

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

CHAPTER 267

Senate Engrossed  
**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

# **SENATE BILL 1041**

AN ACT

AMENDING SECTION 5-110, 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 those permittees may be accorded preference  
17 over any other permittee as to those dates to be allotted to those permittees  
18 on an alternating basis. Except as otherwise provided, the commission shall  
19 allot dates to the respective permittees after giving due consideration to  
20 all of the factors involved and the interests of permittees, the public and  
21 this 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 at least 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 at least  
28 two races for each day of racing exclusively for quarter horses. If, in the  
29 opinion of the commission, the permittee is offering acceptable quarter horse  
30 races but an honest effort is not being put forth to fill these races by the  
31 horsemen, the commission may rescind the two race per day quarter horse  
32 requirement.

33 C. Live racing and wagering on simulcast races shall be permissible in  
34 either daytime or nighttime, but, unless otherwise agreed by written contract  
35 that is submitted to the department between all the permittees in the same  
36 county, there shall be no live daytime dog racing on the same day that there  
37 is live daytime horse or harness racing in any county in which commercial  
38 horse or harness racing has been conducted prior to February 1, 1971, and no  
39 live nighttime horse or harness racing on the same day that there is live  
40 nighttime dog racing in the same county. UNLESS OTHERWISE AGREED BY WRITTEN  
41 CONTRACT THAT IS SUBMITTED TO THE DEPARTMENT BETWEEN ALL THE PERMITTEES IN  
42 THE SAME COUNTY, there shall be no wagering on simulcast dog races before  
43 4:15 p.m., mountain standard time, on the same day that there is live daytime  
44 horse or harness racing in any county in which commercial horse or harness  
45 racing has been conducted before February 1, 1971, and no wagering on

1 simulcast horse or harness racing after 7:30 p.m., mountain standard time, on  
2 the same day that there is live nighttime dog racing in the same county. The  
3 hours during which any other dog, harness or horse racing is to be conducted  
4 shall be determined by the commission. The application for a permit shall  
5 state the exact days on which racing will be held and the time of day during  
6 which racing will be conducted.

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

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

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

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

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

1 indirectly, by the same corporation that owns or controls the permittee and  
2 that holds a permit to conduct dog racing in this state.

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

APPROVED BY THE GOVERNOR APRIL 13, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2015.

Passed the House April 3, 2015,

by the following vote: \_\_\_\_\_ Ayes,

FAILED Nays, \_\_\_\_\_ Not Voting

\_\_\_\_\_  
Speaker of the House

Jim Peche  
Chief Clerk of the House

Passed the Senate February 24, 2015,

by the following vote: 24 Ayes,

2 Nays, 2 Not Voting

[Signature]  
President of the Senate

Charmine Bellinger  
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. 1041

Passed the House April 3, 2015

by the following vote: 35 Ayes,

21 Nays, 4 Not Voting

[Signature]  
Speaker of the House

Pro Tempore

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

6<sup>th</sup> day of April, 2015

at 8:23 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 13<sup>th</sup> day of

April

at 11:04 o'clock A M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 14<sup>th</sup> day of April, 2015

at 10:00 o'clock A M.

[Signature]  
Secretary of State

ON RECONSIDERATION  
S.B. 1041