

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1282

(Reference to Senate engrossed bill)

1 Page 1, line 16, strike "THAT IS LOCATED OUTSIDE THIS STATE AND"

2 Page 4, between lines 9 and 10, insert:

3 "Sec. 3. Section 5-110, Arizona Revised Statutes, is amended to 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~~ THOSE permittees may be accorded  
17 preference over any other permittee as to those dates to be allotted to ~~such~~  
18 THOSE permittees on an alternating basis. Except as otherwise provided, the  
19 commission shall allot dates to the respective permittees after giving due  
20 consideration to all of the factors involved and the interests of permittees,  
21 the public and 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 ~~not less than~~ AT LEAST the same number of races each day as offered in  
26 the prior year. The commission shall require each horse racing permittee to  
27 conduct for a period of thirty days a number of races equal to an average of  
28 ~~not less than~~ AT LEAST two races for each day of racing exclusively for

1 quarter horses. If, in the opinion of the commission, the permittee is  
2 offering acceptable quarter horse races but an honest effort is not being put  
3 forth to fill these races by the horsemen, the commission may rescind the two  
4 race per day quarter horse requirement.

5 C. Live racing and wagering on simulcast races shall be permissible in  
6 either daytime or nighttime, but, **UNLESS OTHERWISE AGREED BY WRITTEN CONTRACT**  
7 **THAT IS SUBMITTED TO THE DEPARTMENT BETWEEN ALL THE PERMITTEES IN THE SAME**  
8 **COUNTY**, there shall be no live daytime dog racing on the same day that there  
9 is live daytime horse or harness racing in any county in which commercial  
10 horse or harness racing has been conducted prior to February 1, 1971, and no  
11 live nighttime horse or harness racing on the same day that there is live  
12 nighttime dog racing in the same county. There shall be no wagering on  
13 simulcast dog races before 4:15 p.m., mountain standard time, on the same day  
14 that there is live daytime horse or harness racing in any county in which  
15 commercial horse or harness racing has been conducted before February 1,  
16 1971, and no wagering on simulcast horse or harness racing after 7:30 p.m.,  
17 mountain standard time, on the same day that there is live nighttime dog  
18 racing in the same county. The hours during which any other dog, harness or  
19 horse racing is to be conducted shall be determined by the commission. The  
20 application for a permit shall state the exact days on which racing will be  
21 held and the time of day during which racing will be conducted.

22 D. If the commission determines that an emergency has obligated or may  
23 obligate a permittee to discontinue racing at a location, the commission may  
24 authorize the permittee to transfer racing for the number of days lost to any  
25 other location.

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

30 F. The department shall be the judge of whether a county fair racing  
31 meeting is being operated ~~in accordance with the provisions of~~ **PURSUANT TO**  
32 this section. A county fair racing meeting conducted by an individual,

1 corporation or association, other than the properly authorized county fair  
2 racing association, shall come under the general provisions of this article  
3 the same as a commercial meeting. Notwithstanding this subsection, a county  
4 fair racing meeting, whether conducted by a county fair racing association or  
5 by an individual, corporation or association other than a county fair racing  
6 association, is exempt from the requirement prescribed in section 5-111 to  
7 pay to the state a percentage of the pari-mutuel pool collected at the  
8 meeting.

9 G. The commission may allow a permittee, in addition to the days  
10 specified in this permit, to operate up to three racing days during any one  
11 meeting as charity days. From the amount deducted from the total handled in  
12 the pari-mutuel pool on charity days, the permittee shall deduct an amount  
13 equal to the purses and the cost of conducting racing on these days, and  
14 shall donate the balance to nonprofit organizations and corporations ~~which~~  
15 ~~THAT~~ benefit the general public, ~~which~~ ~~THAT~~ are engaged in charitable,  
16 benevolent and other like work and ~~which~~ ~~THAT~~ are selected by the permittee  
17 and approved by the department. In no event shall the amount given to  
18 charity from charity racing days be less than the amount ~~which~~ ~~THAT~~ otherwise  
19 would have gone to this state as the state's share on a noncharity racing  
20 day.

21 H. Notwithstanding any other provision of this chapter, any dog racing  
22 permittee to which a permit to conduct dog racing in this state has been  
23 issued may in any racing year modify the racing date allocations made to the  
24 permittee for conducting dog racing at a track by reallocating up to  
25 two-thirds of the racing dates allocated to that permittee for dog racing at  
26 a track to another track in this state at which the permittee or a  
27 corporation of common ownership to the permittee conducts dog racing. For  
28 the purpose of this section, a corporation of common ownership to the  
29 permittee is a corporation ~~which~~ ~~THAT~~ is owned or controlled, directly or  
30 indirectly, by the same corporation that owns or controls the permittee and  
31 ~~which~~ ~~THAT~~ holds a permit to conduct dog racing in this state.

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

12 Renumber to conform

13 Page 11, strike lines 9 and 10, insert "AS PROVIDED IN A WRITTEN AGREEMENT THAT IS  
14     SUBMITTED TO THE DEPARTMENT BETWEEN ALL COMMERCIAL LIVE DOG RACING PERMITTEES  
15     AND ALL COMMERCIAL DOG RACING PERMITTEES."

16 Page 12, line 18, after "PERMITTEES" insert "IN ORDER TO ACCEPT ADVANCE DEPOSIT  
17     WAGERING ON HORSE RACING FROM A COUNTY WITH A COMMERCIAL LIVE DOG RACING  
18     PERMITTEE"

19 Amend title to conform

and, as so amended, it do pass

FRANKLIN M. PRATT  
Chairman

1282-eenr  
3/17/14  
H:laa