

HOUSE BILL No. 4361

February 21, 1991, Introduced by Reps. Alley and DeMars and referred to the Committee on Appropriations.

A bill to amend sections 12, 12a, and 15 of Act No. 327 of the Public Acts of 1980, entitled as amended "Racing law of 1980," sections 12 and 15 as amended and section 12a as added by Act No. 108 of the Public Acts of 1986, being sections 431.72, 431.72a, and 431.75 of the Michigan Compiled Laws; and to add section 12b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12, 12a, and 15 of Act No. 327 of the
2 Public Acts of 1980, sections 12 and 15 as amended and section
3 12a as added by Act No. 108 of the Public Acts of 1986, being
4 sections 431.72, 431.72a, and 431.75 of the Michigan Compiled
5 Laws, are amended and section 12b is added to read as follows:

6 Sec. 12. (1) A holder of a race meeting license may provide
7 a place in the race meeting grounds or enclosure at which he or

1 she may conduct and supervise the pari-mutuel system of wagering
2 by patrons on horse racing. The pari-mutuel system of wagering
3 upon horse racing within the race meeting grounds shall not be
4 held or construed to be unlawful. If the pari-mutuel system of
5 wagering is used at a race meeting, a totalisator, or other
6 device which is equal in accuracy and clearness to a totalisator
7 and approved by the racing commissioner, shall be used. The odds
8 display of the totalisator or other device shall be placed in
9 full view of the patrons.

10 (2) No other place or method of betting, pool making, wager-
11 ing, or gaming shall be used or permitted by the holder of the
12 license. The pari-mutuel system of wagering shall not be con-
13 ducted except UPON HORSE RACES HELD at ~~the~~ A LICENSED racetrack
14 ~~where the pari-mutuel system of wagering is conducted and~~ OR
15 pursuant to section 12a OR 12B. Each holder of a race meeting
16 license shall retain as his or her commission 17% of all money
17 wagered. Except as provided in subsection (6), each holder of a
18 race meeting license shall retain as his or her commission on all
19 forms of multiple wagering, 20-1/2% of all money wagered. In
20 each race meeting, the holder of the race meeting license shall
21 divide the breaks equally with the state. Breaks shall be com-
22 puted at all times at 10 cents and defined as the cents over any
23 multiple of 10 otherwise payable to a patron on a wager of
24 \$1.00.

25 (3) Payoff prices of tickets of a higher denomination shall
26 be calculated as even multiples of the payoff price for a \$1.00
27 wager. Each holder of a race meeting license shall distribute to

1 the persons holding winning tickets, as a minimum, a sum not less
2 than \$1.10 calculated on the basis of each \$1.00 deposited in a
3 pool, except that each race meeting licensee may distribute a sum
4 of not less than \$1.05 to persons holding winning tickets for
5 each \$1.00 deposited in a minus pool. As used in this subsec-
6 tion, "minus pool" means any win, place, or show pool in which
7 the payout would exceed the total value of the pool.

8 (4) A holder of a race meeting license shall not knowingly
9 permit a person less than 18 years of age to be a patron of the
10 pari-mutuel wagering conducted or supervised by the holder.

11 (5) Any act or transaction relative to wagering permitted by
12 this act shall only occur or be permitted to occur within the
13 enclosure of a race meeting grounds. A person shall not partici-
14 pate in or be a party to any act or transaction relative to the
15 placing of a wager or carrying a wager for placement outside of a
16 race meeting grounds. A person shall not provide messenger serv-
17 ice for the placing of a bet for another person who is not a
18 patron. However, this subsection does not prevent the authoriza-
19 tion of the simulcast of Michigan pari-mutuel horse races to
20 wagering locations outside this state OR INTERTRACK WAGERING AS
21 PROVIDED FOR IN SECTION 12B. Upon proper application, the racing
22 commissioner may issue a permit allowing a race meeting licensee
23 to transmit, by live video and audio signals, a live horse race
24 to a viewing area outside this state.

25 (6) As used in this subsection, "special sweepstakes
26 pari-mutuel pool" means amounts wagered for a selection in each
27 of 3 or more races designated by the race meeting licensee with

1 the approval of the racing commissioner. The racing commissioner
2 may promulgate rules to regulate a special sweepstakes
3 pari-mutuel pool which shall not be connected with or related to
4 any other form of multiple wagering, or to any other win, place,
5 or show pool. A special sweepstakes pari-mutuel pool may be
6 given a distinctive name by the race meeting licensee, subject to
7 the approval of the racing commissioner. Each holder of a race
8 meeting license shall retain as his or her commission on special
9 sweepstakes pari-mutuel pools 25% of all money wagered.

10 Sec. 12a. (1) The holder of a race meeting license may
11 apply to the racing commissioner, in a manner as determined by
12 the racing commissioner, for a permit to conduct wagering by
13 pari-mutuel methods on the results of a race or races televised
14 to the race meeting grounds by simulcasting pursuant to this
15 section. As used in this section, "simulcast" means the live
16 transmission of video and audio signals conveying a horse race
17 held outside this state.

18 (2) The racing commissioner may issue a permit to the holder
19 of a race meeting license allowing the electronically televised
20 simulcasts of horse races conducted at racetracks outside this
21 state and televised to a viewing area or areas within the enclo-
22 sure of the licensed racetrack of the race meeting licensee. All
23 simulcasts of horse races shall be held in conjunction with the
24 race meeting licensee's regular racing program, and shall not
25 represent a diminution of the race meeting licensee's regularly
26 scheduled race program. ~~A race meeting licensee shall not~~
27 ~~conduct more than 1 simulcast race at which pari mutuel wagering~~

1 ~~is allowed on any racing day.~~ All simulcasts of horse races
2 conducted outside this state shall comply with the interstate
3 horseracing act of 1978, P.L. 95-515, 15 U.S.C. 3001 to 3007.

4 (3) All forms of wagering by pari-mutuel methods provided
5 for under this act shall be allowed on simulcast horse races.
6 All money wagered on simulcast horse races shall be included in
7 computing all money wagered for purposes of section 12(2).

8 (4) As a condition of receiving a simulcasting permit under
9 this section, a race meeting licensee shall not reduce the number
10 of racing dates or the number of live horse races held on the
11 racetrack on any racing date because of the simulcasting of horse
12 races viewed at the race meeting licensee's racetrack.

13 (5) A race meeting licensee shall not conduct more than 25
14 simulcast races per racetrack per year.

15 (6) SIMULCASTS OF HORSE RACES CONDUCTED AT RACETRACKS OUT-
16 SIDE THIS STATE MAY BE RECEIVED BY A RACE MEETING LICENSEE AND
17 TRANSMITTED TO OTHER RACE MEETING LICENSEES IF THE LICENSEES MEET
18 THE CRITERIA PRESCRIBED IN THIS SECTION AND SECTION 12B.

19 SEC. 12B. (1) AS USED IN THIS SECTION:

20 (A) "INTERTRACK WAGERING" MEANS PARI-MUTUEL WAGERING BY
21 PATRONS AT A RECEIVING RACETRACK IN THIS STATE ON THE LIVE TRANS-
22 MISSION OF VIDEO AND AUDIO SIGNALS CONVEYING A HORSE RACE HELD AT
23 A SENDING TRACK IN THIS STATE, AND THE ELECTRONIC TRANSMISSION OF
24 THE WAGERS TO THE SENDING TRACK LOCATED IN THIS STATE.

25 (B) "INTERTRACK WAGERING LICENSE" MEANS A LICENSE ISSUED BY
26 THE RACING COMMISSIONER PERMITTING INTERTRACK WAGERING.

1 (C) "RECEIVING TRACK" MEANS A RACETRACK OPERATED BY A RACE
2 MEETING LICENSEE WHICH IS EQUIPPED TO RECEIVE THE TRANSMISSION OF
3 VIDEO AND AUDIO SIGNALS OF HORSE RACES AND TO CONDUCT INTERTRACK
4 WAGERING ON THOSE RACES.

5 (D) "SENDING TRACK" MEANS A RACETRACK OPERATED BY A RACE
6 MEETING LICENSEE WHICH IS EQUIPPED TO TRANSMIT VIDEO AND AUDIO
7 SIGNALS OF RACES TO A RECEIVING TRACK AND TO CONDUCT INTERTRACK
8 WAGERING ON THOSE RACES.

9 (E) "TAKEOUT" MEANS THE SUM OF MONEY SUBTRACTED FROM
10 PARI-MUTUEL POOLS PURSUANT TO SECTION 15, PRIOR TO CALCULATING
11 THE ODDS AND PAYING OUT WINNING WAGERS.

12 (2) UPON THE FILING OF A JOINT APPLICATION BY A RECEIVING
13 TRACK AND A SENDING TRACK IN A MANNER DETERMINED BY THE RACING
14 COMMISSIONER, THE RACING COMMISSIONER MAY ISSUE AN INTERTRACK
15 WAGERING LICENSE TO A RECEIVING TRACK SPECIFYING THE PERIODS OF
16 TIME DURING A CALENDAR YEAR, AND THE HOURS DURING THE DAY OR
17 NIGHT, WHEN INTERTRACK WAGERING IS PERMITTED, AND PRESCRIBING ANY
18 OTHER CONDITIONS OR TERMS THE RACING COMMISSIONER CONSIDERS
19 APPROPRIATE, SUBJECT TO BOTH OF THE FOLLOWING CONDITIONS:

20 (A) INTERTRACK WAGERING SHALL NOT BE CONDUCTED ON ANY DAY AT
21 ANY RACETRACK WITHIN A CITY AREA AS DEFINED IN SECTION 8(5) WITH-
22 OUT THE CONSENT OF ALL OTHER RACE MEETING LICENSEES CONDUCTING
23 RACING ON THAT DAY WITHIN THAT CITY AREA.

24 (B) OUTSIDE A CITY AREA AS DEFINED IN SECTION 8(5), INTER-
25 TRACK WAGERING MAY BE CONDUCTED AT ANY RECEIVING TRACK CONDUCTING
26 RACING ON THAT DAY. IF THE RECEIVING TRACK IS NOT CONDUCTING
27 RACING ON THAT DAY, IT SHALL NOT CONDUCT INTERTRACK WAGERING

1 UNLESS IT OBTAINS THE CONSENT OF ALL OTHER RACE MEETING LICENSEES
2 THAT ARE BOTH OF THE FOLLOWING:

3 (i) OUTSIDE OF A CITY AREA AS DEFINED IN SECTION 8(5).

4 (ii) WITHIN 65 MILES OF THE RECEIVING TRACK.

5 (3) A JOINT APPLICATION FOR AN INTERTRACK WAGERING LICENSE
6 SHALL INCLUDE A WRITTEN AGREEMENT BETWEEN THE RECEIVING TRACK AND
7 SENDING TRACK THAT PROVIDES A DETAILED PLAN OF OPERATION FOR THE
8 SIMULTANEOUS PICTURE TRANSMISSION OF RACES FROM THE SENDING TRACK
9 TO THE RECEIVING TRACK, THE TRANSMISSION TO THE SENDING TRACK OF
10 WAGERS PLACED AT THE RECEIVING TRACK, AND THE DISTRIBUTION OF THE
11 PARI-MUTUEL POOL TO THE WINNING TICKET HOLDERS AT THE RECEIVING
12 TRACK.

13 (4) THE SYSTEM OF INTERTRACK WAGERING OPERATED BY AN INTER-
14 TRACK WAGERING LICENSEE SHALL COMBINE ALL INTERTRACK WAGERS WITH
15 ON-TRACK WAGERS SO AS TO PRODUCE A COMMON PARI-MUTUEL BETTING
16 POOL FOR THE CALCULATION OF ODDS AND THE DETERMINATION OF PAYOUTS
17 FROM THE POOL. THE PAYOUT SHALL BE THE SAME FOR ALL WINNING
18 TICKETS, IRRESPECTIVE OF WHETHER A WAGER IS PLACED INTERTRACK OR
19 ON-TRACK. INTERTRACK WAGERS ACCEPTED BY THE INTERTRACK WAGERING
20 LICENSEE SHALL CONFORM IN DENOMINATION, CHARACTER, TERMS, CONDI-
21 TIONS, AND ALL OTHER RESPECTS TO ON-TRACK WAGERS ACCEPTED FOR THE
22 SAME RACE. THE TAKEOUT FROM THE COMBINED INTERTRACK AND ON-TRACK
23 BETTING PARI-MUTUEL POOLS AND DISPOSITION OF THE TAKEOUT SHALL BE
24 AS PRESCRIBED IN THIS ACT.

25 (5) INTERTRACK WAGERING CONDUCTED PURSUANT TO AN INTERTRACK
26 WAGERING LICENSE IS LAWFUL.

1 (6) THE RACING COMMISSIONER SHALL PROMULGATE AND ADOPT SUCH
2 RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT
3 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO
4 24.328 OF THE MICHIGAN COMPILED LAWS, AS ARE NECESSARY TO IMPLE-
5 MENT THIS SECTION.

6 Sec. 15. (1) Each licensed racetrack located in a city area
7 AS DEFINED IN SECTION 8(5) shall pay \$1,000.00 annually, and any
8 other licensed racetrack shall pay \$200.00 annually.

9 (2) Each holder of a race meeting license shall pay a tax in
10 accordance with the following schedule and in a manner and time
11 as the racing commissioner requires:

12 (a) Each holder of a race meeting license shall pay to the
13 state treasurer, from the holder's commission, 4-1/2% of all
14 money wagered on pari-mutuel wagering, plus 1/2 the breaks,
15 except that each holder of a race meeting license in a county
16 having a population of less than 300,000 shall pay to the state
17 treasurer, from the holder's commission, 3-1/2% of all money
18 wagered on pari-mutuel wagering, plus 1/2 the breaks. The reduc-
19 tion in a licensee's payment from 6% to 4-1/2% ~~effected by this~~
20 ~~1986 amendatory act~~ EFFECTIVE MAY 23, 1986 is intended to allow
21 generally for the improvement of the pari-mutuel racing industry
22 in this state and to encourage capital improvements at racetracks
23 in this state. Not later than 4 years after ~~the effective date~~
24 ~~of this 1986 amendatory act~~ MAY 23, 1986, the racing commis-
25 sioner shall report to the chairpersons of the senate and house
26 committees responsible for legislation concerning horse racing as

1 to the effect on the horse racing industry of the reduction from
2 6% to 4-1/2%.

3 (b) Each holder of a license for thoroughbred, harness,
4 quarter horse, Appaloosa, or Arabian horse racing shall pay to
5 the state treasurer from the commission of the holder on special
6 sweepstakes pari-mutuel pool wagering as defined in section
7 12(6), 6% of the daily amount wagered on the special sweepstakes
8 pari-mutuel pool plus 1/2 the breaks.

9 (C) EACH HOLDER OF AN INTERTRACK WAGERING LICENSE SHALL PAY
10 TO THE STATE TREASURER FROM THE HOLDER'S COMMISSION DERIVED FROM
11 INTERTRACK WAGERING, AS DEFINED IN SECTION 12B, 2% OF ALL MONEY
12 WAGERED ON INTERTRACK WAGERING.