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CHARLESTON, WEST VIRGINIA
25302
ALFRED K. HAYS
EXECUTIVE SECRETARY

Emergency

August 21, 1984

The Honorable A. James Manchin
Secretary of State
State Capitol Building, Room 157-W
Charleston, West Virginia 25305

Dear Mr. Manchin:

Filed this date under the emergency rule provisions set forth in §20A-3-15 is Administrative Regulation 19-23, Thoroughbred Rule No. 843 and Greyhound Rule No. 672. A statement of fact outlining the necessity of the rules implementation is attached.

These rules, as amended, are to be effective immediately.

Respectfully,

Roger R. Ramey
ROGER R. RAMEY, CHAIRMAN

Alfred K. Hays
ALFRED K. HAYS, EXEC. SEC.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE Aug. 21, 1984
Administrative Law Division

attachment

cc: Leg. Rule Making Review Committee (15)

Adm. Reg. 19-23
Thoroughbred Rule No. 843
Greyhound Rule No. 672

STATEMENT OF FACT

The "Jackpot or Superfecta" form of wagering has been in existence in its original format for approximately eight years and up to now has only been utilized by Charles Town Races. The original provisions of the rule provide that in the event any patron fails to select the winner to win, an automatic refund on all tickets purchased in that pool shall result.

The general manager of Charles Town has expressed concern over this refund provision and the resulting loss of revenue to the State, Association, Horsemen and County. On an average day, the wagering pool for the "Jackpot or Superfecta" may reach as high as \$30,000. Based on this figure, refund of all tickets would automatically result in a loss to the Association and horsemen of \$2,000; the State, \$900. and the County \$100.00.

Although an instance of this type has not occurred, the possibility does exist. Additionally, Wheeling Downs plans to implement this form of wagering on October 4, 1984 thus creating a greater risk factor. Wheeling Downs usually has higher pari-mutuel pools than Charles Town and the revenue loss would be greater to all who share in the take-out.

The amended rule deletes the refund provision in entirety and apportions the pool to patrons selecting the second, third, and fourth position runners.

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

CERTIFICATION

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

THIS DATE 8-21-84
Administrative Law Division

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

THIS DATE 8-21-84
Administrative Law Division

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 the 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 rule shall be prominently displayed throughout the betting area of each track conducting the Jackpot or Superfecta and printed copies of this rule shall be distributed by the track to patrons upon request.

I hereby certify that the above rule is correct as amended and adopted by the West Virginia Racing Commission and falls within the guidelines of a legislative rule, as defined by Law.

Alfred K. Hays

Alfred K. Hays, Exec. Secretary
August 21, 1984