WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

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

(By Senator Blonnie)

PASSED March 5, 1990
In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
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 commingling 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 the commission, at a licensed racetrack on which pari-mutuel betting is conducted on horse or dog races run at racetracks outside of the state which are broadcast by television at a licensed racetrack and which day or days have had the prior written approval of the representative of the majority of the owners and trainers who hold permits required by section two of this article; and
3 (2) "Host racing association" means any person who, pursuant to a license or other permission granted by the host state, conducts the horse or dog race subject to the interstate wager.

(b) A licensee conducting not less than two hundred twenty live racing dates for each horse or dog race meeting may, with the prior approval of the state racing commission, contract with any legal wagering entity in any other state to receive telecasts and accept wagers on races conducted by such legal wagering entity: Provided, That a track licensed to conduct only horse racing may not receive telecasts of dog races, and a track licensed to conduct only dog racing may not receive telecasts of horse races other than nationally televised special events such as the Kentucky Derby, the Preakness, the Belmont Stakes and not more than fifteen other special events deemed by the racing commission to be of national significance. The telecasts may be received and wagers accepted at any location authorized by the provisions of section twelve-a of this article. Such contract must receive the approval of the representative of the majority of the owners and trainers who hold permits required by section two of this article at the receiving racetrack.
(c) The commission may allow the licensee to commingle its wagering pools with the wagering pools of the host racing association. If the pools are commingled, the wagering at the licensee's racetrack must be on tabulating equipment capable of issuing parimutuel tickets and be electronically linked with the equipment at the sending racetrack. Subject to the approval of the commission, the types of betting, licensee commissions and distribution of winnings on pari-mutuel pools of the sending licensee racetrack are those in effect at the licensee racetrack. Breakage for pari-mutuel pools on a televised racing day must be calculated in accordance with the law or rules governing the sending racetrack, and must be distributed in a manner agreed to between the licensee and the sending racetrack.

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

(e) From the licensee commissions authorized by subsection (c) of this section, there is imposed and the licensee shall pay, for each televised racing day on which the total pari-mutuel pool exceeds fifty thousand dollars, the greater of either: (i) The total of the daily license tax and the pari-mutuel pools tax required by section ten of this article; or (ii) a daily license tax of five hundred dollars. For each televised racing day on which the total pari-mutuel pool is fifty thousand dollars or less the licensee shall pay a daily license tax of five hundred dollars. Payments of the tax imposed by this section are subject to the requirements of subsection (e), section ten of this article.

(f) After deducting the tax required by subsection (e) of this section, the amount required to be paid under the terms of the contract with the legal wagering entity of 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.
(g) The provisions of the “Federal Interstate Horse-racing Act of 1978”, also known as Public Law 95-515, Section 3001-3007 of Title 15, U.S. Code, as amended, shall be controlling in determining the intent of this section.
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 approved this the 30th day of March, 1990.

Governor