

IN THE SENATE

SENATE BILL NO. 1133, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO HORSE RACING; AMENDING SECTION 54-2508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE NUMBER OF RACES PER DAY AND THE NUMBER OF DAYS OF RACING; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2508, Idaho Code, be, and the same is hereby amended to read as follows:

54-2508. LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES -- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING -- SIMULCAST PURSE MONEYS FUND. It shall be unlawful for any person to hold any race meet in this state without having first obtained and having in force and effect a license issued by the commission as in this chapter provided. Every person making application for a license to hold a race meet, under the provisions of this chapter, shall file an application with the commission which shall set forth the time, place and number of days such will continue, an agreement with a horsemen's group as the term "horsemen's group" is defined in section 54-2502, Idaho Code, and such other information as the commission may require. The agreement shall be reached voluntarily or pursuant to binding arbitration in conformance with chapter 9, title 7, Idaho Code, and shall address, but not be limited to, number of live race days and percentage of the live race and simulcast handle that is dedicated to the live horse race purse structure. In addition, the agreement shall provide that all simulcast purse moneys that are accrued as required by the horsemen's agreement be held in the simulcast purse moneys fund created pursuant to the provisions of this section. Race days agreed upon shall be submitted to the Idaho racing commission for its approval.

No person who has been convicted of any crime involving moral turpitude shall be issued a license of any kind, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules of the commission, or who has failed to pay any of the fees, taxes or moneys required under the provisions of this chapter.

All applications to hold race meets shall be submitted to the commission which shall act upon such applications within thirty (30) days. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue.

The license issued shall specify the kind and character of the race meets to be held, the number of days the race meet shall continue and the number of races per day. For those licensees or facilities that have had a total race handle from both live races and simulcast races exceeding five million dollars (\$5,000,000) during the last calendar year in operation, the number of races per day shall not be less than eight (8), and the number of days of racing shall not be less than forty-six (46) unless otherwise agreed by the

1 licensee and the horsemen's group. Provided however, the number of days of  
2 racing shall not be less than fifteen (15) and the number of days of racing  
3 shall be approved by the Idaho racing commission. For those licensees or fa-  
4 cilities that have had a total race handle from both live races and simulcast  
5 races of five million dollars (\$5,000,000) or less during the last calendar  
6 year in operation, the number of races per day shall not be less than six (6)  
7 and the number of days of racing shall not be less than two (2). The licensee  
8 shall pay in advance of the scheduled race meet to the state treasurer a fee  
9 of not less than twenty-five dollars (\$25.00) for each day of racing, which  
10 fees shall be placed in the public school income fund of the state of Idaho.  
11 Provided, that if unforeseen obstacles arise, which prevent the holding,  
12 or completion of any race meet, the license fee held may be refunded the li-  
13 icensee, if the commission deems the reason for failure to hold or complete  
14 the race meet sufficient. Any unexpired license held by any person who vio-  
15 lates any of the provisions of this chapter, pursuant thereto, or who fails  
16 to pay to the commission any and all sums required under the provisions of  
17 this chapter, shall be subject to cancellation and revocation by the commis-  
18 sion. Such cancellation shall be made only after a summary hearing before  
19 the commission, of which three (3) days' notice in writing shall be given the  
20 licensee, specifying the grounds for the proposed cancellation, and at which  
21 hearing the licensee shall be given an opportunity to be heard in opposition  
22 to the proposed cancellation.

23       The simulcast purse moneys fund is hereby created in the state treasury.  
24 Moneys in the fund shall consist of all simulcast purse moneys that are ac-  
25 crued as required by horsemen's agreements. Moneys in the fund are hereby  
26 perpetually appropriated to the Idaho state racing commission for distri-  
27 bution pursuant to the provisions of horsemen's agreements and rules of the  
28 commission. The commission is authorized to promulgate rules providing for  
29 the receipt, deposit, withdrawal and distribution of such moneys. The state  
30 treasurer shall invest idle moneys in the fund and any interest received on  
31 those investments shall be returned to the fund.

32       SECTION 2. An emergency existing therefor, which emergency is hereby  
33 declared to exist, this act shall be in full force and effect on and after its  
34 passage and approval.