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HOUSE BILL 1120

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Roland, Forner, Leonard, Holland, Scott, Valle, Day, O'Brien, Prince, Bowman, R. Meyers, Tate, H. Myers, Hine, Fuhrman, Rayburn, Prentice, Jacobsen, R. King, Chandler, Wilson, Inslee, Wood, Rasmussen, Cooper, R. Johnson, Vance, Sheldon, Morris, Appelwick, Brumsickle, Hochstatter, Van Luven, Paris, Haugen, Kremen, Zellinsky, Edmondson, Brough, Phillips, Lisk, Betrozoff, Wynne, Nealey, Miller, Fraser, Wineberry, Sprenkle, Orr, McLean and Anderson.

Read first time January 21, 1991. Referred to Committee on Commerce & Labor\Revenue.

1            AN ACT Relating to horse racing; amending RCW 67.16.014, 67.16.102,  
2 67.16.105, 67.16.130, 67.16.170, and 67.16.200; reenacting and amending  
3 RCW 67.16.100 and 67.16.175; repealing RCW 67.16.210 and 67.16.220; and  
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 67.16.014 and 1987 c 453 s 3 are each amended to read  
7 as follows:

8            In addition to the commission members appointed under RCW  
9 67.16.012, there shall be four ex officio nonvoting members consisting  
10 of: (1) Two members of the senate, one from the majority political  
11 party and one from the minority political party, both to be appointed  
12 by the president of the senate; and (2) two members of the house of  
13 representatives, one from the majority political party and one from the  
14 minority political party, both to be appointed by the speaker of the  
15 house of representatives. The appointments shall be for the term of

1 two years or for the period in which the appointee serves as a  
2 legislator, whichever expires first. Members may be reappointed, and  
3 vacancies shall be filled in the same manner as original appointments  
4 are made. The ex officio members shall assist in the policy making,  
5 rather than administrative, functions of the commission, and shall  
6 collect data deemed essential to future legislative proposals and  
7 exchange information with the commission. The ex officio members shall  
8 be deemed engaged in legislative business while in attendance upon the  
9 business of the commission and shall be limited to such allowances  
10 therefor as otherwise provided in RCW 44.04.120, the same to be paid  
11 from the horse racing commission fund as being expenses relative to  
12 commission business.

13 (~~This section shall expire on October 31, 1991.~~)

14 **Sec. 2.** RCW 67.16.100 and 1985 c 466 s 67 and 1985 c 146 s 6 are  
15 each reenacted and amended to read as follows:

16 In addition to the license fees required by this chapter, the  
17 licensee shall pay to the commission the percentages of the gross  
18 receipts of all parimutuel machines at each race meet in accordance  
19 with RCW 67.16.105, which sums shall be paid daily to the commission.

20 All sums paid to the commission, together with all sums collected  
21 for license fees under the provisions of this chapter, shall be  
22 disposed of by the commission as follows: (~~Twenty-two~~) Fifty percent  
23 thereof shall be retained by the commission for the payment of the  
24 salaries of its members, secretary, clerical, office, and other help  
25 and all expenses incurred in carrying out the provisions of this  
26 chapter. No salary, wages, expenses, or compensation of any kind shall  
27 be paid by the state in connection with the work of the commission.  
28 (~~Forty~~) One percent shall, on the next business day following the  
29 receipt thereof, be paid to the state treasurer to be deposited in the

1 general fund, and three percent shall, on the next business day  
2 following the receipt thereof, be paid to the state treasurer, who is  
3 hereby made ex officio treasurer of a fund to be known as the "state  
4 trade fair fund" which shall be maintained as a separate and  
5 independent fund, and made available to the director of trade and  
6 economic development for the sole purpose of assisting state trade  
7 fairs. ((~~Thirty-five~~)) Forty-six percent shall be paid to the state  
8 treasurer, who is hereby made ex officio treasurer of a fund to be  
9 known as the "fair fund," which shall be maintained as a separate and  
10 independent fund outside of the state treasury, and made available to  
11 the director of agriculture for the sole purpose of assisting fairs in  
12 the manner provided in Title 15 RCW. Any moneys collected or paid to  
13 the commission under the terms of this chapter and not expended at the  
14 close of the fiscal biennium shall be paid to the state treasurer and  
15 be placed in the general fund. The commission may, with the approval  
16 of the office of financial management, retain any sum required for  
17 working capital.

18 **Sec. 3.** RCW 67.16.102 and 1982 c 132 s 5 are each amended to read  
19 as follows:

20 (1) Notwithstanding any other provision of chapter 67.16 RCW to the  
21 contrary the licensee shall withhold and shall pay daily to the  
22 commission, in addition to the percentages authorized by RCW 67.16.100  
23 and 67.16.130, as now or hereafter amended, and RCW 67.16.105, one  
24 percent of the gross receipts of all parimutuel machines at each race  
25 meet which sums shall, at the end of each meet, be paid by the  
26 commission to the licensed owners of those horses finishing first,  
27 second, third and fourth Washington bred only at each meet from which  
28 the additional one percent is derived in accordance with an equitable  
29 distribution formula to be promulgated by the commission prior to the

1 commencement of each race meet: PROVIDED, That nothing in this section  
2 shall apply to race meets which are nonprofit in nature, or of ten days  
3 or less or which have an average daily handle of less than one hundred  
4 twenty thousand dollars: PROVIDED, That the additional one percent of  
5 the gross receipts of all parimutuel machines at each race meet and the  
6 amount retained by the commission as specified in RCW 67.16.100 shall  
7 be deposited daily in a time deposit by the commission and the interest  
8 derived therefrom shall be distributed annually on an equal basis to  
9 those race courses at which independent race meets are held which are  
10 nonprofit in nature and are of ten days or less: PROVIDED, That prior  
11 to receiving a payment under this section any new race course shall  
12 meet the qualifications set forth in this section for a period of two  
13 years: PROVIDED, FURTHER, That said distributed funds shall be used  
14 for the purpose of maintaining and upgrading the respective racing  
15 courses and equine quartering areas of said nonprofit meets. The  
16 commission shall not permit the licensees to take into consideration  
17 the benefits derived from this section in establishing purses.

18 (2) The commission is authorized to pay fifty percent of the funds  
19 retained under this section to a new licensee, from that new licensee's  
20 race meet, for reimbursement of capital construction of the licensee's  
21 new racetrack for a period of five years.

22 **Sec. 4.** RCW 67.16.105 and 1987 c 347 s 4 are each amended to read  
23 as follows:

24 ~~((Except as provided for satellite wagers in RCW 67.16.210,))~~ The  
25 licensee shall pay to the commission daily for each authorized day of  
26 racing the following applicable percentage of all daily gross receipts  
27 from all parimutuel machines at each race meet, including satellites:

28 (1) For race meets that have gross receipts of all parimutuel  
29 machines, including satellites, of more than two hundred fifty thousand

1 dollars for each authorized day of racing, the licensee shall pay to  
2 the commission daily two and one-half percent of the daily gross  
3 receipts(~~(, if the daily gross receipts are two hundred thousand~~  
4 dollars or less));

5 (2) For race meets that have gross receipts of all parimutuel  
6 machines, including satellites, of two hundred fifty thousand dollars  
7 or less for each authorized day of racing shall pay to the commission  
8 daily one percent of the daily gross receipts(~~(, if the daily gross~~  
9 receipts are two hundred thousand one dollars to four hundred thousand  
10 dollars; and

11 ~~(3) Four percent of the daily gross receipts if the daily gross~~  
12 ~~receipts are four hundred thousand one dollars or more)).~~

13 **Sec. 5.** RCW 67.16.130 and 1985 c 146 s 8 are each amended to read  
14 as follows:

15 (1) Notwithstanding any other provision of law or of chapter 67.16  
16 RCW, the commission may license race meets which are nonprofit in  
17 nature, of ten days or less, and which have an average daily handle of  
18 one hundred twenty thousand dollars or less, at a daily licensing fee  
19 of ten dollars, and the sponsoring nonprofit association shall be  
20 exempt from any other fees as provided for in chapter 67.16 RCW or by  
21 rule or regulation of the commission: PROVIDED, That the commission on  
22 or after January 1, 1971 may deny the application for a license to  
23 conduct a racing meet by a nonprofit association, if same shall be  
24 determined not to be a nonprofit association by the Washington state  
25 racing commission.

26 (2) Notwithstanding any other provision of law or of chapter 67.16  
27 RCW the licensees of race meets which are nonprofit in nature, of ten  
28 days or less, and which have an average daily handle of one hundred  
29 twenty thousand dollars or less, shall withhold and shall pay daily to

1 the commission (~~(the percentages authorized by RCW 67.16.105,~~  
2 ~~67.16.170, and 67.16.175)) one-half percent.~~

3 (3) Notwithstanding any other provision of law or of chapter 67.16  
4 RCW or any rule promulgated by the commission, no license for a race  
5 meet which is nonprofit in nature, of ten days or less, and which has  
6 an average daily handle of one hundred twenty thousand dollars or less,  
7 shall be denied for the reason that the applicant has not installed an  
8 electric parimutuel tote board.

9 (4) As a condition to the reduction in fees as provided for in  
10 subsection (1) (~~(hereof)~~) of this section, all fees charged to horse  
11 owners, trainers, or jockeys, or any other fee charged for a permit  
12 incident to the running of such race meet shall be retained by the  
13 commission as reimbursement for its expenses incurred in connection  
14 with the particular race meet.

15 **Sec. 6.** RCW 67.16.170 and 1987 c 347 s 2 are each amended to read  
16 as follows:

17 (~~(Except as provided for satellite wagers in RCW 67.16.220,)~~) Race  
18 meets, including satellites, which have gross receipts of all  
19 parimutuel machines for each authorized day of racing may retain the  
20 following from the daily gross receipts of all parimutuel machines:

21 (1) (~~(On a daily handle of two hundred thousand dollars or less,~~  
22 ~~the licensee shall retain fourteen)) For race meets that have gross  
23 receipts of all parimutuel machines, including satellites, of more than  
24 two hundred fifty thousand dollars for each authorized day of racing  
25 may retain twelve and one-half percent of ((such)) the daily gross  
26 receipts;~~

27 (2) (~~(On a daily handle of two hundred thousand one dollars to four~~  
28 ~~hundred thousand dollars, the licensee shall)) For race meets that have  
29 gross receipts of all parimutuel machines, including satellites, of two~~

1 hundred fifty thousand dollars or less for each authorized day of  
2 racing may retain fourteen percent of ((such)) the daily gross  
3 receipts; and

4 (3) ~~((On a daily handle of four hundred thousand one dollars or~~  
5 ~~more, the licensee shall retain eleven percent of such gross~~  
6 ~~receipts.))~~ On licensees of race meets that are nonprofit in nature of  
7 ten days or less, and that have an average daily handle of one hundred  
8 twenty thousand dollars or less may retain fourteen and one-half  
9 percent of daily gross receipts.

10 **Sec. 7.** RCW 67.16.175 and 1987 c 453 s 1 and 1987 c 347 s 3 are  
11 each reenacted and amended to read as follows:

12 (1) ~~((Except as provided for satellite wagers in RCW 67.16.210 and~~  
13 ~~67.16.220, daily gross receipts of all parimutuel machines from wagers~~  
14 ~~on exotic races shall be distributed according to this section:~~

15 (a) ~~In addition to the amounts set forth in RCW 67.16.105, an~~  
16 ~~additional two and five tenths percent of gross receipts on races with~~  
17 ~~two or more selections and three and five tenths percent of gross~~  
18 ~~receipts on races with three or more selections shall be paid to the~~  
19 ~~commission. The commission shall retain thirty one percent of the~~  
20 ~~additional percentages from exotic races and shall forward the balance~~  
21 ~~to the state treasurer daily for deposit in the general fund.~~

22 (b) ~~In addition to the amounts authorized to be retained in RCW~~  
23 ~~67.16.170, race meets may retain an additional three percent of the~~  
24 ~~daily gross receipts of all parimutuel machines from wagers on exotic~~  
25 ~~races requiring two selections to be used as provided in subsection (2)~~  
26 ~~of this section.~~

27 (c) ~~In addition to the amounts authorized to be retained in RCW~~  
28 ~~67.16.170, race meets may retain an additional six percent of the daily~~  
29 ~~gross receipts of all parimutuel machines from wagers on exotic races~~

1 ~~requiring three or more selections to be used as provided in subsection~~  
2 ~~(2) of this section.))~~ In addition to the amounts authorized to be  
3 retained in RCW 67.16.170, race meets may retain an additional six  
4 percent of the daily gross receipts of all parimutuel machines from  
5 wagers on exotic wagers.

6 (2) Of the amounts retained in subsection (1) (~~((b) and (c))~~) of  
7 this section, one percent of the daily gross receipts of all parimutuel  
8 machines from wagers on exotic wagers shall be used for Washington-bred  
9 breeder awards(~~(, not to exceed twenty percent of the winner's share of~~  
10 ~~the purse))~~).

11 (3) (~~Any portion of the remaining moneys retained in subsection~~  
12 ~~(1) (b) and (c) of this section shall be shared equally by the race~~  
13 ~~track and participating horsemen. The amount shared by participating~~  
14 ~~horsemen shall be in addition to and shall not supplant the customary~~  
15 ~~purse structure between race tracks and participating horsemen))~~ Of  
16 the amounts retained for breeder awards in subsection (2) of this  
17 section, twenty-five percent shall be retained by a new licensee for  
18 reimbursement of capital construction of the licensee's new race track  
19 for a period of five years.

20 (4) As used in this section, "exotic races" means any multiple  
21 wager. Exotic races are subject to approval of the commission.

22 **Sec. 8.** RCW 67.16.200 and 1987 c 347 s 1 are each amended to read  
23 as follows:

24 (1) A racing association licensed by the commission to conduct a  
25 race meet may seek approval from the commission to conduct parimutuel  
26 wagering on its program at a satellite location or locations within the  
27 state of Washington. The sale of parimutuel pools at satellite  
28 locations shall be conducted only during the licensee's race meet and  
29 simultaneous to all parimutuel wagering activity conducted at the

1 licensee's racing facility in the state of Washington. The  
2 commission's authority to approve satellite wagering at a particular  
3 location is subject to the following limitations:

4 (a) The commission may approve only one satellite location in each  
5 county in the state; however, the commission may grant four satellite  
6 locations in counties classified AA and two satellite locations in  
7 counties classified as A. The commission may grant approval for more  
8 than one licensee to conduct wagering at each satellite location.

9 (b) The commission shall not allow a licensee to conduct satellite  
10 wagering at a satellite location within ~~((fifty air))~~ twenty ground  
11 miles of the licensee's racing facility.

12 (c)(i) The commission may not allow a licensee to conduct satellite  
13 wagering at a satellite location within fifty ~~((air))~~ ground miles of  
14 the racing facility of another licensee who conducts race meets of  
15 thirty days or more, but only if the satellite location is the racing  
16 facility of another licensee who conducts race meets of thirty days or  
17 more and only if the licensee seeking to conduct satellite wagering  
18 suspends its program during the conduct of the meets of all licensees  
19 within fifty ~~((air))~~ ground miles.

20 (ii) The commission may not allow a licensee that is conducting a  
21 live race meet to satellite within fifty ground miles of another  
22 licensee conducting a live race meet.

23 (iii) Subject to subsection (1)(c)(i) of this section, the  
24 commission may allow a licensee to conduct satellite wagering at a  
25 satellite location within fifty ~~((air))~~ ground miles of the racing  
26 facility of another licensee who conducts race meets of under thirty  
27 days, but only if the licensee seeking to conduct satellite wagering  
28 suspends its satellite program during the conduct of the meets of all  
29 licensees within fifty air miles.

1 (2) Subject to local zoning and other land use ordinances, the  
2 commission shall be the sole judge of whether approval to conduct  
3 wagering at a satellite location shall be granted.

4 (3) The licensee shall combine the parimutuel pools of the  
5 satellite location with those of the racing facility for the purpose of  
6 determining odds and computing payoffs. The amount wagered at the  
7 satellite location shall be combined with the amount wagered at the  
8 racing facility for the application of take out formulas and  
9 distribution as provided in RCW 67.16.102, 67.16.105, 67.16.130,  
10 67.16.170, and 67.16.175(~~(, 67.16.210, and 67.16.220)~~). A satellite  
11 extension of the licensee's racing facility shall be subject to the  
12 same application of the rules of racing as the licensee's racing  
13 facility.

14 NEW SECTION. **Sec. 9.** The following acts or parts of acts are  
15 each repealed:

16 (1) RCW 67.16.210 and 1987 c 347 s 5; and

17 (2) RCW 67.16.220 and 1987 c 347 s 6.

18 NEW SECTION. **Sec. 10.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and shall take  
21 effect immediately.