71 under the terms of the contract with the legal wager-
72 ing entity of another state and the cost of transmission,
73 the horse racing association shall make a deposit equal
74 to fifty percent of the remainder into the purse fund
75 established under the provisions of subdivision (b)(1),
76 section nine of this article.

77 (g) The provisions of the "Federal Interstate Horse-
78 racing Act of 1978", also known as Public Law 95-515,
79 Section 3001-3007 of Title 15, U.S. Code, as amended,
80 shall be controlling in determining the intent of this
81 section.

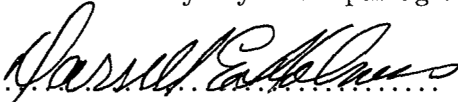
The Joint Committee on Enrolled Bills hereby certifies
that the foregoing bill is correctly enrolled.

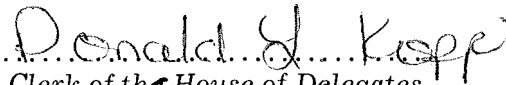

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Chairman Senate Committee

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Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate

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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within *is approved* this the *30th*
day of *March*, 1990.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/40

Time 10:20 am

RECEIVED

1930 MAR 30 AM 11:24

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE