

COMMITTEE ON NATURAL RESOURCES

SENATE AMENDMENTS TO S.B. 1041

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

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

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

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

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

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

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

22 H. Notwithstanding any other provision of this chapter, any dog racing
23 permittee to which a permit to conduct dog racing in this state has been
24 issued may in any racing year modify the racing date allocations made to the
25 permittee for conducting dog racing at a track by reallocating up to
26 two-thirds of the racing dates allocated to that permittee for dog racing at
27 a track to another track in this state at which the permittee or a
28 corporation of common ownership to the permittee conducts dog racing. For
29 the purpose of this section, a corporation of common ownership to the
30 permittee is a corporation that is owned or controlled, directly or
31 indirectly, by the same corporation that owns or controls the permittee and
32 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 shall be considered as operating a racetrack
5 enclosure for all purposes under this article and shall not be required to
6 conduct live racing as a condition of that permittee's racing permit. Any
7 permittee qualified under this subsection may conduct wagering on telecasts
8 of races conducted at racetrack enclosures within this state or at racetrack
9 enclosures outside this state without offering live racing at that
10 permittee's racetrack enclosure.”

11 Amend title to conform

2/12/15
8:47 AM
S: LL/ljs