
SENATE BILL 5389

State of Washington

60th Legislature

2007 Regular Session

By Senator Hewitt

Read first time 01/18/2007. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to importing a simulcast race of regional or
2 national interest on horse race days; amending RCW 67.16.200; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 67.16.200 and 2004 c 274 s 2 are each amended to read
6 as follows:

7 (1) A class 1 racing association licensed by the commission to
8 conduct a race meet may seek approval from the commission to conduct
9 parimutuel wagering at a satellite location or locations within the
10 state of Washington. In order to participate in parimutuel wagering at
11 a satellite location or locations within the state of Washington, the
12 holder of a class 1 racing association license must have conducted at
13 least one full live racing season. All class 1 racing associations
14 must hold a live race meet within each succeeding twelve-month period
15 to maintain eligibility to continue to participate in parimutuel
16 wagering at a satellite location or locations. The sale of parimutuel
17 pools at satellite locations shall be conducted simultaneous to all
18 parimutuel wagering activity conducted at the licensee's live racing

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

4 (a) The commission may approve only one satellite location in each
5 county in the state; however, the commission may grant approval for
6 more than one licensee to conduct wagering at each satellite location.
7 A satellite location shall not be operated within twenty driving miles
8 of any class 1 racing facility. For the purposes of this section,
9 "driving miles" means miles measured by the most direct route as
10 determined by the commission; and

11 (b) A licensee shall not conduct satellite wagering at any
12 satellite location within sixty driving miles of any other racing
13 facility conducting a live race meet.

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

17 (3) The licensee shall combine the parimutuel pools of the
18 satellite location with those of the racing facility for the purpose of
19 determining odds and computing payoffs. The amount wagered at the
20 satellite location shall be combined with the amount wagered at the
21 racing facility for the application of take out formulas and
22 distribution as provided in RCW 67.16.102, 67.16.105, 67.16.170, and
23 67.16.175. A satellite extension of the licensee's racing facility
24 shall be subject to the same application of the rules of racing as the
25 licensee's racing facility.

26 (4) Upon written application to the commission, a class 1 racing
27 association may be authorized to transmit simulcasts of live horse
28 races conducted at its racetrack to locations outside of the state of
29 Washington approved by the commission and in accordance with the
30 interstate horse racing act of 1978 (15 U.S.C. Sec. 3001 to 3007) or
31 any other applicable laws. The commission may permit parimutuel pools
32 on the simulcast races to be combined in a common pool. A racing
33 association that transmits simulcasts of its races to locations outside
34 this state shall pay at least fifty percent of the fee that it receives
35 for sale of the simulcast signal to the horsemen's purse account for
36 its live races after first deducting the actual cost of sending the
37 signal out of state.

1 (5) Upon written application to the commission, a class 1 racing
2 association may be authorized to transmit simulcasts of live horse
3 races conducted at its racetrack to licensed racing associations
4 located within the state of Washington and approved by the commission
5 for the receipt of the simulcasts. The commission shall permit
6 parimutuel pools on the simulcast races to be combined in a common
7 pool. The fee for in-state, track-to-track simulcasts shall be five
8 and one-half percent of the gross parimutuel receipts generated at the
9 receiving location and payable to the sending racing association. A
10 racing association that transmits simulcasts of its races to other
11 licensed racing associations shall pay at least fifty percent of the
12 fee that it receives for the simulcast signal to the horsemen's purse
13 account for its live race meet after first deducting the actual cost of
14 sending the simulcast signal. A racing association that receives races
15 simulcast from class 1 racing associations within the state shall pay
16 at least fifty percent of its share of the parimutuel receipts to the
17 horsemen's purse account for its live race meet after first deducting
18 the purchase price and the actual direct costs of importing the race.

19 (6) A class 1 racing association may be allowed to import
20 simulcasts of horse races from out-of-state racing facilities. With
21 the prior approval of the commission, the class 1 racing association
22 may participate in a multijurisdictional common pool and may change its
23 commission and breakage rates to achieve a common rate with other
24 participants in the common pool.

25 (a) The class 1 racing association shall make written application
26 with the commission for permission to import simulcast horse races for
27 the purpose of parimutuel wagering. Subject to the terms of this
28 section, the commission is the sole authority in determining whether to
29 grant approval for an imported simulcast race.

30 (b) When open for parimutuel wagering, a class 1 racing association
31 which imports simulcast races shall also conduct simulcast parimutuel
32 wagering within its licensed racing enclosure on all races simulcast
33 from other class 1 racing associations within the state of Washington.

34 (c) On any imported simulcast race, the class 1 racing association
35 shall pay fifty percent of its share of the parimutuel receipts to the
36 horsemen's purse account for its live race meet after first deducting
37 the purchase price of the imported race and the actual costs of
38 importing and offering the race.

1 (7) A licensed nonprofit racing association may be approved to
2 import one simulcast race of regional or national interest on each live
3 race day.

4 (8) For purposes of this section, a class 1 racing association is
5 defined as a licensee approved by the commission to conduct during each
6 twelve-month period at least forty days of live racing. If a live race
7 day is canceled due to reasons directly attributable to acts of God,
8 labor disruptions affecting live race days but not directly involving
9 the licensee or its employees, or other circumstances that the
10 commission decides are beyond the control of the class 1 racing
11 association, then the canceled day counts toward the forty-day
12 requirement. The commission may by rule increase the number of live
13 racing days required to maintain class 1 racing association status or
14 make other rules necessary to implement this section.

15 (~~(8)~~) (9) This section does not establish a new form of gaming in
16 Washington or allow expanded gaming within the state beyond what has
17 been previously authorized. Simulcast wagering has been allowed in
18 Washington before April 19, 1997. Therefore, this section does not
19 allow gaming of any nature or scope that was prohibited before April
20 19, 1997. This section is necessary to protect the Washington equine
21 breeding and racing industries, and in particular those sectors of
22 these industries that are dependent upon live horse racing. The
23 purpose of this section is to protect these industries from adverse
24 economic impacts and to promote fan attendance at class 1 racing
25 facilities. Therefore, a licensed class 1 racing association may be
26 approved to disseminate imported simulcast race card programs to
27 satellite locations approved under this section, provided that the
28 class 1 racing association has conducted at least forty live racing
29 days with an average on-track handle on the live racing product of a
30 minimum of one hundred fifty thousand dollars per day during the twelve
31 months immediately preceding the application date. However, to promote
32 the development of a new class 1 racing association facility and to
33 meet the best interests of the Washington equine breeding and racing
34 industries, the commission may by rule reduce the required minimum
35 average on-track handle on the live racing product from one hundred
36 fifty thousand dollars per day to thirty thousand dollars per day.

37 (~~(9)~~) (10) A licensee conducting simulcasting under this section
38 shall place signs in the licensee's gambling establishment under RCW

1 9.46.071. The informational signs concerning problem and compulsive
2 gambling must include a toll-free telephone number for problem and
3 (~~compulsive~~) pathological gamblers and be developed under RCW
4 9.46.071.

5 (~~(10)~~) (11) Chapter 10, Laws of 2001 1st sp. sess. does not
6 establish a new form of gaming in Washington or allow expanded gaming
7 within the state beyond what has been previously authorized. Simulcast
8 wagering has been allowed in Washington before August 23, 2001.
9 Therefore, this section does not allow gaming of any nature or scope
10 that was prohibited before August 23, 2001. Chapter 10, Laws of 2001
11 1st sp. sess. is necessary to protect the Washington equine breeding
12 and racing industries, and in particular those sectors of these
13 industries that are dependent upon live horse racing. The purpose of
14 chapter 10, Laws of 2001 1st sp. sess. is to protect these industries
15 from adverse economic impacts and to promote fan attendance at class 1
16 racing facilities.

17 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

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