

NOTICE OF HEARING

PLEASE TAKE NOTICE that the West Virginia Racing Commission will conduct a public hearing on Tuesday, July 31, 1984, to receive comment on its proposal to adopt Rule No. 845-I of the West Virginia Rules of Racing governing Thoroughbred Racing. (Pick Six Wagering)

This hearing shall be conducted in the Offices of the Commission, 511 Boulevard Tower, 1018 Kanawha Boulevard, East, Charleston, West Virginia, at 10:00 a.m.

Individuals appearing before the Commission at this time are required to contact the Racing Commission office in advance.

Dated this 30th day of June, 1984.

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE *June 28, 1984*  
Administrative Law Division

COMMISSIONERS

ROGER R. RAMEY  
CHAIRMAN

ROBERT S. STRAUCH, M.D.  
MEMBER

RAYMOND A. HINERMAN  
MEMBER



WEST VIRGINIA RACING COMMISSION

JOHN D. ROCKEFELLER, IV  
GOVERNOR

OFFICES OF THE COMMISSION

511 BOULEVARD TOWERS  
CHARLESTON WEST VIRGINIA  
25301

ALFRED K. HAYS  
EXECUTIVE SECRETARY

June 26, 1984

The Honorable A. James Manchin  
Secretary of State  
State Capitol Building  
Charleston, West Virginia 25305

RE: AMENDMENTS TO WEST VIRGINIA RULES OF RACING  
STATEMENT OF AUTHORITY

Dear Mr. Manchin:

In accordance with the rule making procedures set forth in chapter twenty-nine-a of the West Virginia Code, filed this date is legislative rule no. 845-I of the West Virginia Rules of Racing.

The filing of this rule is prescribed by §29A-1-2(d), definition of a legislative rule; §29A-1-2(f), definition of a "rule"; §29A-2-6, format of rule filing; and, §29A-3-1, rule making.

The West Virginia Racing Commission is additionally granted the authority to promulgate reasonable rule and regulations as outlined by §19-23-6(3) and §19-23-12(a) of the West Virginia Code, 1931, as amended. General authorization for rule making is granted by Rule Number seven (7) of the Rules of Racing.

WEST VIRGINIA RACING COMMISSION

Handwritten signature of Alfred K. Hays in cursive.

ALFRED K. HAYS, EXECUTIVE SECRETARY

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE June 28, 1984  
Administrative Law Division

(1) The Pick Six is a form of pari-mutuel wagering. The Pick Six is not a parlay and has no connection with or relation to any other pari-mutuel pool made and conducted by an association, nor is the Pick Six connected with or related to any win, place and show pool shown on the totalisator board, nor is it governed by any Commission rules pertaining to the distribution of any other pari-mutuel pools. Each person participating in a Pick Six pool selects the entry or field for win in each of six contests designated by the association with the approval of the Racing Commission. The six contests so designated comprise the Pick Six for that performance. The association issues the Pick Six participant a ticket which reflects the participant's selection in the six designated contests.

(2) A validly issued Pick Six ticket timely surrendered to the association by the legal holder thereof shall be the only evidence of a person's participation in a Pick Six pari-mutuel pool. The acceptance of a Pick Six ticket by taking an issued ticket away from the window or terminal from which it is purchased shall constitute an acknowledgement by the purchaser of the correctness of the ticket and each purchaser of a Pick Six ticket agrees to be bound by the terms and provisions of this and all other applicable Commission rules and regulations and by the laws of the State of West Virginia pertaining to pari-mutuel wagering. Neither the association, totalisator company nor the State of West Virginia shall be liable to any person for any ticket which is not a winning ticket in accordance with the provisions of this rule nor shall they, or any of them, be liable to any person for any Pick Six ticket not delivered for any reason, including but not limited to, mechanical malfunction, electrical failure, machine locking, or other cause.

(3) In all horse racing contests, those horses constituting an entry of coupled horses or those horses grouped to constitute the field in a race included in the Pick Six shall race as a single wagering interest for the purpose of the Pick Six pari-mutuel pool calculations and payouts to a winner. However, if any wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick Six calculation and the pari-mutuel ticket shall not be withdrawn from that pool.

(4) a. Pick Six shall be composed of two separate and distinct pari-mutuel pools. Seventy-five percent of the gross amount of all sums wagered on Pick Six tickets on each performance shall be paid into a pari-mutuel pool to be known as "BIG SIX". The remaining twenty-five percent of the gross amount of all sums wagered on Pick Six tickets for that performance shall be paid into a pari-mutuel pool to be known as "THE SUPER SIX".

(b) Subject to the provisions of this rule pertaining to refunds and after the deduction of all legal sums therefrom, the net amount in the BIG SIX pool subject to distribution among winning ticket holders shall be distributed only among the holders of Pick Six tickets which correctly designate all six official winners of the six contests comprising the Pick Six for that performance.

(c) Subject to the provisions of this rule pertaining to refunds and after deduction of all legal sums therefrom, the net amount in THE SUPER SIX pool subject to distribution among winning ticket holders shall be distributed among the holders of Pick Six tickets which correctly designate the most official winners of the six contests comprising the Pick Six for that performance.

(d) In the event there is no Pick Six tickets issued which would entitle the ticket holder to THE BIG SIX, then, and in such event, the entire BIG SIX shall be carried over and included in the BIG SIX pool for the next performance. The BIG SIX shall be supplemented each performance by the amount added thereto from all previous performance's BIG SIX pools that have not been won by a holder of a Pick Six ticket which correctly selects all six official winners of the six contests comprising the Pick Six for any performance.

(e) In the event the accumulated BIG SIX has not been distributed prior to the closing day of the calendar year in which THE BIG SIX was generated, the accumulated BIG SIX and the net amount in THE SUPER SIX pool subject to distribution among winning tickets holders shall be distributed among closing day holders of Pick Six tickets which correctly designate the most official winners of the six contests comprising the closing day Pick Six. In the event of a cancellation of the closing day racing program, the accumulated BIG SIX pool will be distributed under the direction of the West Virginia Racing Commission. Contrary provisions in the paragraph notwithstanding, the Commission, after due notice and hearing, may impose reasonable limits on the carry over provisions relating to the BIG SIX if the best interests of the State of West Virginia are thereby served.

(f) In the event a pari-mutuel ticket designates as the selection to win in any one or more of the six races comprising the Pick Six Sweepstakes a single wagering interest which is scratched or excused by the Stewards, the holder of such ticket shall automatically receive as his alternate selection in the race that horse upon which the most money was wagered to win. In the event two or more horses have the identical amounts wagered upon them to win, the holder of such

ticket shall automatically receive as his alternate selection in the race that horse upon which the most money was wagered to win and to place. In the event two or more horses have the identical amounts wagered upon them to win and to place, the holder of such ticket shall automatically receive as his selection in the race that horse upon which the most money was wagered to win, to place and to show. In the event two or more horses have the identical amounts wagered upon them to win, to place and to show, the holder of such ticket shall automatically receive each such horse as his alternate selections.

(g) In the event one or more of the contests comprising the Pick Six is cancelled for any reason, the distribution of the net amount subject to distribution in the SUPER SIX pool shall be among the holders of pari-mutuel tickets which correctly designate the most official winners in all of the remaining contests comprising the Pick Six in such performances, except, that in the event there is officially cancelled or declared as no contest three or more of the six contestants comprising the Pick Six, all pari-mutuel tickets on the Pick Six for that performance shall be refunded, and the Pick Six shall be cancelled for that performance. No person shall win BIG SIX unless that person holds a Pick Six ticket which correctly designates all six official winners of the six contests comprising the Pick Six for that performance. The cancellation of one or more contests comprising the Pick Six in any performance shall result in the contribution to the SUPER SIX pool of the amount contributed that day to the BIG SIX. The contribution to that performance's BIG SIX pool will then be distributed along with the remainder of the SUPER SIX pool to the winners of the SUPER SIX pool. Any contributions to THE BIG SIX pool from prior performances will remain in THE BIG SIX pool to be carried over and included in THE BIG SIX pool for the next performance as prescribed in (d) above.

(5) In the event of a dead heat for win between two or more contestants in any Pick Six race, all such contestants in the dead heat for win shall be considered as the winner in the race for the purpose of distribution of BIG SIX and the SUPER SIX pools.

(6) Other than the auditor of pari-mutuels, no person shall have access to the information that is shown on the computer printouts or any other source concerning the number of tickets sold in the Pick Six or the number or amount of tickets selecting winners of the Pick Six races prior to the time the officials have determined the last contest comprising the Pick Six of each performance to be official.

(7) No pari-mutuel ticket for Pick Six shall be sold, exchanged or cancelled after the time of the close of mutuel windows for wagering in the first of the six contests comprising the Pick Six, except for such refunds on Pick Six tickets as are required under this rule.

Notwithstanding the provisions of the previous paragraph, the mutuel windows may be reopened after the time of the close for wagering in the first of the six contests comprising the Pick Six for the sole purpose of cancelling any ticket that was issued in error. A full written report is to be made by the mutuel manager and totalisator manager with their signatures thereon and submitted to the auditor of pari-mutuels within twenty-four (24) hours detailing the circumstances involved. In any event the mutuel windows shall not be reopened for cancelling tickets after the start of the first of the six contests comprising the Pick Six.

CERTIFICATION

Thoroughbred Racing Rule number 845-I is classified as a legislative rule as it has the effect of law. This rule was accepted as such on emergency basis by the Legislative Rule Making Review Committee on June 11, 1984 as it grants a specific benefit and for the preservation of economic welfare.

Attested to this 26th day of May, 1984

Alfred K. Hays, Executive Secretary  
West Virginia Racing Commission

FINDINGS AND DETERMINATIONS NECESSITATING RULE CHANGE

Charles Town Races is in need of a stimulus for their pari-mutuel wagering. As such, track management has selected the "Pick Six" as the vehicle to effect this in that large pay-offs to the public are usually an attraction to the wagering public. Track management has requested approval of this wagering format.

The "Pick Six" is an exotic form of wagering that consists of selecting the winners of each of six races on each daily program. If no patron selects all six winners each day, then the pool is "split" with a portion "carried over" to the succeeding day(s). If the experiences of tracks in other states that have this type of wagering can be applied to our state, the carry over provision could, conceivably, create large pools which could generate much publicity and thus increase the attendance and revenue.

The Commission feels that this approval could mean additional revenue to the State, horsemen, county and the association by affecting the attendance and wagering handle.

STATEMENT OF ECONOMIC IMPACT OF PROPOSED RULES OR REGULATIONS

Agency RACING COMMISSION

Rule No. Leg. Rule 845-I Subject Pick Six Wagering

1. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Based on the eight months in which this form of wagering has been in effect (October 28, 1983 to June 24, 1984), the pari-mutuel handle is \$621,000. Of this amount the State has received \$19,600.00 or three percent (3%) of the handle.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Based on the handle given above for the specific eight month period, the following groups have received benefit from this type of wagering:

Association (management)	\$67,100.	(11%)
Horsemen	67,100.	(11%)
Jefferson County Comm.	621.00	(.01%)

C. Economic Impact on Citizens/Public at Large.

The remainder of the handle derived from Pick Six wagering is returned to the wagering public. Payoffs ranging from \$4,000.00 to \$28,000.00 have been received by individuals holding a winning ticket.

Date June 26, 1984 Agency Racing Commission

Signature of Agency Head

Alfred K. Hayes

Signature of Authorized Representative

Valerie Di Geronzi

FISCAL NOTE FOR PROPOSED RULES

Rule No. Leg. Rule 845-I Subject Pick Six Wagering

Type of Rule:  Legislative  Interpretive  Procedural

Agency RACING COMMISSION Address 511 Boulevard Tower  
Charleston, WV 25301

Authorized Representative Alfred K. Hays Phone 8-2150

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense	-0-	-0-	-0-	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Others	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates.

No direct impact

3. Date June 26, 1984 Agency Racing Commission

Signature of Agency Head Alfred K. Hays Signature of Authorized Representative Valerie De George



COMMISSIONERS  
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ALFRED K. HAYS  
EXECUTIVE SECRETARY

June 26, 1984

The Spirit of Jefferson  
Charles Town  
West Virginia 25414

Attn: Legal Notices

Please publish the attached legal notice in the next edition of your newspaper as a Class I Legal Ad and mail to this office a certificate of publication and the invoice in triplicate.

Very truly yours,

A handwritten signature in cursive script that reads "Valerie DiGiorgi".

Valerie DiGiorgi  
Asst. Executive Secretary

attachment