House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 310

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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Simulcast provisions

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

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

Sec. 3. Emergency

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

APPROVED BY THE GOVERNOR MAY 9, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2012.

Passed the House April 5, 2012,

by the following vote: 54 Ayes,

5 Nays, 1 Not Voting

with Emergency

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate February 16, 2012,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

Steve Pierce

President of the Senate

Susan Aceves

Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

_____

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

_____

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

_____

Secretary of State

S.B. 1273

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 24, 20 12

by the following vote: 23 Ayes,

5 Nays, 2 Not Voting

with Emergency

Steve Pierce LV

President of the Senate

Charmine Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1 day of May, 20 12

at 9:30 o'clock A M.

Mikhail [illegible]

Secretary to the Governor

Approved this 9th day of

May

at 4:30 o'clock P M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10th day of May, 20 12

S.B. 1273

at 8:27 o'clock a M.

Ken Bennett

Secretary of State