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GOVERNOR

1984 OCT 15 AM 11:14
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

October 12, 1984

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

Dear Mr. Manchin:

You have been advised by memorandum from the Legislative Rule Making Review Committee that Administrative Regulation 19-23, Rule No. 845-I (Pick Six Wagering) has been approved for promulgation.

At our hearing before the Committee, an error in wording was discovered in section 4(g) of this rule. The word contestants was erroneously used and should be substituted with the word "contests". This change does not effect the context of the rule.

Enclosed is a corrected copy of this rule for your files.

Sincerely,

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

Valerie DiGiorgi
Asst. Executive Secretary

encl.

cc: Joseph F. Cuomo
Joseph R. Servis
Rich Hartman

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 contests 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.

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 contests ~~comprising~~ 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.

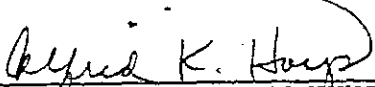
(5) In the event of a dead heat for win between two or more contestants in any Pick Six race, all such contestants in the dead heat for win shall be considered as the winner in the race for the purpose of distribution of BIG SIX and the SUPER SIX pools.

(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.

I hereby certify that the above rule is correct as adopted by the West Virginia Racing Commission and falls within the guidelines of a legislative rule as defined by §29A-1-2(d) of the West Virginia Code, as amended.


ALFRED K. HAYS, EXECUTIVE SECRETARY
April 3, 1984

Emergency

STATEMENT OF FACT

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 payoffs to the public are usually an attraction to the wagering public. Track management has requested approval of subject rule.

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.

Rule 845 was originally filed on emergency basis on October 19, 1983 and had only implied provisions for refunds on any scratched horses up to and including the start of the first contest of the Pick Six. A subsequent version of this rule was amended and refiled on January 18, 1984, removing all ambiguity in regards to refunds.

While working under the provisions of the amended version of Rule 845, numerous instances of patron misunderstanding occurred concerning the entitlement of a refund on tickets held bearing a scratched selection. In order to simplify this situation with the patrons, racing officials and computer programs, Rule 845-I is filed and affects a uniform scratch procedure throughout the running of the Pick Six and totally deletes the refund procedure.

As noted, the original number of Rule 845 has additionally been amended to 845-I as Rule 845 was a duplicate number of an existing rule and purely an oversight on our part.

As these changes constitute major revisions, this rule is filed in entirety on emergency basis and precludes all other filing made concerning Pick Six Wagering.

The Racing Commission is of the opinion that approval and adoption of this rule will result in additional revenue to the State, horsemen, county and association by affecting attendance and wagering.

Dated this 3rd day of April, 1984

THIS DATE 4-2-84
Administrative Law Division

Reg. 845-I. (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 ticket 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 this 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 contests 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.

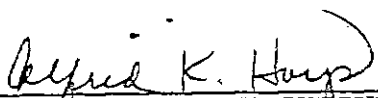
(5) In the event of a dead heat for win between two or more contestants in any Pick Six race, all such contestants in the dead heat for win shall be considered as the winner in the race for the purpose of distribution of BIG SIX and the SUPER SIX pools.

(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.

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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.

I hereby certify that the above rule is correct as adopted by the West Virginia Racing Commission and falls within the guidelines of a legislative rule as defined by §29A-1-2(d) of the West Virginia Code, as amended.


ALFRED K. HAYS, EXECUTIVE SECRETARY
April 3, 1984

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Oct 2, 1984

TO: A. James Manchin, Secretary of State; State Register
And

TO: West Virginia Racing Commission

FROM: Legislative Rule-Making Review Committee.

PROPOSED RULE: Regulation 845-I "Pick-Six Wagering"

1984 OCT -3 PM 4: 47
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
FILED

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule XXX
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

Pursuant to Code 29A-3-11(c), this notice has been filed in the state register and with the agency proposing the rule.

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Dec. 4, 1984

TO: A. James Manchin, Secretary of State; State Register
And

TO: Racing Commission

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Thoroughbred Rule No. 843, Jackpot or Superfecta Wagering,
Chapter 19-23, Series I, (1935)

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

FILED
1984 DEC 10 PM 3:31
XXX
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Pursuant to Code 29A-3-11(c), this notice has been filed in the state register and with the agency proposing the rule.

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee



NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Dec. 4, 1984

TO: A. James Manchin, Secretary of State; State Register
And

TO: Racing Commission

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Thoroughbred Rule No. 808, Twin Trifecta Wagering;
Chapter 19-23, Series I, (1935)

FILED
1984 DEC -6 AM 11:43
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

FILED
1984 DEC 10 PM 3:31
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
XXX

Pursuant to Code 29A-3-11(c), this notice has been filed in the state register and with the agency proposing the rule.