

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

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1988 MAR 30 PM 1:11

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: Racing Commission TITLE NUMBER: 178

CITE AUTHORITY: WV Code § 19-23-6 (a) (3)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: #/

TITLE OF RULE BEING AMENDED: thoroughbred

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: _____

TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

In order to remain competitive with surrounding race tracks both in this state and other states this form of wagering is needed to retain our patrons who otherwise may attend these other tracks, which offer this popular form of wagering. Especially since this form of wagering offers the potential for very high pay-offs. For example Thistledowns nearby Cleveland, Ohio is opening this season on March 30, 1988 offering a wagering pool similar to this. By our offering our patrons this form of wagering we are more likely to keep our patrons rather than losing them to this Cleveland track. Obviously, if we were to loss our patrons the effect on the lost of revenue to the state, county, horsemen and track owners would be dramatic.

Use Additional Sheets If Necessary.



DATE: March 30, 1988

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Racing Commission

EMERGENCY RULE TITLE: Thoroughbred

1. Date of filing: March 30, 1988
2. Statutory authority for promulgating the emergency rule: West Virginia Code § 19-23-6 (a) (3)
3. Date of filing of proposed legislative rule: March 30, 1988

4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?

This emergency rule adopts new language

5. Has the same or similar emergency rule previously been filed and expired?

no

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

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7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

TRI-SUPER WAGERING RULE

178-1-60

60.36 (a). The Tri-Super is a form of pari-mutuel wagering in which the bettor selects three runners that will finish first, second and third in one designated race, then selects the correct order of finish for first, second, third and fourth in another designated race. To obtain a Tri-super exchange ticket as described in paragraph (j), a first half ticket must have all three horses in the first designated race in the exact order of finish.

(b). Tri-super tickets shall be sold in not less than two dollar denominations by the licensee only from automatic ticket issuing machines.

(c). Each bettor purchasing tri-super tickets shall designate his three selections as the first three runners to finish in that order in the first race of the designated two races.

(d). After the wagering closes on the first half of the tri-super, the commission will be deducted from the pool in accordance with the law of the State of West Virginia. The remaining pool will then be divided into two separate pools of equal amounts.

(e). The monies in the first part of the divided pool will be distributed to the holders of the Trifecta portion selecting the first three runners in order on the first designated tri-super race in accordance with the established pari-mutuel practice.

The term, "first part of divided pool," shall mean one-half of the net distributable pool of the total monies wagered in the tri-super on the current performance only and specifically excluded therefrom shall be any carryover of any special cumulative second race tri-super pool from any previous performance.

(f). The second part of the divided pool will be placed in a separate pool to be distributed to holders of "second half" tri-super tickets selecting the first four runners in exact order in the second designated tri-super race.

(g). In the first half of the tri-super only, if no ticket is sold on a winning combination of a tri-super pool with all three horses in exact order of finish, then there will be no exchange tickets issued for the second half. Further, the second half of the divided pool for that performance shall be added to the cumulative or carryover pool from previous performances and along with the carryover pool shall not be distributed for that performance. However, the first part of the divided pool for that performance shall be distributed as follows: The net pool shall be apportioned equally between those having tickets

selecting the first and second place runners. If no ticket is sold selecting the first and second runners in the tri-super pool, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first in the tri-super. Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing second combined with the runner finishing third.

(h). Should no selection be made as above described, those having selected the second runner for second or the third runner for third with any other runners, contrary to win, place and show pool practices, the aggregate number of tickets as mentioned in this paragraph shall divide the net pool and be paid the same pay-off price. Should no selection be made as above described, then a complete refund of the tri-super pool will be made and the tri-super will be cancelled for that performance.

(i). In the event of a dead heat in either the first or second of the tri-super races, all tri-super tickets with the correct order of finish counting a runner in a dead heat as finishing in any position dead-heated shall be a winning ticket and, contrary to usual practice, the aggregated number of winning tickets shall be divided into the net pool and be paid the same pay-off price.

(j). After the official declaration of the first three runners to finish in the first race of the tri-super, each bettor holding a winning ticket must, prior to the running of the second tri-super race, exchange such winning ticket for both the monetary value established by the mutuels department and a tri-super exchange ticket at any window and at such time shall select the four runners to finish in the second race of the tri-super in the exact order of finish as officially posted. No further money shall be requested of the holders of the winning ticket in order to make the exchange.

(k). Other than the auditor of pari-mutuels, no person shall have access to the information that is shown on the computer print-outs or any other source concerning the number of tickets sold in the first half of the tri-super or the number or amount of tickets selecting winners of the first half of the tri-super prior to the time the officials have determined the second half of the tri-super of each performance to be official.

(l). No tri-super exchange ticket for the second race shall be issued except upon surrender of the tri-super tickets from the first race as described in these rules. Tri-super windows for the purpose of cashing tickets and exchanging winning tickets shall be open for the purpose of making exchanges as described above only after the first race has been declared official. Such windows shall close when wagering closes for the second race of the tri-super races.

(m). If a winning tri-super ticket from the first race is not presented for cashing and exchanging within the time provided, the bettor may still collect the monetary value attached to the ticket but forfeits all rights to any distribution of the second race tri-super pool.

(n). If up to and including the post parade, five or more runners are scratched from a ten-horse field in either the first or second race of the tri-super, or four or more runners are scratched from a nine-horse field in either the first or second race of the tri-super, then the tri-super will be cancelled for that performance and all money wagered in the tri-super pool shall be refunded. Also, provided further, if the cancellation occurs after the first half, then those patrons who have made selections for the second half with an exchange ticket shall be entitled to the entire second half net pool for that performance.

If a runner(s) is scratched in the first or second race of the tri-super after the post parade but prior to the running of the first half of the tri-super, then all tri-super tickets on the scratched runner(s) will be refunded. A public address announcement will be made and reasonable time will be given to make another selection.

If after the running of the first half of the tri-super races a runner(s) is scratched in the second race of the tri-super, then all tri-super tickets on the scratched runner(s) will be exchanged. A public address announcement will be made and a reasonable time will be given to make another selection. In the event it is not feasible to make a public address announcement and give reasonable time to make another selection due to a late scratch, the State Steward may impose the distribution of the second part of that program's divided pool as provided for in paragraph q.

(o). In the event there is no tri-super ticket issued accurately selecting the officially declared first four finishers of the second tri-super race in the exact order, then such second race pool as divided earlier shall be held for the next consecutive performance and combined with that performance's second race tri-super. Distribution of this special cumulative second race tri-super pool will be made only upon accurate selection, in exact order of the first four officially declared finishers of the second tri-super race.

(p). If for any reason the second half of the tri-super is not declared "official," the winning ticket holders will be entitled to the remaining amount of the current performance's divided pool provided that there was an exchange process for that performance.

(q). In the event that racing is cancelled or that the second half of the tri-super is cancelled due to an insufficient number of horses, for any performance prior to the running of the second half of the tri-super, the second part of that performance's divided pool will be distributed equally to all holders of the first half winning tickets and to all holders of the second half tri-super exchange tickets. The cumulative tri-super pool will remain undistributed and will be carried over for use in the next tri-super.

(r). Sales of tri-super tickets, other than from pari-mutuel machines, or from an individual to another shall be deemed illegal and prohibited.

(s). The tri-super pool shall be held entirely separate from all other pools and is not part of a daily double, perfecta, trifecta or other wagering pools.

(t). If there is no tri-super ticket issued selecting in the exact order of finish the officially declared first four finishers of the second tri-super race, then the second race pool - when a so-called "forced" pay-out is necessary - shall be apportioned in accordance with the first half tri-super rules (paragraphs g and h.)

However, should no selection be made - as provided in paragraphs g and h, then the second part of the performance's divided pool and any carryover shall be evenly distributed to all holders of first half winning tickets and all holders of second half tri-super exchange tickets.

(u). The two races comprising the tri-super shall be approved by the Racing Commission and shall be clearly and prominently designated in the program.

(v). Notwithstanding any other provision or section contained in this rule, the State Steward may at any time impose such condition or conditions for running of tri-super races and may at any time take such action or actions as he deems necessary in his sole discretion to protect the best interests of racing. Such imposed condition and action taken and the reasons therefor shall be detailed in writing to the Racing Commission within seventy-two (72) hours of implementation.