

REFERENCE TITLE: dog racing; racing days

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

# **SB 1294**

Introduced by  
Senators Aboud: Paton

AN ACT

AMENDING SECTIONS 5-110 AND 5-112, ARIZONA REVISED STATUTES; RELATING TO  
HORSE AND DOG RACING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-110, Arizona Revised Statutes, is amended to  
3 read:

4 5-110. Racing days, times and allocations; emergency transfer;  
5 county fairs; charity days

6 A. Permits for horse, harness or dog racing meetings shall be approved  
7 and issued for substantially the same dates allotted to permittees for the  
8 same type of racing during the preceding year or for other dates that  
9 permittees request, provided that, in the event there is a conflict in dates  
10 requested between two or more permittees in the same county for the same kind  
11 of racing, the permittee whose application is for substantially the same  
12 dates as were allotted to the permittee in the preceding year shall be  
13 entitled to have preference over other permittees. In the event two or more  
14 permittees have agreed that the dates to be allotted to each of them each  
15 year shall be alternated from one year to the next, the commission shall  
16 recognize their agreement and such permittees may be accorded preference over  
17 any other permittee as to those dates to be allotted to such permittees on an  
18 alternating basis. Except as otherwise provided, the commission shall allot  
19 dates to the respective permittees after giving due consideration to all of  
20 the factors involved and the interests of permittees, the public and this  
21 state.

22 B. The commission may require by the terms of any permit that the  
23 permittee offer such number of races during any racing meeting as the  
24 commission shall determine, provided that the permittee shall be permitted to  
25 offer not less than the same number of races each day as offered in the prior  
26 year. The commission shall require each horse racing permittee to conduct  
27 for a period of thirty days a number of races equal to an average of not less  
28 than two races for each day of racing exclusively for quarter horses. If, in  
29 the opinion of the commission, the permittee is offering acceptable quarter  
30 horse races but an honest effort is not being put forth to fill these races  
31 by the horsemen, the commission may rescind the two race per day quarter  
32 horse requirement.

33 C. Live racing and wagering on simulcast races shall be permissible in  
34 either daytime or nighttime.  ~~, but there shall be no live daytime dog racing  
35 on the same day that there is live daytime horse or harness racing in any  
36 county in which commercial horse or harness racing has been conducted prior  
37 to February 1, 1971, and no live nighttime horse or harness racing on the  
38 same day that there is live nighttime dog racing in the same county. There  
39 shall be no wagering on simulcast dog races before 4:15 p.m., mountain  
40 standard time, on the same day that there is live daytime horse or harness  
41 racing in any county in which commercial horse or harness racing has been  
42 conducted before February 1, 1971, and no wagering on simulcast horse or  
43 harness racing after 7:30 p.m., mountain standard time, on the same day that  
44 there is live nighttime dog racing in the same county. The hours during  
45 which any other dog, harness or horse racing is to be conducted shall be~~

1 ~~determined by the commission.~~ The application for a permit shall state the  
2 exact days on which racing will be held and the time of day during which  
3 racing will be conducted.

4 D. If the commission determines that an emergency has obligated or may  
5 obligate a permittee to discontinue racing at a location, the commission may  
6 authorize the permittee to transfer racing for the number of days lost to any  
7 other location.

8 E. A racing meeting, when operated by a county fair racing association  
9 or under lease during the county fair to any individual, corporation or  
10 association, shall not come under the limitation placed on days of racing in  
11 this section.

12 F. The department shall be the judge of whether a county fair racing  
13 meeting is being operated in accordance with ~~the provisions of~~ this section.  
14 A county fair racing meeting conducted by an individual, corporation or  
15 association, other than the properly authorized county fair racing  
16 association, shall come under the general provisions of this article the same  
17 as a commercial meeting. Notwithstanding this subsection, a county fair  
18 racing meeting, whether conducted by a county fair racing association or by  
19 an individual, corporation or association other than a county fair racing  
20 association, is exempt from the requirement prescribed in section 5-111 to  
21 pay to the state a percentage of the pari-mutuel pool collected at the  
22 meeting.

23 G. The commission may allow a permittee, in addition to the days  
24 specified in this permit, to operate up to three racing days during any one  
25 meeting as charity days. From the amount deducted from the total handled in  
26 the pari-mutuel pool on charity days, the permittee shall deduct an amount  
27 equal to the purses and the cost of conducting racing on these days, and  
28 shall donate the balance to nonprofit organizations and corporations ~~which~~  
29 ~~THAT~~ benefit the general public, ~~which THAT~~ are engaged in charitable,  
30 benevolent and other like work and ~~which THAT~~ are selected by the permittee  
31 and approved by the department. In no event shall the amount given to  
32 charity from charity racing days be less than the amount ~~which THAT~~ otherwise  
33 would have gone to this state as the state's share on a noncharity racing  
34 day.

35 ~~H. Notwithstanding any other provision of this chapter, any dog racing~~  
36 ~~permittee to which a permit to conduct dog racing in this state has been~~  
37 ~~issued may in any racing year modify the racing date allocations made to the~~  
38 ~~permittee for conducting dog racing at a track by reallocating up to~~  
39 ~~two thirds of the racing dates allocated to that permittee for dog racing at~~  
40 ~~a track to another track in this state at which the permittee or a~~  
41 ~~corporation of common ownership to the permittee conducts dog racing. For~~  
42 ~~the purpose of this section a corporation of common ownership to the~~  
43 ~~permittee is a corporation which is owned or controlled, directly or~~  
44 ~~indirectly, by the same corporation that owns or controls the permittee and~~  
45 ~~which holds a permit to conduct dog racing in this state.~~

1 ~~I.~~ H. Notwithstanding any other provision of this article, any dog  
 2 racing permittee that has offered live dog racing in eight out of ten  
 3 calendar years from 1980 to 1990 in counties that have a population of less  
 4 than ONE MILLION five hundred thousand persons according to the most recent  
 5 United States decennial census shall be considered as operating a racetrack  
 6 enclosure for all purposes under this article ~~and shall not be required to~~  
 7 ~~conduct live racing as a condition of that permittee's racing permit.~~ Any  
 8 permittee qualified under this subsection may conduct wagering on telecasts  
 9 of races conducted at racetrack enclosures within this state or at racetrack  
 10 enclosures outside this state without offering live racing at that  
 11 permittee's racetrack enclosure.

12 Sec. 2. Section 5-112, Arizona Revised Statutes, is amended to read:

13 5-112. Wagering legalized; simulcasting of races; unauthorized  
 14 wagering prohibited; classification; report

15 A. Except as provided in subsection L of this section, section  
 16 5-101.01, subsection G and title 13, chapter 33, any person within the  
 17 enclosure of a racing meeting held pursuant to this article may wager on the  
 18 results of a race held at the meeting or televised to the racetrack enclosure  
 19 by simulcasting pursuant to this section by contributing money to a  
 20 pari-mutuel pool operated by the permittee as provided by this article.

21 B. The department, ~~upon~~ ON request by a permittee, may grant  
 22 permission for electronically televised simulcasts of horse, harness or dog  
 23 races to be received by the permittee. In counties having a population of  
 24 one million five hundred thousand persons or more according to the most  
 25 recent United States decennial census, the simulcasts shall be received at  
 26 the racetrack enclosure where a horse, harness or dog racing meeting is being  
 27 conducted, provided that the simulcast may only be received during,  
 28 immediately before or immediately after a minimum of nine posted races for  
 29 that racing day. In counties having a population of five hundred thousand  
 30 persons or more but less than one million five hundred thousand persons  
 31 according to the most recent United States decennial census, the simulcasts  
 32 shall be received at the racetrack enclosure where a horse, harness or dog  
 33 racing meeting is being conducted provided that the simulcast may only be  
 34 received during, immediately before or immediately after a minimum of four  
 35 posted races for that racing day. In all other counties, the simulcasts  
 36 shall be received at a racetrack enclosure at which authorized racing has  
 37 been conducted whether or not posted races have been offered for the day the  
 38 simulcast is received. The simulcasts shall be limited to horse, harness or  
 39 dog races. The simulcasts shall be limited to the same type of racing as  
 40 authorized in the permit for live racing conducted by the permittee. The  
 41 department, ~~upon~~ ON request by a permittee, may grant permission for the  
 42 permittee to transmit the live race from the racetrack enclosure where a  
 43 horse, harness or dog racing meeting is being conducted to a facility or  
 44 facilities in another state. All simulcasts of horse or harness races shall  
 45 comply with the interstate ~~horse racing~~ HORSERACING act of 1978 (P.L. 95-515;

1 92 Stat. 1811; 15 United States Code chapter 57). All forms of pari-mutuel  
2 wagering shall be allowed on horse, harness or dog races televised by  
3 simulcasting. All monies wagered by patrons on these horse, harness or dog  
4 races shall be computed in the amount of money wagered each racing day for  
5 purposes of section 5-111.

6 C. Notwithstanding subsection B of this section, in counties having a  
7 population of one million five hundred thousand persons or more according to  
8 the most recent United States decennial census, simulcasts may be received  
9 at the racetrack enclosure and at any additional wagering facility used by a  
10 permittee for handling wagering as provided in section 5-111, subsection A  
11 during a permittee's racing meeting as approved by the commission, whether or  
12 not posted races have been conducted on the day the simulcast is received,  
13 if:

14 1. For horse and harness racing, the permittee's racing permit  
15 requires the permittee to conduct a minimum of nine posted races on an  
16 average of five racing days each week at the permittee's racetrack enclosure  
17 during the period beginning on October 1 and ending on the first full week in  
18 May.

19 2. For dog racing, the permittee is required to conduct a minimum of  
20 twelve posted races on each of five days each week for fifty weeks during a  
21 calendar year at the permittee's racetrack enclosure.

22 D. Notwithstanding subsection B of this section, in counties having a  
23 population of five hundred thousand persons or more but less than one million  
24 five hundred thousand persons according to the most recent United States  
25 decennial census, simulcasts may be received at the racetrack enclosure and  
26 at any additional wagering facility used by a permittee for handling wagering  
27 as provided in section 5-111, subsection A during a permittee's racing  
28 meeting as approved by the commission, whether or not posted races have been  
29 conducted on the day the simulcast is received, subject to the following  
30 conditions:

31 1. For horse and harness racing, the permittee may conduct wagering on  
32 dark day simulcasts for twenty days, provided the permittee conducts a  
33 minimum of seven posted races on each of the racing days mandated in the  
34 permittee's commercial racing permit. In order to conduct wagering on dark  
35 day simulcasts for more than twenty days, the permittee is required to  
36 conduct a minimum of seven posted races on one hundred forty racing days at  
37 the permittee's racetrack enclosure.

38 2. For dog racing, the permittee is required to conduct a minimum of  
39 nine posted races on each of four days each week for fifty weeks during a  
40 calendar year at the permittee's racetrack enclosure.

41 E. In an emergency and ~~upon~~ **ON** a showing of good cause by a permittee,  
42 the commission may grant an exception to the minimum racing day requirements  
43 of subsections C and D of this section.

44 F. The minimum racing day requirements of subsections C and D of this  
45 section shall be ~~computed by adding all~~ **EQUIVALENT TO THE NUMBER OF** racing

1 days, including any county fair racing days operated in accordance with  
2 section 5-110, subsection F, allotted to the permittee's racetrack enclosure  
3 in one or more racing permits ~~and all racing days allotted to the permittee's~~  
4 ~~racetrack enclosure pursuant to section 5-110, subsection H.~~

5 G. Notwithstanding subsection B of this section and subject to  
6 subsections C and D of this section, during the period of the permit for  
7 horse racing, wagering on dark day simulcasts of horse races at a permittee's  
8 additional wagering facilities shall only be allowed for a maximum number of  
9 days equal to the number of days of live horse racing scheduled to be  
10 conducted at that permittee's racetrack enclosure during the permittee's  
11 racing meeting, and during the period of a permit for dog racing, wagering on  
12 dark day simulcasts of dog races at a permittee's additional wagering  
13 facilities shall only be allowed for a maximum number of days equal to the  
14 number of days of live dog racing scheduled to be conducted at that  
15 permittee's racetrack enclosure during the permittee's racing meeting. The  
16 number of days allowed for dark day simulcasting under this subsection shall  
17 be ~~computed by adding all~~ EQUIVALENT TO THE NUMBER OF racing days, including  
18 any county fair racing days operated in accordance with section 5-110,  
19 subsection F, allotted to the permittee's racetrack enclosure in one or more  
20 racing permits ~~and all racing days allocated to the permittee's racetrack~~  
21 ~~enclosure pursuant to section 5-110, subsection H.~~

22 H. Simulcast signals or teletracking of simulcast signals does not  
23 prohibit live racing or teletracking of that live racing in any county at any  
24 time.

25 I. Except as provided in subsection L of this section, section  
26 5-101.01, subsection G and title 13, chapter 33, any person within a  
27 racetrack enclosure or an additional facility authorized for wagering  
28 pursuant to section 5-111, subsection A may wager on the results of a race  
29 televised to the facility pursuant to section 5-111, subsection A by  
30 contributing to a pari-mutuel pool operated as provided by this article.

31 J. Notwithstanding subsection B of this section, the department, in  
32 counties having a population of one million five hundred thousand persons or  
33 more according to the most recent United States decennial census and on  
34 request by a permittee for one day each year, may grant permission for  
35 simulcasts to be received without compliance with the minimum of nine posted  
36 races requirement.

37 K. Except as provided in this article and in title 13, chapter 33, all  
38 forms of wagering or betting on the results of a race, including but not  
39 limited to buying, selling, cashing, exchanging or acquiring a financial  
40 interest in pari-mutuel tickets, except by operation of law, whether the race  
41 is conducted in this state or elsewhere, are illegal.

42 L. A permittee shall not knowingly permit a person who is under  
43 twenty-one years of age to be a patron of the pari-mutuel system of wagering.

1 M. Except as provided in title 13, chapter 33, any person who violates  
2 this article with respect to any wagering or betting, whether the race is  
3 conducted in or outside this state, is guilty of a class 6 felony.

4 N. Simulcasting may only be authorized for the same type of racing  
5 authorized by a permittee's live racing permit.

6 O. Any person other than a permittee under this article who accepts a  
7 wager or who bets on the results of a race, whether the race is conducted in  
8 or outside this state, including buying, selling, cashing, exchanging or  
9 acquiring a financial interest in a pari-mutuel ticket from a person in this  
10 state outside of a racing enclosure or an additional wagering facility that  
11 is approved by the commission and that is located in this state is guilty of  
12 a class 6 felony.

13 P. Pursuant to section 13-108, a pari-mutuel wager or a bet placed or  
14 made by a person in this state is deemed for all purposes to occur in this  
15 state.

16 Q. The department and the attorney general shall enforce subsections O  
17 and P of this section and shall submit an annual report that summarizes these  
18 enforcement activities to the governor, the speaker of the house of  
19 representatives and the president of the senate. The department and the  
20 attorney general shall provide a copy of this report to the secretary of  
21 state ~~and the director of the Arizona state library, archives and public~~  
22 ~~records.~~

23 Sec. 3. Effective date

24 This act is effective from and after December 31, 2010.