

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5400

A bill to amend 1995 PA 279, entitled
"Horse racing law of 1995,"
by amending sections 10, 14, 17, and 18 (MCL 431.310, 431.314,
431.317, and 431.318) and by adding section 19a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) A person desiring to conduct a thoroughbred,
2 standardbred, quarter horse, Appaloosa, or Arabian race meeting,
3 or a combination of these race meetings, with pari-mutuel wager-
4 ing on the results of live and simulcast horse races pursuant to
5 this act shall apply each year to the racing commissioner for a
6 race meeting license in the manner and form required by the
7 racing commissioner. The application shall be filed with the
8 racing commissioner before ~~July~~ SEPTEMBER 1 of the preceding
9 year ~~except that a race meeting license issued for 1996 under~~
10 ~~former Act No. 327 of the Public Acts of 1980 may be amended by~~

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1 ~~the racing commissioner pursuant to a new application submitted~~
2 ~~under this act within 30 days of the effective date of this act~~
3 EXCEPT THAT APPLICATIONS FOR 1999 RACING DATES MAY BE FILED AT
4 ANY TIME. The application, after being filed, shall be made
5 available for public inspection during regular business hours.
6 The application shall be in writing and shall give the name and
7 address of the applicant, and, if the applicant is a corporation
8 or partnership, shall state the place of the applicant's incorpo-
9 ration or partnership and the names and addresses of all corpo-
10 rate directors, officers, shareholders, and partners. The appli-
11 cation shall also do all of the following:

12 (a) Specify the licensed racetrack at which the proposed
13 race meeting will be held.

14 (b) Specify whether the applicant requests or will request
15 to conduct simulcasting at the proposed race meeting and, if so,
16 demonstrate the applicant's ability to conduct simulcasting in
17 accordance with this act.

18 (c) Specify the horse breed for which the applicant desires
19 to conduct live racing at the proposed race meeting, and the days
20 on which the applicant proposes to conduct live horse racing at
21 the race meeting.

22 (d) Specify the time period during which the applicant
23 requests to be licensed during the calendar year immediately fol-
24 lowing the date of application.

25 (e) Demonstrate to the racing commissioner that the appli-
26 cant and all persons associated with the applicant who
27 hold any beneficial or ownership interest in the business

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1 activities of the applicant ~~—,~~ or who have power or ability to
2 influence or control the business decisions or actions of the
3 applicant ~~—,are~~ SATISFY ALL OF THE FOLLOWING REQUIREMENTS:

4 (i) ARE persons of good character, honesty, and integrity.
5 ~~—; possess—~~

6 (ii) POSSESS sufficient financial resources and business
7 ability and experience to conduct the proposed race meeting. ~~—~~
8 ~~and do—~~

9 (iii) DO not pose a threat to the public interest of the
10 state or to the security and integrity of horse racing or
11 pari-mutuel wagering on the results of horse races in the state.

12 (f) Provide any other information required by the rules
13 promulgated under this act or by the racing commissioner.

14 (2) Upon the filing of the application for a race meeting
15 license, the racing commissioner shall conduct an investigation
16 of the applicant and the application to determine whether the
17 applicant, application, and proposed race meeting comply with the
18 licensing requirements under this act and the rules promulgated
19 under this act. Unless a different agreement is reached by all
20 the race meeting licensees in a city area, a race meeting
21 licensee shall not conduct a live ~~—or simulcast—~~ thoroughbred
22 horse race after 6:45 p.m. on any day except Sunday. Unless a
23 different agreement is reached by all the race meeting licensees
24 in a city area, a race meeting licensee shall not conduct a live
25 ~~—or simulcast—~~ standardbred horse race before 6:45 p.m. on any
26 day except Sunday. Notwithstanding the 6:45 p.m. time
27 restrictions, the commissioner, upon request by a race meeting

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1 licensee, may grant to the race meeting licensee a race meeting
2 license authorizing ~~either~~ ANY of the following:

3 (a) The licensee to conduct live horse racing programs that
4 would otherwise be prevented by the 6:45 p.m. time restriction,
5 if no other race meeting in a city area is licensed or authorized
6 to conduct live horse racing at the same time the licensee pro-
7 poses to conduct the requested live horse racing programs.

8 (b) Waiver of the 6:45 p.m. time restriction pursuant to the
9 written agreement of all race meeting licensees in the city
10 area.

11 (C) THE LICENSEE TO CONDUCT LIVE HORSE RACING PROGRAMS AFTER
12 6:45 P.M., IF THE LICENSEE IS NOT IN A CITY AREA AND IS 75 MILES
13 OR MORE FROM THE NEAREST RACE MEETING LICENSEE AUTHORIZED TO CON-
14 DUCT LIVE HORSE RACING.

15 Sec. 14. (1) ~~Before~~ EXCEPT AS PROVIDED IN SUBSECTION (8),
16 BEFORE November 1 of the year preceding the year for which appli-
17 cations are made, the racing commissioner shall grant or deny
18 each application for a race meeting license, allocate or deny the
19 dates, for which application has been made, on which pari-mutuel
20 wagering on live races may be conducted at each licensed race
21 meeting in this state, and shall also determine whether the
22 applicant may simulcast under section 18 during the calendar year
23 for which the license is issued. The racing commissioner may
24 grant a race meeting license for any time period up to 1 year
25 during which the licensee may conduct live and simulcast horse
26 races with pari-mutuel wagering on the results of such races.

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1 (2) Subject to section 12(7), all simulcasting authorized by
2 the racing commissioner shall be conditioned upon the holder of
3 the license conducting at least 9 live horse races on each live
4 racing date allocated in the holder's race meeting license,
5 unless this requirement is waived in writing by both the racing
6 commissioner and the certified horsemen's organization with which
7 the licensee has contracted.

8 (3) The racing commissioner shall not issue a race meeting
9 license to an organization organized for a charitable purpose or
10 organized for the purpose of distributing its profits or income
11 to charitable organizations.

12 (4) Except as provided in section 12(7), (8), and (9), if
13 after the issuance of a race meeting license, the racing commis-
14 sioner determines upon further investigation that the holder of a
15 race meeting license has not met, or will be unable to meet, the
16 requirements of the license, the racing commissioner may impose a
17 fine or suspend or revoke the race meeting license, or both, for
18 all or part of the remainder of the time period for which the
19 license was granted. Before making the required determination to
20 impose a fine or suspend or revoke a race meeting license under
21 this subsection, the racing commissioner shall consider ~~—~~
22 whether the race meeting licensee's inability or failure to meet
23 the requirements of its license is due to a cause beyond the con-
24 trol of the race meeting licensee.

25 (5) Any action TAKEN by the racing commissioner ~~pursuant~~
26 ~~to~~ UNDER subsection (4) shall become effective 10 days after the
27 holder of the race meeting license has received written notice

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1 unless the commissioner finds that the public health, safety, or
2 welfare requires emergency action and immediate effect of the
3 commissioner's order.

4 (6) A denial of a race meeting license ~~pursuant to~~ UNDER
5 subsection (3) may be appealed to the circuit court for judicial
6 review pursuant to section 631 of the revised judicature act of
7 1961, ~~Act No. 236 of the Public Acts of 1961, being section~~
8 ~~600.631 of the Michigan Compiled Laws~~ 1961 PA 236, MCL 600.631.
9 A suspension or revocation of a race meeting license may be
10 appealed pursuant to the administrative procedures act of 1969,
11 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
12 ~~24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO
13 24.328.

14 (7) Each applicant issued a race meeting license shall main-
15 tain an interest bearing account used exclusively for deposit of
16 all funds due horsemen's purse pools under this act. All funds
17 due to this account shall be deposited within a reasonable time
18 after receipt by the race meeting licensee. The name of the
19 depository and the identification number of the account shall be
20 designated in each race meeting license application and all
21 interest earned by the account shall be credited to the purse
22 pool and deposited in the account.

23 (8) THE NOVEMBER 1 DEADLINE PROVIDED IN SUBSECTION (1) DOES
24 NOT APPLY TO 1999 THOROUGHBRED RACE MEETING DATES. THE RACING
25 COMMISSIONER MAY ISSUE 1999 THOROUGHBRED RACE MEETING DATES AT
26 ANY TIME.

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1 Sec. 17. (1) The pari-mutuel system of wagering upon the
2 results of horse races as permitted by this act shall not be held
3 or construed to be unlawful. All forms of pari-mutuel wagering
4 conducted at a licensed race meeting shall be preapproved by the
5 racing commissioner pursuant to rule or written order of the
6 commissioner.

7 (2) A holder of a race meeting license may provide a place
8 in the race meeting grounds or enclosure at which he or she may
9 conduct and supervise the pari-mutuel system of wagering on the
10 results of horse races as permitted by this act. If the
11 pari-mutuel system of wagering is used at a race meeting, a
12 totalisator or other device ~~which~~ THAT is equal in accuracy and
13 clearness to a totalisator and approved by the racing commis-
14 sioner shall be used. The odds display of the totalisator or
15 other device shall be placed in full view of the patrons.

16 (3) Subject to section 18(3), each holder of a race meeting
17 license shall retain as his or her commission on all forms of
18 straight wagering 17% of all money wagered involving straight
19 wagers on the results of live and simulcast horse races conducted
20 at the licensee's race meetings. ~~Except as provided in subsec-~~
21 ~~tion (8) and subject~~ SUBJECT to section 18(3), each holder of a
22 race meeting license shall retain as his or her commission on all
23 forms of multiple wagering, ~~20.5%~~ WITHOUT THE WRITTEN PERMIS-
24 SION OF THE RACING COMMISSIONER NOT MORE THAN 28% AND WITH THE
25 WRITTEN PERMISSION OF THE RACING COMMISSIONER NOT MORE THAN 35%
26 of all money wagered involving any form of multiple wager on the
27 results of live and simulcast horse races conducted at the

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1 licensee's race meeting. Except as otherwise provided by
2 contract, 50% of all commissions from wagering on the results of
3 live racing at the racetrack where the live racing was conducted
4 shall be paid to the horsemen's purse pool at the racetrack where
5 the live racing was conducted. As used in this subsection:

6 (a) "Straight wagering" means a wager made on the finishing
7 position of a single specified horse in a single specified race.

8 (b) "Multiple wagering" means a wager made on the finishing
9 positions of more than 1 horse in a specified race or the finish-
10 ing positions of 1 or more horses in more than 1 specified race.

11 (4) All breaks shall be retained by the race meeting
12 licensee and paid directly to the city or township in which the
13 racetrack is located as a fee for services provided pursuant to
14 section 21.

15 (5) Payoff prices of tickets of a higher denomination shall
16 be calculated as even multiples of the payoff price for a \$1.00
17 wager. Each holder of a race meeting license shall distribute to
18 the persons holding winning tickets, as a minimum, a sum not less
19 than \$1.10 calculated on the basis of each \$1.00 deposited in a
20 pool, except that each race meeting licensee may distribute a sum
21 of not less than \$1.05 to persons holding winning tickets for
22 each \$1.00 deposited in a minus pool. As used in this subsec-
23 tion, "minus pool" means any win, place, or show pool in which
24 the payout would exceed the total value of the pool.

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

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1 (7) Any act or transaction relative to pari-mutuel wagering
2 on the results of live or simulcast horse races shall only occur
3 or be permitted to occur within the enclosure of a licensed race
4 meeting. A person shall not participate or be a party to any act
5 or transaction relative to placing a wager or carrying a wager
6 for placement outside of a race meeting ground. A person shall
7 not provide messenger service for the placing of a bet for
8 another person who is not a patron. However, this subsection
9 does not prevent simulcasting or intertrack or interstate common
10 pool wagering inside or outside this state ~~—~~ as permitted by
11 this act or the rules promulgated under this act.

12 ~~—(8) As used in this subsection, "special sweepstakes~~
13 ~~pari-mutuel" means amounts wagered for a selection in each of 3~~
14 ~~or more races designated by the race meeting licensee with the~~
15 ~~approval of the racing commissioner. The racing commissioner may~~
16 ~~promulgate rules or issue written orders to approve and regulate~~
17 ~~a special sweepstakes pari-mutuel pool which shall not be con-~~
18 ~~nected with or related to any other form of multiple wagering, or~~
19 ~~to any other win, place, or show pool. A special sweepstakes~~
20 ~~pari-mutuel pool may be given a distinctive name by the race~~
21 ~~meeting licensee, subject to the approval of the racing~~
22 ~~commissioner. Subject to section 18(3), each holder of a race~~
23 ~~meeting license shall retain as his or her commission on special~~
24 ~~sweepstakes pari-mutuel pools 25% of all money wagered on such~~
25 ~~races.—~~

26 Sec. 18. (1) Simulcasting by race meeting licensees may be
27 authorized by the racing commissioner subject to the limitations

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1 of this section. As used in this section, "simulcast" means the
2 live transmission of video and audio signals conveying a horse
3 race held either inside or outside this state to a licensed race
4 meeting in this state. A simulcast from 1 racetrack in this
5 state to another racetrack in this state shall be called an
6 "intertrack simulcast". A simulcast from a racetrack outside
7 this state to a racetrack inside this state shall be called an
8 "interstate simulcast".

9 (2) The holder of a race meeting license may apply to the
10 racing commissioner, in the manner and form required by the com-
11 missioner, for a permit to televise simulcasts of horse races to
12 viewing areas within the enclosure of the licensed racetrack at
13 which the applicant is licensed to conduct its race meeting. The
14 commissioner may issue a permit for individual race and full card
15 simulcasts televised during, between, before, or after programmed
16 live horse races on any day that live racing is conducted by the
17 applicant, and also on other days during the term of the
18 applicant's license when the applicant does not conduct live
19 horse racing, subject to the following conditions:

20 (a) The applicant shall have a current contract with a cer-
21 tified horsemen's organization.

22 (b) The applicant shall have applied for and been allocated
23 the minimum number of live racing dates required by section 12(1)
24 to (5), subject to the availability of adequate horse supply as
25 determined by the racing commissioner.

26 (c) The applicant shall make a continuing good faith effort
27 throughout the duration of its race meeting to program and

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1 conduct ~~at least~~ NOT LESS THAN 9 live horse races on each live
2 racing date allocated to the applicant.

3 (d) The certified horsemen's organization with which the
4 applicant has contracted shall have consented to the requested
5 simulcasts on any live racing day when the applicant is unable to
6 program and conduct ~~at least~~ NOT LESS THAN 9 live horse races,
7 if required by section 12(6).

8 (e) If the requested simulcasts are interstate, the appli-
9 cant shall waive in writing any right that the applicant may have
10 under the interstate horse racing act of 1978, PUBLIC LAW 95-515,
11 15 U.S.C. 3001 to 3007, to restrict interstate simulcasts by
12 other race meeting licensees in this state.

13 (f) If the applicant conducts its race meeting in a city
14 area, the applicant shall make the video and audio signals of its
15 live horse races available for intertrack simulcasting to all
16 licensed race meetings in this state located more than 12 miles
17 from the applicant's race meeting. ~~no later than 120 days after~~
18 ~~the effective date of this act.~~ The applicant shall charge each
19 race meeting licensee the same fee to receive its live signals
20 for intertrack simulcasting. The fee shall not exceed 3% of the
21 total amount wagered on the intertrack simulcast at each race
22 meeting that receives the simulcast.

23 (g) Except as otherwise agreed by the race meeting licensees
24 in a city area and the respective certified horsemen's organiza-
25 tions with which they contract, a licensee in a city area shall
26 receive all available intertrack simulcasts from licensed race

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1 meetings in the city area located more than 12 miles from the
2 licensee's race meeting.

3 (h) A licensed race meeting outside a city area shall not
4 conduct interstate simulcasts ~~before 6:45 p.m.,~~ unless it also
5 receives all intertrack simulcasts from licensed race meetings in
6 a city area that are available. ~~before 6:45 p.m.~~

7 ~~(i) A licensed race meeting outside a city area shall not~~
8 ~~conduct interstate simulcasts after 6:45 p.m., unless it also~~
9 ~~receives all intertrack simulcasts from licensed race meetings in~~
10 ~~a city area that are available after 6:45 p.m.~~

11 (I) ~~(j)~~ All applicants conducting licensed race meetings
12 in a city area shall authorize all other race meeting licensees
13 in the state to conduct simulcasts of the breed for which the
14 applicant is licensed to conduct live horse racing. An applicant
15 may not conduct interstate simulcasts unless ~~such~~ authorization
16 TO DO SO is given by the applicant, in accordance with subdivi-
17 sion ~~(k)~~ (J), permitting all other race meeting licensees to
18 receive interstate simulcasts of a different breed than they are
19 licensed to race live.

20 (J) ~~(k)~~ A race meeting licensee shall not conduct an
21 interstate simulcast of a different breed than it is licensed to
22 race live at its race meeting, unless the licensee has the writ-
23 ten permission of all race meeting licensees in a city area that
24 are licensed to race that breed live at their race meetings. ~~A~~
25 ~~city area race meeting licensee may charge another race meeting~~
26 ~~licensee a fee for such permission. The permit fee may be no~~
27 ~~more than 1.5% of the total amount wagered at city area race~~

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1 ~~meetings, and no more than 0.5% of the total amount wagered at~~
2 ~~race meetings outside a city area, on the interstate simulcast~~
3 ~~for which such permission is given. Any permit fee charged pur-~~
4 ~~suant to this section shall be calculated and paid separate from~~
5 ~~the amount paid by the receiving track to the out-of-state send-~~
6 ~~ing track to receive the different breed interstate simulcast~~
7 ~~signals. If simulcasting permission is required from more than 1~~
8 ~~race meeting licensee in a city area under this section, the com-~~
9 ~~bined permit fee, if any, shall not exceed the maximum amount~~
10 ~~that may be charged by 1 licensee for such permission under this~~
11 ~~subsection and shall be paid jointly to and shared by the licens-~~
12 ~~ees in a city area on a pro rata basis according to the percen-~~
13 ~~tage of total wagering that each licensee produced in the previ-~~
14 ~~ous calendar year on live and simulcast races of the breed for~~
15 ~~which simulcasting permission is requested.~~

16 (K) ~~(I)~~ All authorized simulcasts shall be conducted in
17 compliance with the written permit and related orders issued by
18 the racing commissioner and all other requirements and conditions
19 of this act and the rules of the racing commissioner promulgated
20 under this act.

21 (l) ~~(m)~~ All authorized interstate simulcasts shall also
22 comply with the interstate horse racing act of 1978, PUBLIC LAW
23 95-15, 15 U.S.C. 3001 to 3007.

24 (3) All forms of wagering by pari-mutuel methods provided
25 for under this act for live racing shall be allowed on simulcast
26 horse races authorized under this section. All money wagered on
27 simulcast horse races at a licensed race meeting shall be

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1 included in computing the total amount of all money wagered at
2 the licensed race meeting for purposes of section 17. When the
3 simulcast is an interstate simulcast, the money wagered on that
4 simulcast shall form a separate pari-mutuel pool at the receiving
5 track unless 2 or more licensees receive the same interstate
6 simulcast signals or the racing commissioner permits the receiv-
7 ing track to combine its interstate simulcast pool with the pool
8 created at the out-of-state sending track on the same race. If 2
9 or more licensees receive the same interstate simulcast signals,
10 the money wagered on the simulcasts shall be combined in a common
11 pool and the licensees shall jointly agree and designate at which
12 race meeting the common pool will be located. However, if the
13 law of the jurisdiction in which the sending racetrack is located
14 permits interstate common pools at the sending racetrack, the
15 racing commissioner may permit pari-mutuel pools on interstate
16 simulcast races in this state to be combined with pari-mutuel
17 pools on the same races created at the out-of-state sending
18 racetrack. If the pari-mutuel pools on the interstate simulcast
19 races in this state are combined in a common pool at the
20 out-of-state sending track, then the commissions described in
21 section 17 on the pool created in this state shall be adjusted to
22 equal the commissions in effect at the sending track under the
23 laws of its jurisdiction. If the simulcast is an intertrack
24 simulcast, the money wagered on that simulcast at the receiving
25 racetrack shall be added to the pari-mutuel pool at the sending
26 racetrack.

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1 (4) Each race meeting licensee that receives an interstate
2 simulcast shall pay to the horsemen's simulcast purse pool
3 established under section 19 a sum equal to 40% of the licensee's
4 net commission from all money wagered on the interstate simul-
5 cast, as determined by section 17(3) ~~and (8)~~ after first
6 deducting from the licensee's statutory commission the applicable
7 state tax on wagering due and payable under section 22 and the
8 actual verified fee paid by the licensee to the sending host
9 track to receive the interstate simulcast signal. The licensee
10 shall retain the remaining balance of its net commission and
11 shall be responsible for paying all other capital and operational
12 expenses related to receiving interstate simulcasts at its race
13 meeting. Any subsequent rebate of a fee paid by a licensee to
14 receive interstate simulcast signals shall be shared equally by
15 the licensee and the horsemen's simulcast purse pool established
16 under section 19.

17 (5) ~~No later than 120 days after the effective date of this~~
18 ~~act, a~~ A race meeting licensee licensed to conduct pari-mutuel
19 horse racing in a city area shall provide the necessary equipment
20 to send intertrack simulcasts of the live horse races conducted
21 at its race meeting to all other race meeting licensees in this
22 state, and shall send its intertrack simulcast signals to ~~such~~
23 THOSE licensees upon request for an agreed fee, which shall not
24 exceed 3% of the total amount wagered on the race at the receiv-
25 ing track. Race meeting licensees that send or receive inter-
26 track simulcasts shall make the following payments to the
27 horsemen's purse pools:

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1 (a) Each race meeting licensee that sends an intertrack
2 simulcast shall pay 50% of the simulcast fee that it receives for
3 sending the simulcast signal to the horsemen's purse pool at the
4 sending track.

5 (b) Each race meeting licensee that receives an intertrack
6 simulcast shall pay to the horsemen's simulcast purse pool estab-
7 lished pursuant to section 19 a sum equal to 40% of the receiving
8 track's net commission from wagering on the intertrack simulcast
9 under section 17(3) ~~and (8),~~ after first deducting from the
10 licensee's statutory commission the applicable state tax on
11 wagering due and owing under section 22 and the actual verified
12 fee paid by the receiving track to the sending host track to
13 receive the intertrack simulcast signal.

14 (6) The racing commissioner may authorize a race meeting
15 licensee to transmit simulcasts of live horse races conducted at
16 its racetrack to locations outside of this state in accordance
17 with the interstate horse racing act of 1978, PUBLIC LAW 95-515,
18 15 U.S.C. 3001 to 3007, or any other applicable laws, and may
19 permit pari-mutuel pools on such simulcast races created under
20 the laws of the jurisdiction in which the receiving track is
21 located to be combined in a common pool with pari-mutuel pools on
22 the same races created in this state. A race meeting licensee
23 that transmits simulcasts of its races to locations outside this
24 state shall pay 50% of the fee that it receives for sending the
25 simulcast signal to the horsemen's purse pool at the sending
26 track after first deducting the actual verified cost of sending
27 the signal out of state.

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1 (7) Simulcasting of events other than horse races for
2 purposes of pari-mutuel wagering is prohibited.

3 SEC. 19A. IF A THOROUGHBRED TRACK LICENSE IS SURRENDERED,
4 REVOKED, OR ESCROWED, OR AFTER JANUARY 1, 1998, A LICENSED THOR-
5 OUGHBRED TRACK IS CLOSED, THE RACING COMMISSIONER SHALL ORDER THE
6 DEPOSIT OF HORSEMEN'S PURSE POOL MONEY DEPOSITED AND DISTRIBUTED
7 PURSUANT TO SECTION 19 TO A DEPOSITORY DESIGNATED BY A RACE MEET-
8 ING LICENSEE UPON WRITTEN DIRECTION OF THE AFFECTED CERTIFIED
9 HORSEMEN'S ORGANIZATION REGARDLESS OF WHETHER THERE WAS RACING AT
10 THE RACE MEETING LICENSEE'S LOCATION DURING THE PREVIOUS YEAR.