

PUBLIC COMMENT

PLEASE TAKE NOTICE that the West Virginia Racing Commission will receive written public comments on its proposal to adopt Rule No. 628 of the Greyhound Rules of Racing and Rule No. 808 of the Thoroughbred Rule of Racing, regulations implementing Twin Trifecta Wagering formats.

Written statements with respect to this issue shall be taken into full consideration by the Racing Commission before final adoption. Deadline for submission of statements is November 1, 1984 and should be forwarded to the West Virginia Racing Commission.

West Virginia Racing Commission
1018 Kanawha Blvd. E., Suite 511
Charleston, West Virginia 25301

Dated this 1st day of October, 1984

FILED

1984 SEP 26 AM 11:26

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE



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

September 24, 1984

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

FILED
1984 SEP 25 PM 2:44
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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. 808 of the West Virginia Rules of Racing. (Thoroughbred 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

ALFRED K. HAYS, EXECUTIVE SECRETARY



COMMISSIONERS

ROGER R. RAMEY
CHAIRMAN

ROBERT S. STRAUCH, M.D.
MEMBER

RAYMOND A. HINERMAN
MEMBER

WEST VIRGINIA RACING COMMISSION

JOHN D. ROCKEFELLER IV
GOVERNOR

OFFICE OF THE COMMISSION
511 BOULEVARD TOWERS
CHARLESTON, WEST VIRGINIA
25301

ALFRED K. HAYS
EXECUTIVE SECRETARY

September 24, 1984

The Spirit of Jefferson Advocate
Charles Town
West Virginia 25414

Attn: Legal Notices

Please publish the enclosed 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,

Valerie DiGiorgi
Asst. Executive Secretary

encl.

FINDINGS AND DETERMINATIONS NECESSITATING RULE CHANGE

Wheeling Downs, Inc. approached the Racing Commission with the request to implement Twin Trifecta Wagering. This race track, located in the northern part of the State receives most of its competition for the wagering public from the Meadows, located in Washington, Pennsylvania. The Meadows has recently instituted a similar form of wagerings and it has been receiving a lot of publicity in the area. The instituting of this format at Wheeling Downs will create large pools which could generate the needed publicity to remain a viable competitor to the Meadows by creating larger pari-mutuel pay-offs.

The Commission is supportive of Wheeling Downs' request to implement the Twin Trifecta as the State, City of Wheeling and the purse structure all stand to benefit through their respective share of the pari-mutuel take-out. The Commission also is making this type of wagering available to the Thoroughbred tracks to utilize should the need arise.

FISCAL NOTE FOR PROPOSED RULES

Rule No. 808, Thoroughbred Subject Twin Trifecta 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 Sept. 24, 1984 Agency Racing Commission

Signature of Agency Head

Alfred K. Hays

Signature of Authorized Representative

Warren D. Gargi

STATEMENT OF ECONOMIC IMPACT OF PROPOSED RULES OR REGULATIONS

Agency Racing Commission

Rule No. 808, Thoroughbred Racing Subject Twin Trifecta Wagering

1. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

The State would realize \$1600.00 per performance in additional pari-mutuel revenue when implemented. At the present, Wheeling Downs greyhound track is averaging 415 performance per year.

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

Based on the 415 performances cited, the City of Wheeling stands to gain \$200.00 per performance in additional revenue or a yearly total of \$83,000 to their existing share of the take-out.

C. Economic Impact on Citizens/Public at Large.

Dog owners (purse structure) would increase approximately \$600.00 per performance. This form of wagering is attractive to the wagering public as there exists an accumulated pari-mutuel pool pay-off. Daily winnings could range from \$1500 to \$10,000 and winning accumulated pools could result in pay-offs up to as much as \$150,000.

Date September 24, 1984 Agency Racing Commission

Signature of Agency Head

Arthur K. Hoop

Signature of Authorized Representative

Thomas Di Luigi

TWIN TRIFECTA WAGERING

(1) The Twin Trifecta is a form of pari-mutuel wagering in which the bettor selects the three runners that will finish 1st, 2nd and 3rd in each of the two designated races in the exact order as officially posted.

(2) Twin Trifecta tickets shall be sold by the licensee only from automatic issue machines.

(3) Each bettor purchasing Twin Trifecta tickets shall designate his three selections as the first three runners for finish in that order in the first race of the designated two races.

(4) After the wagering closes for the first half of the Twin Trifecta the commission will be deducted from the pool in accordance with the laws of the State of West Virginia. The remaining pool will then be divided into two separate pools of equal amounts.

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

The terms, "First Part of Divided Pool", shall mean one-half of the net distributable pool of the total monies wagered in the Twin Trifecta on the current days program only and, specifically excluded therefrom shall be any carry over of any special cumulative second race Twin Trifecta pool from any previous day's program.

(6) The second part of the divided pool will be placed in a separate pool to be distributed to holders of "Second Half" Twin Trifecta tickets selecting the first three runners, in exact order, on the second designated Twin Trifecta race.

(7) In the first half of the Twin Trifecta only, if no ticket is sold on a winning combination of a Twin Trifecta pool, the net pool shall then 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 Twin Trifecta pool, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first in the Twin Trifecta race. 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.

(8) Should no selection be made as above mentioned, those having selected the second runner for second and the third runner for third with any other runners, contrary to win, place and show pool practice, the aggregate number of tickets as mentioned in this paragraph shall divide the net pool and be paid the same pay-off price.

(9) In the event of a dead heat or dead heats in either the first or second race of the Twin Trifecta, all Twin Trifecta tickets selecting the correct order of finish counting a runner in a dead heat as finishing in any position dead heated, shall be winning tickets, and contrary to the usual practice, the aggregate number of winning tickets shall be divided into the net pool and be paid the same pay-off price.

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

a. 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 first half of the Twin Trifecta or the number or amount of tickets selecting winners of the first half of the Twin Trifecta prior to the time the officials have determined the second half of the Twin Trifecta of each performance to be official.

(11) No Twin Trifecta exchange ticket upon the second race shall be issued except upon surrender of the Twin Trifecta tickets from the first race as described in these rules. Twin Trifecta windows, for the purpose of cashing and exchanging winning tickets, shall be open for the purpose of making exchange as described only after the first race has been declared official and such windows shall close when wagering closes for the second race of the Twin Trifecta races.

(12) If a winning Twin Trifecta ticket from the first race is not presented for cashing and exchange 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 Twin Trifecta pool.

(13) If a runner is scratched in the first race of the Twin Trifecta races, all Twin Trifecta tickets on the scratched runner will be refunded. If a runner is scratched in the second race of the Twin Trifecta races, public address announcements will be made and reasonable time will be given for exchange of tickets on the scratched runner.

(14) In the event there is no Twin Trifecta ticket issued accurately selecting the officially declared first three finishers of the second Twin Trifecta race, in the exact order, such second race pool, as divided earlier, shall be held for the next consecutive racing day or night and combined with that program's second race Twin Trifecta pool. Distribution of this special cumulative second race Twin Trifecta pool will be made only upon the accurate selection, in the exact order, of the first three officially declared finishers of the second Twin Trifecta race.

(15) If for any reason, the second half of the Twin Trifecta is not declared "official", the winning ticket holders who have cashed their ticket of the first half and have received an exchange ticket, will be entitled to the remaining amount of the current programs divided pool.

a. In the event that racing is cancelled for any program prior to the running of the second half of the Twin Trifecta, the second part of that program's divided pool will be evenly distributed to all holders of second half Twin Trifecta exchange tickets. The cumulative Twin Trifecta pool will remain undistributed and be carried over for use in the next Twin Trifecta.

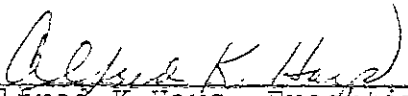
(16) Sales of the Twin Trifecta tickets other than from pari-mutuel machines or from an individual to another shall be deemed illegal and prohibited.

(17) The Twin Trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, perfecta, trifecta or other wagering pool.

(18) If in the final performance of the meeting there is no Twin Trifecta ticket issued selecting in the exact order of finish the officially declared first three finishers of the second Twin Trifecta race, the second race pool shall be apportioned in accordance with the first half Twin Trifecta rules. (Paragraph 7) If the final performance of the meeting is cancelled, then the Twin Trifecta jackpot pool shall be distributed during the first performance of the succeeding meet.

(19) If the maximum amount permitted to accumulate in the Twin Trifecta jackpot pool (\$250,000 or more) has been reached the monies accumulated will be distributed the following performance. If there is no Twin Trifecta ticket issued selecting in the exact order of finish the officially declared first three finishers of the second Twin Trifecta race, the second race pool shall be apportioned in accordance with the first half Twin Trifecta rules (paragraph 7).

I hereby certify that the above stated rule is correct as adopted by the West Virginia Racing Commission and falls within the guidelines of a legislative rule as defined by §20A-1-2(d) of the West Virginia Code, as amended.



Alfred K. Hays, Executive Secretary
West Virginia Racing Commission