

NOTICE OF HEARING

PLEASE TAKE NOTICE that the West Virginia Racing Commission shall conduct a public hearing on Friday, September 21, 1984, to receive comment on its proposal to amend Thoroughbred Rule Of Racing 843 and Greyhound Rule Of Racing 672.

(Jackpot or Superfecta Wagering)

This hearing shall be conducted in the offices of the Commission , 1018 Kanawha Boulevard East, Suite 511, Charleston, West Virginia at 10:00 a.m. Individuals appearing before the Commission at this time are requested to contact the Racing Commission Office in advance. All written statements in regard to this rule change must be received in the Commission no later than September 19, 1984.

Dated this 22nd day of August, 1984

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 8-21-84
Administrative Law Division

PUBLIC HEARING

A public hearing was offered by the West Virginia Racing Commission on September 29, 1984, to receive comments and/or written statements on proposed legislative rule No. 672 "Jackpot or Superfecta Wagering" of the Greyhound Rules of Racing.

No comments were received from the general public and no one appeared at this time. It was, however, brought to the attention of the Commission that a phrase had been deleted from the original rule filing and required inclusion to effect the proper order of pay-off to the wagering public. This omission occurred in section 3.06.1 and adds the wording "second runner for second" to the third paragraph of this section.

As this amendment is not a substantive one and does not affect any interested party, the Commission did not deem it necessary to rehold a public hearing.

COMMISSIONERS

ROGER R. RAMEY
CHAIRMAN

ROBERT S. STRAUCH, M.D.
MEMBER

RAYMOND A. HINERMAN
MEMBER



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

ALFRED K. HAYS
EXECUTIVE SECRETARY

WEST VIRGINIA RACING COMMISSION

JOHN D. ROCKEFELLER, IV
GOVERNOR

August 21, 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

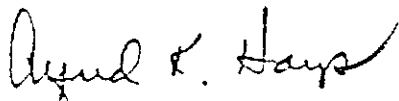
Dear Mr. Manchin:

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. 672 of the West Virginia Rules of Racing. (Greyhound 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

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

THIS DATE Aug. 21, 1984
Administrative Law Division

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: JACKPOT OR SUPERFECTA WAGERING, Rule No. 672

Type of Rule: X Legislative Interpretive Procedural

Agency Racing Commission Address 1018 Kanawha Blvd. E
Suite 511
Charleston, WV 25301

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-
Other	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates.

No direct impact

3. Objectives of these rules:

Under the original provisions of this rule, a total refund of the pari-mutuel pool resulted if any patron participating in the pool failed to select the winner to win. This provision could conceivably result in substantial monetary losses to all factions participating in the pari-mutuel take-out and to the patron as there is no consolation provision.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Based on an average daily pari-mutuel pool of \$30,000 for this type of wagering, the State shall earn \$900.00 in the rule's amended form.

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

The amending of this rule, deleting the refund provision, shall grant to the racing association and horsemen approximately \$2,000 and to the City/County \$100.00. These figures are based on a \$30,000. pari-mutuel pool on a daily basis.

C. Economic Impact on Citizens/Public at Large.

The wagering public shall profit as their tickets will remain valid for consolation pay-off.

Date October 26, 1984

Signature of Agency Head or Authorized Representative

Agnes K. Hays

CERTIFICATION

West Virginia Administrative Regulations §19-23, governing Thoroughbred and Greyhound Rules of Racing, are deemed to be Legislative Rules as they have the effect of law.

Thoroughbred Rule No. 843 and Greyhound Rule No. 672 governing "Jackpot or Superfecta" wagering formats grant a specific benefit to the public and also effect the economic welfare of the State, Racing Association, Horsemen and the County/City in which the race track is located.

Attested to this 21st day of August, 1984

Alfred K. Hays, Executive Secretary
West Virginia Racing Commission

FINDINGS AND DETERMINATIONS NECESSITATING RULE CHANGE

"Jackpot or Superfecta" Wagering has been available to licensed racing associations for approximately eight (8) years. Up to this time, Charles Town Races was the sole utilizer of this wagering format.

Under the provisions of this rule, as originally drafted and adopted, a total refund of the pari-mutuel pool was mandated if any patron participating in the pool failed to select the winner to win. This provision could conceivably result in substantial monetary losses to all factions participating in the pari-mutuel take-out and to the patrons as there is no consolation provision.

Wheeling Downs is implementing this form of wagering to their existing program in October. The Racing Commission has determined that because of the added number of patrons that will be participating in the "Jackpot or Superfecta" pool, that provision be made to eliminate the refund of the pool, as described above, and provide for consolation pay-offs. This amendment is deemed to be in the best interests of the patrons, State, Association, Horsemen and County/City.

JACKPOT OR SUPERFECTA WAGERING.

- (1) The Jackpot or Superfecta is a form of pari-mutuel wagering in which each bettor selects, in order, the first, second, third and fourth placed runners in the designated Jackpot or Superfecta race. The pool shall be held entirely separate from all other pools and is no part of a daily double, exacta, trizacta, tri-acta or other wagering pool.
- (2) Tickets shall be sold in not less than two dollar denominations and only from machines capable of issuing four numbers.
- (3) Races in which Jackpot or Superfecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.
- (4) The design of Jackpot or Superfecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.
- (5) SCRATCH: If a runner is scratched or declared a nonstarter, no further tickets may be issued designating such runner and all tickets previously issued designating such runner shall be refunded and the money deducted from the gross pool.
- (6) Failure to select a winning combination, short finishes.

a. If there is a failure to select, in order, the first four runners, pay-off shall be made on tickets selecting the first three runners in order, failure to select the first three runners, pay-off to tickets selecting the first two runners, failure to select the first two runners, pay-off to tickets selecting the winner to win. 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 and the runner finishing fourth.

Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing third combined with the runner finishing fourth.

Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the third runner for third and the fourth runner for fourth with any

other runner and 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 payoff.

b. If less than four runners finish, pay-off shall be made on tickets selecting the actual first three finishing runners in order, ignoring the balance of the selection.

(7) DEAD HEATS: In the event of a dead heat or dead heats, all tickets selecting the correct order of finish, counting a runner in a dead heat as finishing in either position dead heated, shall be winning tickets, and distribution shall be made in accordance with established pari-mutuel practice relative to dead heats.

(8) This rules shall be prominently displayed throughout the betting area of each track conducting the Jackpot or Super-fecta and printed copies of this rule shall be distributed by the track to patrons upon request.

STATEMENT OF ECONOMIC IMPACT OF PROPOSED RULES OR REGULATIONS

Agency Racing Commission

Rule No. Greyhound 672(6)a Subject "Jackpot or Superfecta"
Wagering

1. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Based on an average daily pari-mutuel pool of \$30,000 for this type of wagering, the State shall earn \$900.00 in the rule's amended form.

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

The amending of this rule, deleting the refund provision, shall grant to the racing association and horsemen approximately \$2,000 and to the County/City \$100.00. These figures are based on a \$30,000 pari-mutuel pool on a daily basis.

C. Economic Impact on Citizens/Public at Large.

The wagering public shall profit as their tickets will remain valid for consolation payoff.

Date August 21, 1984

Agency Racing Commission

Signature of Agency Head

Signature of Authorized Representative

Raymond K. Hays

PUBLIC COMMENT

The opportunity was offered to the general public to submit statements to the Commission in regards to proposed legislative Rule No. 808 of the Thoroughbred Rules Of Racing and legislative Rule No. 628 of the Greyhound Rules Of Racing.

No comments were received from the general public on this form of wagering and thusly, the Commission voted unanimously to proceed with the required filings of this rule.

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



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 Wheeling Intelligencer
1500 Main Street
Wheeling, West Virginia 26003

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.



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

OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

1984 SEP 25 PM 2:44

FILED

September 25, 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. 628 of the West Virginia Rules of Racing. (Greyhound 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

ALFRED K. HAYS, EXECUTIVE SECRETARY

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 wagers 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.

Rule No. 628, Greyhound 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
James Di Giori

STATEMENT OF ECONOMIC EFFECT OF PROPOSED RULES OR REGULATIONS

Agency Racing Commission

Rule No. Rule 628, Greyhound 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. Hays

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.

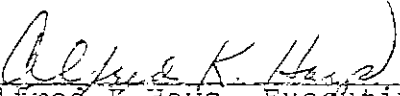
(16) Sales of the Twin Trifecta tickets other than from pari-mutuel machines or from an individual to another shall be deemed illegal and prohibited.

(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