ARTICLE 9 – PARIMUTUEL WAGERING

112-9-1. Definitions as used in these regulations and the racing act. (a) "Business day", as used in K.S.A. 74-8823(c) and amendments thereto, shall mean the first working day following a performance.

(b) "Working day", as used in subsection (a) above, shall have the same meaning as set forth for "business day" in K.S.A. 45-217(a), and amendments thereto. (Authorized by K.S.A. 1993 Supp. 74-8804 as amended by L. 1994, Ch. 146, Sec. 3 and implementing K.S.A. 1993 Supp. 74-8823; effective Sept. 6, 1994; amended July 10, 1995.)

112-9-2. Mutuel facilities. (a) Each organization licensee shall provide:

(1) A window for each teller-cashier with a clear, legible sign, visible to the public, and showing the number of the window; and

(2) a ticket-issuing machine for each teller or teller-cashier.

(b) Each organization licensee shall use ticket-issuing machines linked to a computer-based totalisator system that:

(1) Records the progressive, the aggregate, and the final total of dollars bet in each pool and on each wagering entry or mutuel field;

(2) computes the approximate and final odds in the win pool for each wagering entry in each race in intervals not greater than 90 seconds or at such other lesser intervals, and relays those odds to the infield display board, and if applicable, to other display devices;

(3) computes commissions, breaks and components thereof; and

(4) computes the pay-off prices.

(c) For the purpose of confirming the final record of parimutuel sales for each race, each organization licensee shall for win, place, show and feature pools:

(1) Either obtain a ticket-issuing machine take-off and teller history, or store on magnetic media the following information for each ticket-issuing machine:

(A) Each bet sold on each wagering entry or combination of entries; and

(B) the total number of bets sold on each entry and combination of entries and their dollar equivalent, by each individual ticket-issuing machine and in total; and

(2) produce upon request by the commission or its designated representatives a computer print-out that shows the information required in subparagraph (B).

(d) Each organization licensee shall provide an alternate system of electrical supply to provide sufficient power to operate the central processing unit or the unit that accepts or stores wagering data.

(e) Each organization licensee shall provide, for the purpose of locking ticket-issuing machines at the start of each race:

(1) one device located in an approved area within the stewards' or judges' stand that:

(A) is controlled by a commission representative;

(B) logically disables all ticket-issuing machines from issuing tickets on the current race; and

(C) stops betting on a race no later than the official start of that race; and

(2) one device located in the totalisator room for use as an emergency locking device.

(f) Each ticket shall be identified by a unique computer-generated ticket number. Where non-resettable, ticket-issuing machine counters are used, each counter shall be read and recorded before the start and after the finish of wagering for each race. Where the counts are accumulated by machine, the sales accumulators shall be set to zero after the sales have been recorded and before wagering on the next race begins. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8804 and 74-8813; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-3-1-93, March 1, 1993; amended, T-112-6-15-93, June 15, 1993; amended Sept. 27, 1993.)

112-9-3. Parimutuel wagering. Each form of wagering shall be used only with

permission of the commission and in accordance with the provisions of the Kansas parimutuel racing act. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 8819 (b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-4. Parimutuel tickets. (a) Each parimutuel ticket shall be evidence of a contribution to the parimutuel pool operated by the organization licensee and shall be evidence of the obligation of the organization licensee to pay to each holder the portion of the distributable amount of the parimutuel pool that is represented by each valid parimutuel ticket. Each organization licensee shall cash each valid, unmutilated winning ticket when each ticket is presented for payment during the course of the meeting where sold, and for a period of 60 days after the close of the race meeting.

(b) Each valid parimutuel ticket shall have been issued by a parimutuel ticket machine operated by the organization licensee and recorded as a ticket entitled to a share of the parimutuel pool, and contained imprinted information as to:

(1) The name of the organization licensee operating the meeting and the racetrack;

(2) the date of the wagering transaction and the date of the race;

(3) a unique identifying number or code;

(4) the race number for which the pool is conducted;

(5) the type or types of wager represented;

(6) the number or numbers representing the wagering interest for which the wager is recorded;

(7) the amount or amounts of the contribution to the parimutuel pool or pools for which the ticket is evidence; and

(8) the number of the ticket issuing machine.

(c) Each parimutuel ticket recorded or reported as previously paid, canceled or nonexistent shall be deemed an invalid parimutuel ticket by the organization licensee.

(d) Any organization licensee may withhold payment and may refuse to cash any parimutuel ticket deemed not valid. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-5. Claim for payment from parimutuel pool. (a) Each organization licensee shall accept a written, verified claim for payment from a parimutuel pool in any case where the organization licensee has withheld payment or has refused to cash a parimutuel ticket presented for payment within 60 days after the close of the race meeting. Each claim shall be made on a form approved by the commission. Each claimant making a claim shall do so under penalty of perjury. The original of each claim shall be promptly forwarded to the commission.

(b) Each organization licensee shall deliver to the commission each claim made for payment of a mutilated parimutuel ticket that contains the total imprinted elements required in K.A.R. 112-9-4.

(c) Each claim shall be adjudicated and decided by the commission. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8822; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990.)

112-9-6. Lost or destroyed tickets. Each claim for a lost or destroyed parimutuel ticket shall not be accepted by the organization licensee nor by the commission. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8822; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-7. Uncashed tickets. (a) Each organization licensee shall carry on its books an account that shows the total amount due on outstanding uncashed mutuel tickets. Each winning ticket remaining unpaid at the close of each performance shall be entered in a book known as the "outsbook" at the actual price paid to the public. A record of all unpaid parimutuel tickets shall be prepared and forwarded to the commission within 61 days after the close of the race meeting. Each unclaimed ticket cashed after the close of the season shall bear the date it was paid, check number and the amount paid.

(b) When outsbooks are compiled by data processing systems or computerized totalisator equipment, the following minimum requirements shall apply:

(1) All printed outs summaries and printed outs ledger sheets shall be placed in a separate binder in chronological order. Each organization licensee shall safeguard these records; and

(2) the daily outs summary printout shall include for each previous performance:

(A) The performance number;

(B) the number and amount of tickets outstanding before the current performance;

(C) the number and amount of tickets cashed during the current performance; and

(D) the remaining number and amount of uncashed tickets at the close of the current performance.

(c) Before the close of the next business day after each performance, each organization licensee shall deliver to the commission office a copy of the totalisator company report showing the daily accumulation of the outs.

(d) Each organization licensee shall safeguard all records pertaining to parimutuel operations including all cash winning parimutuel tickets and admission records, for as long as the commission requires. The records shall not be destroyed without written permission of the commission. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990.)

112-9-8. Accounting. (a) Each organization licensee conducting race meetings shall submit to the commission by the close of the next business day following the end of the race meet a report listing the total number of paid admissions, passes and occupation licensees, not employed by the organization licensee or the commission, admitted to the racetrack facility, the total amount contributed to each parimutuel pool on each race and the amount of money received daily from paid admission fees. (Authorized by K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8804 (p); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990.)

112-9-9. Parimutuel pools. (a) Each organization licensee shall provide win, place and show pools in each race in which there are five or more separate wagering interests that are obligated to start.

(b) Each organization licensee shall provide win and place pools in each race where there are four separate wagering interests that are obligated to start.

(c) Each organization licensee shall provide a win pool in each race where less than four separate wagering interests are obligated to start.

(d) The requirement for a place or show pool in any race may be waived by the stewards or racing judges. (Authorized by K.S.A. 1988 Supp. 74-8804 (p) and implementing K.S.A. 74-8819 (b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-10. Distribution of pools. After the results of each race have been declared official by the stewards or racing judges, each parimutuel pool shall be distributed to each parimutuel ticket holder entitled to share in a respective pool in accordance with the provisions of the Kansas parimutuel racing act and article 112 of these regulations. If two wagering interests finish in a race, the show pool, if any, shall be distributed the same as in a place pool. When only one wagering interest finishes in a race, the place pool and show pool, if any, shall be distributed the same as in a win pool. If no wagering interest finishes in a race or the race is declared a no contest by the stewards or racing judges, all money wagered on the race shall be refunded to ticket holders. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing 74-8819 (b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-11. Race declared official. (a) Each decision of the stewards or racing judges regarding the order of finish shall be final at the time the stewards or racing judges order the official sign displayed on the totalisator board. Each ruling of the stewards or racing judges or the commission regarding the order of finish or any award of purse money made after the result of the race has been declared official shall not affect the parimutuel payoff or the distribution of any parimutuel pool. An inadvertent mistake in the posting of the official order of finish may be corrected by the stewards or judges before the running of the next race.

(b) Each racing animal shall be considered a starter for a race when the doors of the starting gate or starting box open in front of the racing animal at the time the official starter dispatches the racing animals. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990.)

112-9-11a. General provisions. (a) Each parimutuel wagering pool shall be independently calculated and distributed. The takeout shall be deducted from each gross pool as authorized by law. The remaining monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

(b) For each wagering pool, the amount wagered on the winning betting interest or betting combinations shall be deducted from the net pool to determine the profit. The profit then shall be divided by the amount wagered on the winning betting interest or combinations, the quotient being the profit per dollar.

(c) The standard or the net price calculation procedure shall be used to calculate single commission pools, but only the net price calculation procedure shall be used to calculate multi-commission pools.

(d) If a profit split results in only one covered winning betting interest or combinations it shall be calculated the same as a single price pool.

(e) Minimum payoffs and the method used for calculating breakage shall be established by the commission. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, Ch. 247, Sub. 5; effective June 1, 1992.)

112-9-12. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-12a. Win pools. (a) The amount wagered on the betting interest which finishes first shall be deducted from the net pool. The balance remaining shall be the profit. The profit shall be divided by the amount wagered on the betting interest finishing first, the quotient being the profit per dollar wagered to win on the betting interest.

(b) The net win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(1) to those whose selection finishes first, but if there are no such wagers; then

(2) to those whose selection finishes second, but if there are no such wagers; then

(3) to those whose selection finishes third, but if there are no such wagers; then

(4) the entire pool shall be refunded on win wagers for that contest.

(c) If there is a dead heat for first involving contestants representing the same betting interest, the win pool shall be distributed as if no dead heat occurred.

(d) If there is a dead heat for first involving contestants representing two or more betting interests, the win pool shall be distributed as a profit split. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 74-8819, as amended by L. 1991, Ch. 247, Sec. 5; effective June 1, 1992.)

112-9-13. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990; revoked June 1, 1992.)

112-9-13a. Place pools. (a) The amounts wagered to place on the first two betting interests to finish shall be deducted from the net pool. The balance remaining shall be the profit. The profit shall be divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the quotient being the profit per dollar wagered to place on that betting interest.

(b) The net place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if contestants of a coupled entry or mutuel field finish in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(2) as a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then

(3) as a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(4) as a single price pool to those who selected the third-place finisher; but if there are no such wagers, then

(5) the entire pool shall be refunded on place wagers for that contest.

(c) If there is a dead heat for first involving contestants representing the same betting interest, the place pool shall be distributed as a single price pool.

(d) If there is a dead heat for first involving contestants representing two or more betting interests, the place pool shall be distributed as a profit split.

(e) If there is a dead heat for second involving contestants representing the same betting interest, the place pool shall be distributed as if no dead heat occurred.

(f) If there is a dead heat for second involving contestants representing two or more betting interests, the place pool shall be divided, with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder distributed equally among place wagers on those betting interests involved in the dead heat for second. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, Ch. 247, Sec. 5; effective June 1, 1992.)

112-9-14. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-14a. Show pools. (a) The amounts wagered to show on the first three betting interests to finish shall be deducted from the net pool. The balance remaining shall be the profit. The profit shall be divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the quotient being the profit per dollar wagered to show on that betting interest.

(b) The net show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if contestants of a coupled entry or mutuel field finish in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(2) if contestants of a coupled entry or mutuel field finish as two of the first three finishers, the profit shall be divided, with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise

(3) as a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(4) as a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(5) as a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(6) as a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(7) the entire pool shall be refunded on show wagers for that contest.

(c) If there is a dead heat for first involving two contestants representing the same betting interest, the profit shall be divided, with two-thirds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.

(d) If there is a dead heat for first involving three contestants representing a single betting interest, the show pool shall be distributed as a single price pool.

(e) If there is a dead heat for first involving contestants representing two or more betting interests, the show pool shall be distributed as a profit split.

(f) If there is a dead heat for second involving contestants representing the same betting interest, the profit shall be divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.

(g) If there is a dead heat for second involving contestants representing two betting interests, the show pool shall be distributed as a profit split.

(h) If there is a dead heat for second involving contestants representing three betting interests, the show pool shall be divided, with one-third of the profit distributed to show wagers on the betting interest finishing first and the remainder distributed equally among show wagers on those betting interests involved in the dead heat for second.

(i) If there is a dead heat for third involving contestants representing the same betting interest, the show pool shall be distributed as if no dead heat occurred.

(j) If there is a dead heat for third involving contestants representing two or more betting interests, the show pool shall be divided, with two-thirds of the profit distributed to show wagers on the betting interests finishing first and second and the remainder distributed equally among show wagers on those betting interests involved in the dead heat for third. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, Ch. 247, Sec. 5; effective June 1, 1992.)

112-9-15. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-15a. Daily double pools. (a) The daily double requires selection of the first-place finisher in each of two specified contests.

(b) The net daily double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) as a single price pool to those whose selection finishes first in each of the two contests; but if there are no such wagers, then

(2) as a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then

(3) as a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then

(4) as a single price pool to those whose selection finishes second in each of the two contests; but if there are no such wagers, then

(5) the entire pool shall be refunded on daily double wagers for those contests.

(c) If there is a dead heat for first in either of the two contests involving contestants representing the same betting interest, the daily double pool shall be distributed as if no dead heat occurred.

(d) If there is a dead heat for first in either of the two contests involving contestants representing two or more betting interests and there is more than one covered winning combination, the daily double pool shall be distributed as a profit split.

(e) If a betting interest in the first-half of the daily double is scratched before the first daily double contest is declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the daily double pool and refunded.

(f) If a betting interest in the second-half of the daily double is scratched before the close of wagering on the first daily double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the daily double pool and refunded.

(g) If a betting interest in the second-half of the daily double is scratched after the close of wagering on the first daily double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net daily double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price shall be multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage shall not be included in this calculation. The consolation payoff shall be deducted from the net daily double pool before calculation and distribution of the winning daily double payoff. Dead heats including separate betting interests in the first contest shall result in a consolation payoff calculated as a profit split.

(h) If either of the daily double contests is canceled prior to the first daily double contest, or the first daily double contest is declared "no contest," the entire daily double pool shall be refunded on daily double wagers for those contests.

(i) If the second daily double contest is canceled or declared "no contest" after the conclusion of the first daily double contest, the net daily double pool shall be distributed as a single price pool to wagers selecting the winner of the first daily double contest. In the event of a dead heat involving separate betting interests, the net daily double pool shall be distributed as a profit split. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, Ch. 247, Sec. 5; effective June 1, 1992.)

112-9-16. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-16a. Quinella pools. (a) The quinella requires selection of the first two finishers, regardless of order, for a single contest.

(b) Each net quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(2) as a single price pool to those whose combination finishes as the first two betting interests; but if there are no such wagers, then

(3) as a profit split to those whose combination includes either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(4) as a single price pool to those whose combination includes the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(5) the entire pool shall be refunded on quinella wagers for that contest.

(c) If there is a dead heat for first involving contestants representing the same betting interest, the quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(d) If there is a dead heat for first involving contestants representing two betting interests, the quinella pool shall be distributed as if no dead heat occurred.

(e) If there is a dead heat for first involving contestants representing three or more betting interests, the quinella pool shall be distributed as a profit split.

(f) If there is a dead heat for second involving contestants representing the same betting interest, the quinella pool shall be distributed as if no dead heat occurred.

(g) If there is a dead heat for second involving contestants representing two or more betting interests, the quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(1) as a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(2) as a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(3) as a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(4) as a profit split to those whose combination includes the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(5) the entire pool shall be refunded on quinella wagers for that contest. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, Ch. 247, Sec. 5; effective June 1, 1992.)

112-9-16b. Quinella double pools. (a) The quinella double requires selection of the first two finishers, regardless of order, in each of two specified contests.

(b) The net quinella double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if a coupled entry or mutuel field finishes as the first two contestants in either contest, as a single price pool to those

selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate quinella double contest; otherwise

(2) as a single price pool to those selecting the first two finishers in each of the two quinella double contests; but if there are no such wagers, then

(3) as a profit split to those selecting the first two finishers in either of the two quinella double contests; but if there are no such wagers on one of those contests, then

(4) as a single price pool to those selecting the first two finishers in the one covered quinella double contest; but if there are no such wagers, then

(5) the entire pool shall be refunded on quinella double wagers for those contests.

(c) If there is a dead heat for first in either of the two quinella double contests involving contestants representing the same betting interest, the quinella double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.

(d) If there is a dead heat for first in either of the two quinella double contests involving contestants representing two betting interests, the quinella double pool shall be distributed as if no dead heat occurred.

(e) If there is a dead heat for first in either of the two quinella double contests involving contestants representing three or more betting interests, the quinella double pool shall be distributed as a profit split.

(f) If there is a dead heat for second in either of the quinella double contests involving contestants representing the same betting interest, the quinella double pool shall be distributed as if no dead heat occurred.

(g) If there is a dead heat for second in either of the quinella double contests involving contestants representing two or more betting interests, the quinella double pool shall be distributed as a profit split.

(h) If a betting interest in the first-half of the quinella double is scratched before the first quinella double contest is declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the quinella double pool and refunded.

(i) If a betting interest in the second-half of the quinella double is scratched before the close of wagering on the first quinella double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the quinella double pool and refunded.

(j) If a betting interest in the second-half of the quinella double is scratched after the close of wagering on the first quinella double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff, the net quinella double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price shall be multiplied by the dollar value of wagers on the winning combination in the first contest together with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage shall not be included in this calculation. The consolation payoff shall be deducted from the net quinella double pool before calculation and distribution of the winning quinella double payoff. In the event of a dead heat involving separate betting interests, the net quinella double pool shall be distributed as a profit split.

(k) If either of the quinella double contests is canceled before the first quinella double contest, or the first quinella double contest is declared "no contest," the entire quinella double pool shall be refunded on quinella double wagers for those contests.

(l) If the second quinella double contest is canceled or declared "no contest"

after the conclusion of the first quinella double contest, the net quinella double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first quinella double contest. If there are no wagers selecting the winning combination in the first quinella double contest, the entire quinella double pool shall be refunded on quinella double wagers for those contests. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, Ch. 247, Sec. 5; effective June 1, 1992.)

112-9-17. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-17a. Exacta pools. (a) The exacta requires selection of the first two finishers, in their exact order, for a single contest.

(b) Each net exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(2) as a single price pool to those whose combination finishes in correct sequence as the first two betting interests; but if there are no such wagers, then

(3) as a profit split to those whose combination includes either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(4) as a single price pool to those whose combination includes the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then

(5) the entire pool shall be refunded on exacta wagers for that contest.

(c) If there is a dead heat for first involving contestants representing the same betting interest, the exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(d) If there is a dead heat for first involving contestants representing two or more betting interests, the exacta pool shall be distributed as a profit split.

(e) If there is a dead heat for second involving contestants representing the same betting interest, the exacta pool shall be distributed as if no dead heat occurred.

(f) If there is a dead heat for second involving contestants representing two or more betting interests, the exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:

(1) as a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(2) as a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(3) as a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(4) the entire pool shall be refunded on exacta wagers for that contest. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, Ch. 247, Sec. 5; effective June 1, 1992.)

112-9-18. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March

31, 1989; effective June 26, 1989; amended March 19, 1990; revoked June 1, 1992.)

112-9-18a. Trifecta pools. (a) The trifecta requires selection of the first three finishers, in their exact order, for a single contest.

(b) Each net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) the entire pool shall be refunded on trifecta wagers for that contest.

(c) If fewer than three betting interests finish and the contest is declared official, payoffs shall be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(e) If there is a dead heat for first involving contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, regardless of order, shall share in a profit split along with the third-place betting interest.

(f) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(g) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, shall share in a profit split along with any of the betting interests involved in the dead heat for third. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-19. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-19a. Twin quinella pools. (a) The twin quinella requires selection of the first two finishers, regardless of order, in each of two designated contests. Each winning ticket for the first twin quinella contest must be exchanged for a free ticket on the second twin quinella contest in order to remain eligible for the second-half twin quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second twin quinella contest. There shall be no monetary reward for winning the first twin quinella contest. Both of the designated twin quinella contests shall be included in only one twin quinella pool.

(b) In the first twin quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin quinella contest:

(1) if a coupled entry or mutuel field finishes as the first two finishers, those who

select the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; otherwise

(2) those whose combination finishes as the first two betting interests shall be winners; but if there are no such wagers, then

(3) those whose combination includes either the first- or second-place finisher shall be winners; but if there are no such wagers on one of those two finishers, then

(4) those whose combination includes the one covered betting interest included within the first two finishers shall be winners; but if there are no such wagers, then

(5) the entire pool shall be refunded on the twin quinella wagers for that contest.

(c) In the first twin quinella contest only, if there is a dead heat for first involving contestants representing the same betting interest, those who select the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners.

(d) In the first twin quinella contest only, if there is a dead heat for first involving contestants representing two betting interests, the winning twin quinella wagers shall be determined as if no dead heat occurred.

(e) In the first twin quinella contest only, if there is a dead heat for first involving contestants representing three or more betting interests, those whose combination includes any two of the betting interests finishing in the dead heat shall be winners.

(f) In the first twin quinella contest only, if there is a dead heat for second involving contestants representing the same betting interest, those who select the first-place finisher combined with the coupled entry or mutuel field in second-place shall be winners.

(g) In the first twin quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, those who combine the first-place finisher with any of the betting interests involved in the dead heat for second shall be winners.

(h) In the second twin quinella contest only, the entire net twin quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin quinella contest:

(1) if a coupled entry or mutuel field finishes as the first two finishers, as a single price pool to those who select the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(2) as a single price pool to those whose combination finishes as the first two betting interests; but if there are no such wagers, then

(3) as a profit split to those whose combination includes either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(4) as a single price pool to those whose combination includes the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(5) as a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then

(6) in accordance with subparagraph (b) of this racing regulation.

(i) In the second twin quinella contest only, if there is a dead heat for first involving contestants representing the same betting interest, the net twin quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(j) In the second twin quinella contest only, if there is a dead heat for first involving contestants representing two betting interests, the net twin quinella pool shall be distributed as if no dead heat occurred.

(k) In the second twin quinella contest only, if there is a dead heat for first involving contestants representing three or more betting interests, the net twin quinella pool shall be distributed as a profit split to those whose combination includes any two of the betting interests finishing in the dead heat.

(l) In the second twin quinella contest only, if there is a dead heat for second involving contestants representing the same betting interest, the net twin quinella pool shall be distributed as if no dead heat occurred.

(m) In the second twin quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the net twin quinella pool shall be distributed as a profit split to those who combine the first-place finisher with any of the betting interests involved in the dead heat for second.

(n) If a winning ticket for the first-half of the twin quinella is not presented for exchange before the close of betting on the second-half twin quinella contest, the ticket holder forfeits all rights to any distribution of the twin quinella pool resulting from the outcome of the second contest.

(o) If a betting interest in the first-half of the twin quinella is scratched, those twin quinella wagers including the scratched betting interest shall be refunded.

(p) If a betting interest in the second-half of the twin quinella is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged before the close of betting for the second twin quinella contest, the ticket holder forfeits all rights to the twin quinella pool.

(q) If either of the twin quinella contests is canceled prior to the first twin quinella contest, or the first twin quinella contest is declared "no contest," the entire twin quinella pool shall be refunded on twin quinella wagers for that contest.

(r) If the second-half twin quinella contest is canceled or declared "no contest" after the conclusion of the first twin quinella contest, the net twin quinella pool shall be distributed as a single price pool to wagers selecting the winning combination in the first twin quinella contest and all valid exchange tickets. If there are no such wagers, the net twin quinella pool shall be distributed as described in subparagraph (b) of this racing regulation. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, Ch. 247, Sec. 5; effective June 1, 1992.)

112-9-20. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-21. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990; revoked June 1, 1992.)

112-9-21a. Pick three pools. (a) The pick three requires selection of the first-place finisher in each of three specified contests.

(b) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) as a single price pool to those whose selection finishes first in each of the three contests; but if there are no such wagers, then

(2) as a single price pool to those who select the first-place finisher in any two of the three contests; but if there are no such wagers, then

(3) as a single price pool to those who select the first-place finisher in any one of the three contests; but if there are no such wagers, then

(4) the entire pool shall be refunded on pick three wagers for those contests.

(c) If there is a dead heat for first in any of the three contests involving contestants representing the same betting interest, the pick three pool shall be distributed as if no dead heat occurred.

(d) If there is a dead heat for first in any of the three contests involving contestants representing two or more betting interests, the pick three pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(e) If a betting interest in any of the three pick three contests is scratched, the actual favorite, as determined by total amounts wagered in the win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. If the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The racing or wagering equipment or services licensee shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(f) If all three pick three contests are canceled or declared "no contest," the entire pool shall be refunded on pick three wagers for those contests.

(g) If one or two of the pick three contests are canceled or declared "no contest," the pick three pool shall remain valid and shall be distributed in accordance with subsection (b) of this regulation. (Authorized by K.S.A. 1993 Supp. 74-8804 as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8819; effective June 1, 1992; amended July 10, 1995.)

112-9-22. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990; revoked June 1, 1992.)

112-9-22a. Pick (N) pools. (a) The pick (N) requires selection of the first-place finisher in each of a designated number of contests. The number of contests so designated shall be more than three. The organization licensee shall obtain written approval from the commission for the schedule of pick (N) contests, the designation of one of the methods prescribed in subparagraph (b) of this regulation and the amount of any cap to be set on the carryover. The organization licensee shall not modify these pick (N) conditions without prior written approval from the commission.

(b) The pick (N) pool shall be apportioned under one of the following methods:

(1) The net pick (N) pool and carryover, if any, shall be distributed as a single price pool to those who select the first-place finisher in each of the pick (N) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests, and the remainder shall be added to the carryover.

(2) The major share of the net pick (N) pool and the carryover, if any, shall be distributed to those who select the first-place finisher in each of the pick (N) contests, based upon the official order of finish. The minor share of the net pick (N) pool shall be distributed to those who select the first-place finisher in the second greatest number of pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (N) contests, the minor share of the net pick (N) pool shall be distributed as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests, and the major share shall be added to the carryover.

(3) The net pick (N) pool shall be distributed as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests, based upon the official order of finish. If there are no winning wagers, the pool shall be refunded.

(4) The major share of the net pick (N) pool shall be distributed to those who select the first place finisher in the greatest number of pick (N) contests, based upon the official

order of finish. The minor share of the net pick (N) pool shall be distributed to those who select the first-place finisher in the second greatest number of pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (N) contests, the minor share of the net pick (N) pool shall be combined with the major share for distribution as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests. If the greatest number of first-place finishers selected is one, the major and minor shares shall be combined for distribution as a single price pool. If there are no winning wagers, the pool shall be refunded.

(5) The major share of the net pick (N) pool shall be distributed to those who select the first-place finisher in each of the pick (N) contests, based upon the official order of finish. The minor share of the net pick (N) pool shall be distributed to those who select the first-place finisher in the second greatest number of pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (N) contests, the entire net pick (N) pool shall be distributed as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests. If there are no wagers selecting the first-place finisher in a second greatest number of pick (N) contests, the minor share of the net pick (N) pool shall be combined with the major share for distribution as a single price pool to those who select the first-place finisher in each of the pick (N) contests. If there are no winning wagers, the pool shall be refunded.

(c) If there is a dead heat for first in any of the pick (N) contests involving contestants representing the same betting interest, the pick (N) pool shall be distributed as if no dead heat occurred.

(d) If there is a dead heat for first in any of the pick (N) contests involving contestants representing two or more betting interests, the pick (N) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(e) If a betting interest in any of the pick (N) contests is scratched, the actual favorite, as demonstrated by total amounts wagered in the win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. If the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(f) The pick (N) pool shall be canceled and all pick (N) wagers for the individual performance shall be refunded if:

(1) at least two contests included as part of a pick 3 are canceled or declared "no contest"; or

(2) at least three contests included as part of a pick 4, pick 5 or pick 6 are canceled or declared "no contest"; or

(3) at least four contests included as part of a pick 7, pick 8 or pick 9 are canceled or declared "no contest"; or

(4) at least five contests included as part of a pick 10 are canceled or declared "no contest."

(g) If at least one contest included as part of a pick (N) is canceled or declared "no contest," but not more than the number specified in subsection (f) of this regulation, the net pool shall be distributed as a single price pool to those whose selection finishes first in the greatest number of pick (N) contests for that performance. Such distribution shall include the portion ordinarily retained for the pick (N) carryover but not the carryover from previous performances.

(h) The pick (N) carryover may be capped at a designated level approved by the

commission in accordance with these racing regulations.

(i) An organization licensee may request permission to distribute the pick (N) carryover on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made.

(j) If the pick (N) carryover is designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the pick (N) contests, the entire pool shall be distributed as a single price pool to those whose selection finishes first in the greatest number of pick (N) contests. The pick (N) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subsection (h) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap, a change from one type of pick (N) wagering to another or when the pick (N) is discontinued; or

(3) on the closing performance of the race meeting or split meeting.

(k) If for any reason the pick (N) carryover is carried over to the corresponding pick (N) pool of a later race meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (N) carryover plus accrued interest then shall be added to the net pick (N) pool of the following race meeting on a date and performance designated by the commission.

(l) If it secures written commission approval, an organization licensee may contribute to the pick (N) carryover a sum of money up to the amount of any designated cap.

(m) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(n) The organization licensee may suspend previously approved pick (N) wagering only with the prior written approval of the commission. Any carryover shall be held until the suspended pick (N) wagering is reinstated.

(o) An organization licensee may request approval of a pick (N) wager or separate wagering pool for specific performances. (Authorized by K.S.A. 1991 Supp. 74-8804; implementing K.S.A. 1991 Supp. 74-8819; effective June 1, 1992.)

112-9-23. Payoff on minus pool. Each organization licensee shall pay to each holder of any ticket entitling the holder to participate in the distribution of a parimutuel pool the amount wagered by the holder plus a minimum of five percent. This requirement shall be unaffected by the existence of a parimutuel pool that does not contain sufficient money to distribute the five percent to each person holding the tickets. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990.)

112-9-24. Errors in posted payoff. If an error is discovered in the payoff amounts posted on the public board, the error shall be corrected promptly and an announcement of the correction shall be made over the public address system. After the error is discovered, the correct amount shall be used in the payoff. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-25. Payment for errors. (a) If an error occurs in the payment amounts for parimutuel tickets that are cashed or entitled to be cashed, and as a result of the error the parimutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) If the error creates an overpayment to ticket holders, the organization licensee shall be responsible for the overpayment; and

(2) if the error creates an underpayment to ticket holders, the organization licensee shall add the amount of the underpayment to the next similar parimutuel pool, whether during the race meet at which the underpayment occurred or the first similar parimutuel pool of the following race meet. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-26. Mutuel managers. (a) Each mutuel manager shall be responsible for the correctness of all posted payoff prices.

(b) If any emergency arises in connection with the operation of the parimutuel department of the organization licensee not covered by the parimutuel regulations and an immediate decision is necessary, the manager of the parimutuel department shall make the decision and shall deliver a detailed, written report to the commission within 24 hours of the incident. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-27. Cooperation of parimutuel department. Each parimutuel manager and each representative of any totalisator company or service providing parimutuel equipment or service at any race meeting shall cooperate fully in any investigation by the commission or in any proceeding before the commission relating to any parimutuel operations. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-28. Acceptance of wagers from outside enclosure. Each organization licensee shall accept no mail or telephone wagers, nor knowingly accept any wagers by or for a person who is prohibited from participating in parimutuel wagering. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8804, 74-8810, 74-8819; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-29. Probable odds on morning line. Unless otherwise approved by the commission, each organization licensee shall calculate and print in the official program the probable win odds for each wagering interest in each race. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990.)

112-9-30. Closing of wagering in a race. (a) Prior to the official start of a race, the stewards or racing judges shall lock the parimutuel machines and shall close the wagering in the race, after which time no parimutuel tickets shall be sold for the race.

(b) Each organization licensee shall maintain in good order an electrical or other system approved by the commission for locking the parimutuel machines.

(c) It shall be the secondary responsibility of the mutuel manager to ensure that wagering is terminated.

(d) With prior approval from the commission, wagers placed on greyhounds only may be canceled for a period of time not to exceed five seconds after wagering is terminated. (Authorized by K.S.A. 74-8804

and implementing K.S.A. 74-8816 and 74-8818; effective, T-112-3-31-89, March 31, 1989; effective, June 26, 1989; amended, T-112-3-1-93, March 1, 1993; amended, T-112-6-15-93, June 15, 1993; amended Sept. 27, 1993.)

112-9-31. Wagering by minors prohibited. Each person under 18 years of age shall not buy or cash any parimutuel ticket. Each employee of the organization licensee shall not knowingly sell or cash for a person under 18 years of age any parimutuel ticket. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8810; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-32. Wagering prohibited. Each mutuel department employee shall not wager on the result of a race while on duty at the racetrack facility of employment. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8810; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-33. Racing selection services. Each organization licensee shall prohibit the sale, offering for sale, or gift of any racing selection sheet or other racing prediction upon the premises of the organization licensee, except for any service that is authorized by the organization licensee and is licensed by the commission. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p) and 74-8816 (a)(2); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-34. Wagering by jockey. Each jockey shall not make any wager, or have any wager made in his behalf, on any card in which he participates. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990.)

112-9-35. Wagering interest. A wagering interest may be any one entry in a race, or may be two or more entries coupled as a single wagering interest, including a field entry. A declaration or withdrawal of one entry from a wagering interest which consists of more than one entry shall have no effect on any wagers made on the wagering interest. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p) and 74-8819 (b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-36. Evidence of pool distribution. In the event of loss by the organization licensee, its agent or employees, of any evidence of proper distribution of parimutuel pools, including, but not limited to, parimutuel tickets that have been cashed, outs ledgers, parimutuel machine recording registers, or cashier outslips, the organization licensee shall upon discovery of the loss immediately notify the commission and file with the commission within 72 hours of the discovery of the loss, a report and supporting affidavits. The report of loss may be accepted or the matter may be heard by the commission in its discretion. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-37. Dead heats. (a) In each dead heat for first place, the win pool pay-off price shall be figured as in a place pool.

(b) In each dead heat for second in the place pool, each winner of the race shall receive one-half share of the profits in that pool, and each of the two entries that run a dead heat for second shall receive one-half of the remaining half of the profits.

(c) In each dead heat for third or show in the show pool, each of the two entries that place first and second each shall receive a normal one-third of the profits in that pool; and of the two entries that run a dead heat for third, each shall receive one-half of the remaining third of the profits.

(d) If two or more entries racing for one interest or field participate in dead heats, each dead heat entry shall be entitled to the proportionate share of the profits in the pool in which the dead heat occurs and the other pools affected.

(e) If two or more entries racing for one interest or field run a dead heat or run a multiple dead heat in one race, each dead heat entry shall be entitled to the proportionate award of the profits in whatever pool or pools are affected by the dead heat or dead heats. The sum of total profits in each pool for the entry or field shall then be used as a dividend to calculate the payoff for the dead heat entry in that pool. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990.)

112-9-38. Purses for dead heats. Each purse, prize or award for a race in which a dead heat has occurred shall be divided equitably by determination of the stewards. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-39. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 74-8819(b); effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 2, 1989; revoked June 1, 1992.)

112-9-39a. Superfecta pools. (a) The superfecta requires selection of the first four finishers, in their exact order, for a single contest.

(b) The net superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) the entire pool shall be refunded on superfecta wagers for that contest.

(c) If fewer than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(e) If there is a dead heat for first involving contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, regardless of order, along with the fourth-place betting interest shall share in a profit split.

(f) If there is a dead heat for first involving contestants representing two betting interests, both of the wagering combinations

selecting the two dead-heated betting interests, regardless of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(g) If there is a dead heat for second involving contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

(h) If there is a dead heat for second involving contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, regardless of order, and the fourth-place betting interest shall share in a profit split.

(i) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers in correct sequence shall share in a profit split along with any two of the betting interests involved in the dead heat for third.

(j) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers in correct sequence shall share in a profit split along with any of the betting interests involved in the dead heat for fourth. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1992 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-40. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 74-8819(b); effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 2, 1989; revoked June 1, 1992.)

112-9-40a. Tri-superfecta pools. (a) The tri-superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first tri-superfecta contest must be exchanged for a free ticket on the second tri-superfecta contest in order to remain eligible for the second-half tri-superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second tri-superfecta contest. Winning first-half tri-superfecta tickets shall receive both an exchange and a monetary payoff. Both of the designated tri-superfecta contests shall be included in only one tri-superfecta pool.

(b) After wagering closes for the first-half of the tri-superfecta and the takeout has been deducted from the pool, the net pool then shall be divided into two separate pools: the first-half tri-superfecta pool and the second-half tri-superfecta pool.

(c) In the first tri-superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first tri-superfecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) the entire tri-superfecta pool shall be refunded on tri-superfecta wagers for that contest, and the second-half shall be canceled.

(d) If no first-half tri-superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half tri-superfecta pool. In such case, the second-half tri-superfecta pool shall be

retained and added to any existing tri-superfecta carryover pool.

(e) Winning tickets from the first-half of the tri-superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the tri-superfecta. The second-half tri-superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second tri-superfecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such tickets, then

(2) the entire second-half tri-superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half tri-superfecta pool of the next performance.

(f) If a winning first-half tri-superfecta ticket is not presented for cashing and exchange prior to the second-half tri-superfecta contest, the ticket holder may still collect the monetary value associated with the first-half tri-superfecta pool, but forfeits all rights to any distribution of the second-half tri-superfecta pool.

(g) If a betting interest in the first-half of the tri-superfecta is scratched, those tri-superfecta tickets including the scratched betting interest shall be refunded.

(h) If a betting interest in the second-half of the tri-superfecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second tri-superfecta contest, the ticket holder forfeits all rights to the second-half tri-superfecta pool.

(i) If, due to a late scratch, the number of betting interests in the second-half of the tri-superfecta is reduced to a fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half tri-superfecta pool for that contest as a single price pool, but not the tri-superfecta carryover.

(j) If there is a dead heat or multiple dead heats in either the first- or second-half of the tri-superfecta, all tri-superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in the first-half of the tri-superfecta, the payoff shall be calculated as a profit split. In the case of a dead heat occurring in the second-half of the tri-superfecta, the payoff shall be calculated as a single price pool.

(k) If either of the tri-superfecta contests is canceled prior to the first tri-superfecta contest, or the first tri-superfecta contest is declared "no contest," the entire tri-superfecta pool shall be refunded on tri-superfecta wagers for that contest, and the second-half shall be canceled.

(l) If the second-half tri-superfecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning tri-superfecta tickets shall be entitled to the net tri-superfecta pool for that contest as a single price pool, but not the tri-superfecta carryover. If there are no such tickets, the net tri-superfecta pool shall be distributed as described in subparagraph (c) of this regulation.

(m) The tri-superfecta carryover may be capped at a designated level as provided in these racing regulations.

(n) An organization licensee may request permission to distribute the tri-superfecta carryover on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made.

(o) If the tri-superfecta carryover is designated for distribution on a specified date and performance, the following precedence

shall be followed in determining winning tickets for the second-half of the tri-superfecta after completion of the first-half of the tri-superfecta:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination includes, in correct sequence, the first-place betting interest only; but if there are no such wagers, then

(5) as a single price pool to holders of valid exchange tickets; but if there are no valid exchange tickets, then

(6) as a single price pool to holders of outstanding first-half winning tickets.

(p) Notwithstanding the provisions of this regulation, during a performance designated to distribute the tri-superfecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the tri-superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the tri-superfecta, all first-half tickets shall become winners and shall receive 100 percent of that day's net tri-superfecta pool and any existing tri-superfecta carryover as a single price pool.

(q) The tri-superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (n) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the tri-superfecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(r) If, for any reason, the tri-superfecta carryover must be carried over to the corresponding tri-superfecta pool of a subsequent meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The tri-superfecta carryover plus accrued interest shall then be added to the second-half tri-superfecta pool of the following meeting on a date and performance designated by the commission.

(s) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(t) At the beginning of each meeting each organization licensee shall obtain written approval from the commission concerning the scheduling of tri-superfecta contests, the percentages of the net pool added to the first-half pool and the second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved tri-superfecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective June 1, 1992;

amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-41. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 2, 1989; revoked, T-112-9-26-91, Sept. 26, 1991; revoked June 1, 1992.)

112-9-41a. Twin trifecta. (a) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin trifecta contest must be exchanged for a free ticket for the second twin trifecta contest in order to remain eligible for the second-half twin trifecta pool. These tickets may be exchanged only at attended ticket windows prior to the second twin trifecta contest. Winning first-half twin trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta contests shall be included in only one twin trifecta pool.

(b) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool then shall be divided into separate pools: the first-half twin trifecta pool and the second-half twin trifecta pool.

(c) In the first twin trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in the same sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest and the second-half shall be canceled.

(d) If no first-half twin trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.

(e) Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in the same sequence as the first three betting interests; but if there are no such tickets, then

(2) the entire second-half twin trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half twin trifecta pool of the next consecutive performance.

(f) If a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta contest, the ticket holder may collect the monetary value associated with the first-half twin trifecta pool, but forfeits all rights to any distribution of the second-half twin trifecta pool.

(g) If a betting interest in the first-half of the twin trifecta is scratched, those twin trifecta wagers, including the scratched betting interest, shall be refunded.

(h) If a betting interest in the second-half of the twin trifecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for the exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin trifecta contest, the ticket holder forfeits all rights to the second-half twin trifecta pool.

(i) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin trifecta pool for that contest as a single price pool, but not the twin-trifecta carryover.

(j) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in the first-half of the twin trifecta, the payoff shall be calculated as a profit split. In the case of a dead heat occurring in the second-half of the twin trifecta, the payoff shall be calculated as a single price pool.

(k) If either of the twin trifecta contests is canceled prior to the first twin trifecta contest or if the first twin trifecta contest is declared a "no contest," the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest, and the second-half of the twin trifecta shall be canceled.

(l) If the second-half twin trifecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that contest as a single price pool, but not to the twin trifecta carryover. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subparagraph (c) of this regulation.

(m) The twin trifecta carryover may be capped at a designated level as provided in these racing regulations.

(n) An organization licensee may request permission to distribute the twin trifecta jackpot on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made.

(o) If the twin trifecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(1) as a single price pool to those whose combination finishes in the same sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) as a single price pool to holders of valid exchange tickets, but if there are no holders of valid exchange tickets, then

(5) as a single price pool to holders of outstanding first-half winning tickets.

(p) Notwithstanding the provisions of this regulation, during a performance designated to distribute the twin trifecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place

betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the twin trifecta, all first-half tickets shall become winners and shall receive 100 percent of that day's net twin trifecta pool and any existing twin trifecta carryover as a single price pool.

(q) The twin trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (n) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the twin trifecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(r) If, for any reason, the twin trifecta carryover must be carried over to the corresponding twin trifecta pool of a subsequent meeting, the jackpot shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover and accrued interest then shall be added to the second-half twin trifecta pool of the following meeting on a date and performance designated by the commission.

(s) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(t) The organization licensee shall obtain written approval from the commission concerning the scheduling of twin trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved twin trifecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective T-112-9-26-91, Sept. 26, 1991; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-42. Twin superfecta pools. (a) The twin superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin superfecta contest must be exchanged for a free ticket on the second twin superfecta contest in order to remain eligible for the second-half twin superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second twin superfecta contest. Winning first-half twin superfecta tickets shall receive both an exchange and a monetary payoff. Both of the designated twin superfecta contests shall be included in only one twin superfecta pool.

(b) After wagering closes for the first-half of the twin superfecta and the takeout has been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half twin superfecta pool and the second-half twin superfecta pool.

(c) In the first twin superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin superfecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct

sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) the entire twin superfecta pool shall be refunded on twin superfecta wagers for that contest, and the second-half shall be canceled.

(d) If no first-half twin superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin superfecta pool. In such case, the second-half twin superfecta pool shall be retained and added to any existing twin superfecta carryover pool.

(e) Winning tickets from the first-half of the twin superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the twin superfecta. The second-half twin superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such tickets, then

(2) the entire second-half twin superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half twin superfecta pool of the next performance.

(f) If a winning first-half twin superfecta ticket is not presented for cashing and exchange prior to the second-half twin superfecta contest, the ticket holder may still collect the monetary value associated with the first-half twin superfecta pool but forfeits all rights to any distribution of the second-half twin superfecta pool.

(g) If a betting interest in the first-half of the twin superfecta is scratched, those twin superfecta tickets including the scratched betting interest shall be refunded.

(h) If a betting interest in the second-half of the twin superfecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin superfecta contest, the ticket holder forfeits all rights to the second-half twin superfecta pool.

(i) If, due to a late scratch, the number of betting interests in the second-half of the twin superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin superfecta pool for that contest as a single price pool, but not the twin superfecta carryover.

(j) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin superfecta, all twin superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in the first-half of the twin superfecta, the payoff shall be calculated as a profit split. In the case of a dead heat occurring in the second-half of the twin superfecta, the payoff shall be calculated as a single price pool.

(k) If either of the twin superfecta contests is canceled prior to the first twin superfecta contest, or the first twin superfecta contest is declared "no contest," the entire twin superfecta pool shall be refunded on twin superfecta wagers for that contest, and the second-half shall be canceled.

(l) If the second-half twin superfecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning twin superfecta tickets shall be entitled to the net twin superfecta pool for that

contest as a single price pool, but not the twin superfecta carryover. If there are no such tickets, the net twin superfecta pool shall be distributed as described in subparagraph (c) of this regulation.

(m) The twin superfecta carryover may be capped at a designated level as provided in these racing regulations.

(n) An organization licensee may request permission to distribute the twin superfecta carryover on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, including how the distribution will serve the best interests of the wagering public, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made. The benefit to both the public and the state shall be weighed in determining whether to approve such a request.

(o) If the twin superfecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second-half of the twin superfecta after completion of the first-half of the twin superfecta:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) as a single price pool to holders of valid exchange tickets; but if there are no valid exchange tickets, then

(6) as a single price pool to holders of outstanding first-half winning tickets.

(p) Notwithstanding the provisions of this regulation, during a performance designated to distribute the twin superfecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the twin superfecta, all first-half tickets shall become winners and shall receive 100 percent of that day's net twin superfecta pool and any existing twin superfecta carryover as a single price pool.

(q) The twin superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (n) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the twin superfecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(r) If, for any reason, the twin superfecta carryover must be carried over to the corresponding twin superfecta pool of a subsequent meeting, the carryover shall be

deposited in an interest-bearing account approved by the commission. The twin superfecta carryover plus accrued interest then shall be added to the second-half twin superfecta pool of the following meeting on a date and performance designated by the commission.

(s) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(t) At the beginning of each race meeting each organization licensee shall obtain written approval from the commission concerning the scheduling of twin superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved twin superfecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective June 1, 1992; amended T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-43. Capping carryover pools. The pick (N), the twin trifecta, the tri-superfecta, and the twin superfecta carryover pools may be capped at a designated level or on a designated performance as approved by the commission. When the commission authorizes the capping of a carryover it shall select one of the following methods to govern subsequent contributions to the carryover pool:

(a) When the amount in the wager's carryover pool equals or exceeds the designated cap at the close of any performance, the carryover pool shall be frozen, and 100 percent of the designated contributions to the carryover pool shall be paid out to the wager's regular pool until the carryover pool is paid out.

(b) Within three working days of the date when the designated cap is reached, each organization licensee shall notify the commission or its designee of the occurrence and specify the date it intends to force a payout of the carryover pool, provided the capped carryover pool is not paid out prior to the specified date. Each forced payout shall be made within ten race days after the date when the designated cap is reached. After the designated cap is reached the carryover pool shall continue to receive its regular contribution from all wagers.

(c) When the designated cap on the carryover pool is reached the organization licensee shall freeze the carryover pool at the designated cap amount and create a new seed pool. The seed pool shall receive and hold all contributions that would normally flow to the carryover pool until the capped carryover pool is paid out. The carryover pool shall be paid out under the regular procedures, or, if the organization licensee so elects, under the forced payout procedures stated in subparagraph (b) of this regulation. Once the capped carryover pool is paid out, the seed pool shall become the carryover pool. If the seed pool's balance ever equals or exceeds the designated cap the seed pool shall be frozen the same as the carryover pool, and another seed pool shall be created.

(d) When a carryover pool is capped on a designated performance and the designated performance date is reached, the organization licensee shall pay out 100 percent of the contributions to the carryover pool using one of the following methods, as directed by the commission:

(1) to holders of tickets in accordance with the procedures stated in K.A.R. 112-9-41a(o) for twin trifecta wagers, K.A.R. 112-9-40a(o) for tri-superfecta wagers and K.A.R. 112-9-42(o) for twin superfecta wagers; or,

(2) to holders of second-half winning tickets using the following precedence:

(A) as a single price pool to those whose combination finishes in the same sequence as the first three betting interests for twin trifecta wagers or in the same sequence as the first four betting interests for twin superfecta and tri-superfecta wagers; then,

(B) as a single price pool to holders of valid exchange tickets; then,

(C) as a single price pool to holders of outstanding first-half winning tickets. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992; Ch. 27, Sec. 6; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-44. Place pick (N) pools. (a) The place pick (N) shall require selection of the first-place or second-place finisher in each of a designated number of contests. Each licensee shall secure written approval from the commission concerning the scheduling of place pick (N) contests, the designation of one of the methods stated in subsection (b) of this regulation, the distinctive name identifying the pool, and the amount of any cap to be set on the carryover pool. Each change to the approved place pick (N) format shall be approved by the commission before that change is implemented.

(b) Each place pick (N) pool shall be apportioned using one of the following methods:

(1) For a place pick (N) with carryover pool, each net place pick (N) pool and carryover pool, if any, shall be distributed as a single-price pool to those who select the first-place or second-place finisher in each of the place pick (N) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single-price pool to those who select the first-place or second-place finisher in the greatest number of place pick (N) contests, and the remainder shall be added to the carryover pool.

(2) For a place pick (N) with a minor pool and a carryover pool, the major share of the net place pick (N) pool and the carryover pool, if any, shall be distributed to those who select the first-place or second-place finisher in each of the place pick (N) contests, based upon the official order of finish. The minor share of the net place pick (N) pool shall be distributed to those who select the first-place or second-place finisher in the second greatest number of place pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place or second-place finisher of all place pick (N) contests, the minor share of the net place pick (N) pool shall be distributed as a single-price pool to those who select the first-place or second-place finisher in the greatest number of place pick (N) contests, and the major share shall be added to the carryover pool.

(3) For the place pick (N) with no minor pool and no carryover pool, each net place pick (N) pool shall be distributed as a single-price pool to those who select the first-place or second-place finisher in the greatest number of place pick (N) contests, based upon the official order of finish. If there are no winning wagers, the pool shall be refunded.

(4) For a place pick (N) with a minor pool and no carryover pool, the major share of the net place pick (N) pool shall be distributed to those who select the first-place or second-place finisher in the greatest number of place pick (N) contests, based upon the official order of finish. The minor share of the net place pick (N) pool shall be distributed to those who select the first-place or second-place finisher in the second greatest number of place pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place or second-place finisher in a second greatest number of place pick (N) contests, the minor share of the net place pick (N) pool shall be combined with the major share for distribution as a single-price pool to those who select the first-place

or second-place finisher in the greatest number of place pick (N) contests. If the greatest number of first-place or second-place finishers selected is one, the major and minor shares shall be combined for distribution as a single-price pool. If there are no winning wagers, the pool shall be refunded.

(5) For a place pick (N) with a minor pool and no carryover pool, the major share of the net place pick (N) pool shall be distributed to those who select the first-place or second-place finisher in each of the place pick (N) contests, based upon the official order of finish. The minor share of the net place pick (N) pool shall be distributed to those who select the first-place or second-place finisher in the second greatest number of place pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place or second-place finisher in all place pick (N) contests, the entire net place pick (N) pool shall be distributed as a single-price pool to those who select the first-place or second-place finisher in the greatest number of place pick (N) contests. If there are no wagers selecting the first-place or second-place finisher in a second greatest number of place pick (N) contests, the minor share of the net place pick (N) pool shall be combined with the major share for distribution as a single-price pool to those who select the first-place or second-place finisher in each of the place pick (N) contests. If there are no winning wagers, the pool shall be refunded.

(c)(1) If there is a dead heat for first place in any of the place pick (N) contests involving contestants representing the same betting interest, the place pick (N) pool shall be distributed as if no dead heat had occurred.

(2) If there is a dead heat for first place in any of the place pick (N) contests involving contestants representing two or more betting interests, the place pick (N) pool shall be distributed as a single-price pool with a winning wager, including each betting interest participating in the dead heat.

(d)(1) If there is a dead heat for second place in any of the place pick (N) contests involving contestants representing the same betting interest, the place pick (N) pool shall be distributed as if no dead heat had occurred.

(2) If there is a dead heat for second place in any of the place pick (N) contests involving contestants representing two or more betting interests, the place pick (N) pool shall be distributed as a single-price pool with a winning wager, including the betting interest that finished first or any betting interest involved in the dead heat for second.

(e) If a betting interest in any of the place pick (N) contests is scratched, the actual favorite, as determined by total amounts wagered in the win pool at the host track for the contest at the close of wagering on the contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. If the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests that become winners as a result of the substitution, in addition to the normal winning combination.

(f) The place pick (N) pool shall be canceled and all place pick (N) wagers for the individual performance shall be refunded if any of the following occurs:

(1) At least two contests included as part of a place pick 3 are canceled or declared "no contest."

(2) At least three contests included as part of a place pick 4, place pick 5, or place pick 6 are canceled or declared "no contest."

(3) At least four contests included as part of a place pick 7, place pick 8, or place pick 9 are canceled or declared "no contest."

(4) At least five contests included as part of a place pick 10 are canceled or declared "no contest."

(g) If at least one contest included as part of a place pick (N) is canceled or declared "no contest," but not more than the number specified in subsection (f) of this regulation, the net pool shall be distributed as a single-

price pool to those whose selections finish first or second in the greatest number of place pick (N) contests for the performance. Each distribution shall include the portion ordinarily retained for the place pick (N) carryover pool but not the carryover pool from previous performances.

(h) The place pick (N) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the place pick (N) carryover pool equals or exceeds the designated cap, the place pick (N) carryover shall be frozen until it is won or distributed in accordance with this regulation. After the place pick (N) carryover pool is frozen, 100 percent of the net pool, part of which ordinarily would be added to the place pick (N) carryover pool, shall be distributed to those whose selection finishes first or second in the greatest number of place pick (N) contests for the performance.

(i) A written request for permission to distribute the place pick (N) carryover pool on a specific performance may be submitted to the commission. Each request shall contain a statement of justification for the distribution, the benefit to be derived, and the intended date and performance for the distribution.

(j) If the place pick (N) carryover pool is designated for distribution on a specified date and performance in which there are no wagers selecting the first-place or second-place finisher in each of the place pick (N) contests, the entire pool shall be distributed as a single-price pool to those whose selection finishes first or second in the greatest number of place pick (N) contests. The place pick (N) carryover pool shall be designated for distribution on a specified date and performance in the event of any of the following:

(1) Upon written approval from the commission as provided in subsection (i) of this regulation;

(2) upon written approval from the commission if there is a change in the carryover pool cap or a change from one type of place pick (N) wagering to another, or if the place pick (N) is discontinued;

(3) on the closing performance of the race meeting or split meeting; or

(4) upon the written approval of the commission that, if the organization licensee fails to pay out the carryover pool according to paragraph (j)(3) and the commission determines that it would not be feasible for the track to run another race, the total carryover pool remaining will be distributed to charitable organizations that have met the requirements of K.S.A. 74-8813(d), and amendments thereto, and meet the organization's approved charitable distribution guidelines.

(k) If the place pick (N) carryover pool is carried over to the corresponding place pick (N) pool of a subsequent race meeting, the carryover pool shall be deposited in an interest-bearing account approved by the commission. Each place pick (N) carryover pool plus accrued interest then shall be added to the net place pick (N) pool on the date and performance designated by the commission.

(l) With the written approval of the commission, the licensee may contribute to the place pick (N) carryover a sum of money up to the amount of any designated cap.

(m) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining shall be strictly prohibited. This subsection shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(n) Any organization licensee may suspend previously approved place pick (N) wagering with the prior approval of the commission. Any carryover pool shall be maintained until the suspended place pick (N) wagering is reinstated. Any organization licensee may request approval of a place pick (N) wager or separate wagering pool for specific performances. (Authorized by K.S.A. 2001 Supp. 74-8804; implementing K.S.A.

74-8819; effective, T-112-11-9-92, Nov. 9, 1992; effective, T-112-3-1-93, March 1, 1993; effective May 3, 1993; amended March 14, 2003.)