

dog racing; simulcast wagering; prohibition

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 235
SENATE BILL 1260

AN ACT

REPEALING SECTION 5-110, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 405, SECTION 1; AMENDING SECTION 5-110, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2016, CHAPTER 246, SECTION 2; RELATING TO DOG RACING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 5-110, Arizona Revised Statutes, as amended by Laws 2021,
4 chapter 405, section 1, is repealed.

5 Sec. 2. Section 5-110, Arizona Revised Statutes, as amended by Laws
6 2016, chapter 246, section 2, is amended to read:

7 5-110. Racing days, times and allocations; emergency
8 transfer; county fairs; charity days

9 A. Permits for horse or harness racing meetings shall be approved
10 and issued for substantially the same dates allotted to permittees for the
11 same type of racing during the preceding year or for other dates that
12 permittees request, provided that, in the event there is a conflict in
13 dates requested between two or more permittees in the same county for the
14 same kind of racing, the permittee whose application is for substantially
15 the same dates as were allotted to the permittee in the preceding year
16 shall be entitled to have preference over other permittees. In the event
17 two or more permittees have agreed that the dates to be allotted to each
18 of them each year shall be alternated from one year to the next, the
19 commission shall recognize their agreement and those permittees may be
20 accorded preference over any other permittee as to those dates to be
21 allotted to those permittees on an alternating basis. Except as otherwise
22 provided, the commission shall allot dates to the respective permittees
23 after giving due consideration to all of the factors involved and the
24 interests of permittees, the public and this state.

25 B. The commission may require by the terms of any permit that the
26 permittee offer such number of races during any racing meeting as the
27 commission shall determine, provided that the permittee shall be permitted
28 to offer at least the same number of races each day as offered in the
29 prior year. The commission shall require each horse racing permittee to
30 conduct for a period of thirty days a number of races equal to an average
31 of at least two races for each day of racing exclusively for quarter
32 horses. If, in the opinion of the commission, the permittee is offering
33 acceptable quarter horse races but an honest effort is not being put forth
34 to fill these races by the horsemen, the commission may rescind the two
35 race per day quarter horse requirement.

36 C. Live racing and wagering on simulcast races shall be permissible
37 in either daytime or nighttime. Unless otherwise agreed by written
38 contract that is submitted to the department between all the permittees in
39 the same county, there shall be no wagering on simulcast dog races before
40 4:15 p.m., mountain standard time, on the same day that there is live
41 daytime horse or harness racing in any county in which commercial horse or
42 harness racing has been conducted before February 1, 1971. The hours
43 during which any other harness or horse racing is to be conducted shall be
44 determined by the commission. The application for a permit shall state

1 the exact days on which racing will be held and the time of day during
2 which racing will be conducted.

3 D. If the commission determines that an emergency has obligated or
4 may obligate a permittee to discontinue racing at a location, the
5 commission may authorize the permittee to transfer racing for the number
6 of days lost to any other location.

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

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

21 G. The commission may allow a permittee, in addition to the days
22 specified in this permit, to operate up to three racing days during any
23 one meeting as charity days. From the amount deducted from the total
24 handled in the pari-mutuel pool on charity days, the permittee shall
25 deduct an amount equal to the purses and the cost of conducting racing on
26 these days, and shall donate the balance to nonprofit organizations and
27 corporations that benefit the general public, that are engaged in
28 charitable, benevolent and other like work and that are selected by the
29 permittee and approved by the department. ~~in no event shall~~ The amount
30 given to charity from charity racing days MAY NOT be less than the amount
31 that otherwise would have gone to this state as ~~the~~ THIS state's share on
32 a noncharity racing day.

33 H. Notwithstanding any other law, live dog racing shall not be
34 conducted in this state after December 31, 2016. NOTWITHSTANDING ANY
35 OTHER LAW, PARI-MUTUEL WAGERING ON SIMULCAST DOG RACING SHALL NOT BE
36 CONDUCTED IN THIS STATE ON OR AFTER DECEMBER 31, 2028. NOTWITHSTANDING
37 ANY OTHER LAW, PARI-MUTUEL WAGERING ON SIMULCASTS OF DOG RACING THAT
38 ORIGINATE OUTSIDE OF THE CONTINENTAL UNITED STATES ARE NOT ALLOWED IN THIS
39 STATE ON OR AFTER JUNE 30, 2024. This subsection does not apply to
40 nonprofit organizations that host lure coursing or similar events that
41 test a dog's ability, stamina and breeding or training for such events.
42 Notwithstanding any other provision of this article, any dog racing
43 permittee that offered live dog racing in 2016 or that has offered live
44 dog racing in eight out of ten calendar years from 1980 to 1990 in
45 counties that have a population of less than five hundred thousand persons

1 shall be considered as operating a racetrack enclosure for all purposes
2 under this article and shall not be authorized or required to conduct live
3 racing as a condition of that permittee's racing permit. Any permittee
4 qualified under this subsection may conduct advance deposit wagering,
5 wagering at additional wagering facilities that are owned or leased by
6 that permittee and wagering on telecasts of races conducted at racetrack
7 enclosures within this state or at racetrack enclosures outside this state
8 without offering live racing at that permittee's racetrack enclosure.

9 Sec. 3. Retroactivity

10 Section 5-110, Arizona Revised Statutes, as amended by Laws 2016,
11 chapter 246, section 2 and this act, applies retroactively from and after
12 June 30, 2024.

APPROVED BY THE GOVERNOR JUNE 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2024.