

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1273

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 5-112, Arizona Revised Statutes, is amended to
3 read:

4 5-112. Wagering legalized; simulcasting of races; unauthorized
5 wagering prohibited; classification; report

6 A. Except as provided in subsection L of this section, section
7 5-101.01, subsection G and title 13, chapter 33, any person within the
8 enclosure of a racing meeting held pursuant to this article may wager on the
9 results of a race held at the meeting or televised to the racetrack enclosure
10 by simulcasting pursuant to this section by contributing money to a
11 pari-mutuel pool operated by the permittee as provided by this article.

12 B. The department, upon request by a permittee, may grant permission
13 for electronically televised simulcasts of horse, harness or dog races to be
14 received by the permittee. In counties having a population of one million
15 five hundred thousand persons or more according to the most recent United
16 States decennial census, the simulcasts shall be received at the racetrack
17 enclosure where a horse, harness or dog racing meeting is being conducted,
18 provided that the simulcast may only be received during, immediately before
19 or immediately after a minimum of nine posted races for that racing day. In
20 counties having a population of five hundred thousand persons or more but
21 less than one million five hundred thousand persons according to the most
22 recent United States decennial census, the simulcasts shall be received at
23 the racetrack enclosure where a horse, harness or dog racing meeting is being
24 conducted provided that the simulcast may only be received during,
25 immediately before or immediately after a minimum of four posted races for
26 that racing day. In all other counties, the simulcasts shall be received at
27 a racetrack enclosure at which authorized racing has been conducted whether
28 or not posted races have been offered for the day the simulcast is received.
29 The simulcasts shall be limited to horse, harness or dog races. The
30 simulcasts shall be limited to the same type of racing as authorized in the
31 permit for live racing conducted by the permittee. The department, upon
32 request by a permittee, may grant permission for the permittee to transmit
33 the live race from the racetrack enclosure where a horse, harness or dog
34 racing meeting is being conducted to a facility or facilities in another
35 state. All simulcasts of horse or harness races shall comply with the
36 interstate ~~horse racing~~ HORSERACING act of 1978 (P.L. 95-515; 92 Stat. 1811;
37 15 United States Code chapter 57). All forms of pari-mutuel wagering shall
38 be allowed on horse, harness or dog races televised by simulcasting. All
39 monies wagered by patrons on these horse, harness or dog races shall be
40 computed in the amount of money wagered each racing day for purposes of
41 section 5-111.

42 C. Notwithstanding subsection B of this section, in counties having a
43 population of one million five hundred thousand persons or more according to
44 the most recent United States decennial census, simulcasts may be received
45 at the racetrack enclosure and at any additional wagering facility used by a

1 permittee for handling wagering as provided in section 5-111, subsection A
2 during a permittee's racing meeting as approved by the commission, whether or
3 not posted races have been conducted on the day the simulcast is received,
4 if:

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

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

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

22 1. For horse and harness racing, the permittee may conduct wagering on
23 dark day simulcasts for twenty days, provided the permittee conducts a
24 minimum of seven posted races on each of the racing days mandated in the
25 permittee's commercial racing permit. In order to conduct wagering on dark
26 day simulcasts for more than twenty days, the permittee is required to
27 conduct a minimum of seven posted races on one hundred forty racing days at
28 the permittee's racetrack enclosure.

29 2. For dog racing, the permittee is required to conduct a minimum of
30 nine posted races on each of ~~four days each week for fifty weeks~~ ONE HUNDRED
31 DAYS during a calendar year at the permittee's racetrack enclosure, UNLESS A
32 LESSER NUMBER IS OTHERWISE AGREED TO BY WRITTEN CONTRACT ENTERED INTO BY
33 FEBRUARY 1 OF EACH YEAR BY A PERMITTEE AND A MAJORITY OF LICENSED PERSONS
34 THEN PARTICIPATING IN A GREYHOUND RACING MEETING AS GREYHOUND RACING KENNEL
35 OWNERS.

36 E. In an emergency and upon a showing of good cause by a permittee,
37 the commission may grant an exception to the minimum racing day requirements
38 of subsections C and D of this section.

39 F. The minimum racing day requirements of subsections C and D of this
40 section shall be computed by adding all racing days, including any county
41 fair racing days operated in accordance with section 5-110, subsection F,
42 allotted to the permittee's racetrack enclosure in one or more racing permits
43 and all racing days allotted to the permittee's racetrack enclosure pursuant
44 to section 5-110, subsection H.

1 G. Notwithstanding subsection B of this section and subject to
2 subsections C and D of this section, during the period of the permit for
3 horse racing, wagering on dark day simulcasts of horse races at a permittee's
4 additional wagering facilities shall only be allowed for a maximum number of
5 days equal to the number of days of live horse racing scheduled to be
6 conducted at that permittee's racetrack enclosure during the permittee's
7 racing meeting, ~~and~~. During the period of a permit for dog racing, wagering
8 on dark day simulcasts of dog races at a permittee's additional wagering
9 facilities shall only be allowed for a maximum number of days equal to the
10 number of days of live dog racing scheduled to be conducted at that
11 permittee's racetrack enclosure during the permittee's racing meeting, **UNLESS**
12 **THE PERMITTEE HAS OFFERED LIVE DOG RACING IN A COUNTY THAT IS SUBJECT TO**
13 **SUBSECTION D OF THIS SECTION FOR EIGHT OF THE LAST TEN PRECEDING CALENDAR**
14 **YEARS**. The number of days allowed for dark day simulcasting under this
15 subsection shall be computed by adding all racing days, including any county
16 fair racing days operated in accordance with section 5-110, subsection F,
17 allotted to the permittee's racetrack enclosure in one or more racing permits
18 and all racing days allocated to the permittee's racetrack enclosure pursuant
19 to section 5-110, subsection H.

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

23 I. Except as provided in subsection L of this section, section
24 5-101.01, subsection G and title 13, chapter 33, any person within a
25 racetrack enclosure or an additional facility authorized for wagering
26 pursuant to section 5-111, subsection A may wager on the results of a race
27 televised to the facility pursuant to section 5-111, subsection A by
28 contributing to a pari-mutuel pool operated as provided by this article.

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

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

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

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

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

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

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

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

20 Sec. 2. Simulcast provisions

21 A. Until September 30, 2013, notwithstanding section 5-112, Arizona
22 Revised Statutes, a racing permittee holding a permit for live horse racing
23 in a county with a population of more than one million five hundred thousand
24 persons may conduct pari-mutuel wagering on televised simulcast races
25 received at the permittees live racing facility or at any off-track wagering
26 facility where the permittee holds a teletracking permit and shall post a
27 minimum of one hundred forty-five days of live racing during the period of
28 permittees live racing meeting beginning on October 1 and ending on the first
29 full week in May, on an average of five days per week and with an average of
30 nine posted races each day provided that the number of races posted shall not
31 be less than seven live races or more than twelve live races each day
32 pursuant to a written agreement between the parties. Pursuant to section
33 5-112, subsection C, Arizona Revised Statutes, until September 30, 2013, a
34 permittee may receive simulcast races at the permittee's racetrack facility
35 or at the permittee's off-track wagering facilities and conduct pari-mutuel
36 wagering on simulcast races regardless of whether the permittee conducts live
37 racing provided that the number of days of simulcast racing without live
38 racing shall not exceed the number of days of live racing posted by the
39 permittee during the racing meeting plus an additional one hundred fifty-one
40 days. Until September 30, 2013, notwithstanding section 5-111, subsection C,
41 Arizona Revised Statutes, the permittee shall not deduct the costs of
42 advertising from the amounts retained by the permittee from simulcast
43 wagering for deposit in the trust account for the payments of purses during
44 the months of June, July and August.

1 B. Until September 30, 2013, in counties with a population of more
2 than two hundred thousand persons and less than five hundred thousand persons
3 where live horse racing has been conducted for seven of the last ten years
4 during the period between June 1 and August 30 of each year and where racing
5 was discontinued and a live horse racing permittee not located in such county
6 has conducted off-track wagering on horse racing during the period between
7 June 1 and August 30 pursuant to a permit for teletrack wagering on horse
8 racing granted by the Arizona racing commission, that out-of-county permittee
9 shall be required to surrender the permit for teletrack wagering on horse
10 racing for the period between June 1 and August 30 to the commission, if a
11 permit for live horse racing is granted by the Arizona racing commission to a
12 racing facility located in such county and that in-county permittee is
13 granted a permit to conduct teletrack wagering during the period. The
14 Arizona racing commission shall allow the out-of-county horse racing
15 permittee to continue the operation of off-track wagering until such time as
16 a new permittee is authorized to conduct off-track wagering on horse racing.

17 Sec. 3. Emergency

18 This act is an emergency measure that is necessary to preserve the
19 public peace, health or safety and is operative immediately as provided by
20 law.