Senate Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 59

SENATE BILL 1182

AN ACT

AMENDING TITLE 5, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO RACING LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 5, chapter 1, Arizona Revised Statutes, is amended by adding article 2, to read:

ARTICLE 2

INTERSTATE COMPACT ON LICENSURE OF PARTICIPANTS IN LIVE RACING WITH PARI-MUTUEL WAGERING

5-131. Compact; authority to join

THE DEPARTMENT OF RACING AND THE RACING COMMISSION MAY JOIN WITH OTHER STATES IN AN INTERSTATE COMPACT ON LICENSURE OF PARTICIPANTS IN LIVE RACING WITH PARI-MUTUEL WAGERING AS FOLLOWS:

ARTICLE I

RIGHTS AND RESPONSIBILITIES OF EACH PARTY STATE

SECTION 1. RIGHTS AND RESPONSIBILITIES OF EACH PARTY STATE.

A. BY ENACTING THIS COMPACT, EACH PARTY STATE:

1. AGREES TO ACCEPT THE DECISIONS OF THE COMPACT COMMITTEE REGARDING THE ISSUANCE OF COMPACT COMMITTEE LICENSES TO PARTICIPANTS IN LIVE RACING PURSUANT TO THE COMMITTEE'S LICENSURE REQUIREMENTS.

2. AGREES NOT TO TREAT A NOTIFICATION TO AN APPLICANT BY THE COMPACT COMMITTEE THAT THE COMPACT COMMITTEE WILL NOT BE ABLE TO PROCESS THE APPLICATION FURTHER AS THE DENIAL OF A LICENSE, OR TO PENALIZE SUCH AN APPLICANT IN ANY OTHER WAY BASED SOLELY ON SUCH A DECISION BY THE COMPACT COMMITTEE.

3. RESERVES THE RIGHT:

(a) TO CHARGE A FEE FOR THE USE OF A COMPACT COMMITTEE LICENSE IN THAT STATE.

(b) TO APPLY ITS OWN STANDARDS IN DETERMINING WHETHER, ON THE FACTS OF A PARTICULAR CASE, A COMPACT COMMITTEE LICENSE SHOULD BE SUSPENDED OR REVOKED.

(c) TO APPLY ITS OWN STANDARDS IN DETERMINING LICENSURE ELIGIBILITY, UNDER THE LAWS OF THAT PARTY STATE, FOR CATEGORIES OF PARTICIPANTS IN LIVE RACING THAT THE COMPACT COMMITTEE DETERMINES NOT TO LICENSE AND FOR INDIVIDUAL PARTICIPANTS IN LIVE RACING WHO DO NOT MEET THE LICENSURE REQUIREMENTS OF THE COMPACT COMMITTEE.

(d) TO ESTABLISH ITS OWN LICENSURE STANDARDS FOR THE LICENSURE OF NONRACING EMPLOYEES AT PARI-MUTUEL RACETRACKS AND EMPLOYEES AT SEPARATE SATELLITE WAGERING FACILITIES.

B. ANY PARTY STATE THAT SUSPENDS OR REVOKES A COMPACT COMMITTEE LICENSE, THROUGH ITS RACING COMMISSION OR ITS EQUIVALENT OR OTHERWISE, SHALL PROMPTLY NOTIFY THE COMPACT COMMITTEE OF THAT SUSPENSION OR REVOCATION.

C. A PARTY STATE SHALL NOT BE HELD LIABLE FOR THE DEBTS OR OTHER FINANCIAL OBLIGATIONS INCURRED BY THE COMPACT COMMITTEE.

D. THE DEPARTMENT OF RACING MAY ADOPT RULES TO CARRY OUT THE PURPOSES OF THIS SECTION.

ARTICLE II

DEFINITIONS

FOR THE PURPOSES OF THIS COMPACT:

1. "COMPACT COMMITTEE" MEANS THE ORGANIZATION OF OFFICIALS FROM THE PARTY STATES THAT IS AUTHORIZED AND EMPOWERED BY THE COMPACT TO CARRY OUT THE PURPOSES OF THIS COMPACT.

2. "OFFICIAL" MEANS THE APPOINTED, ELECTED, DESIGNATED OR OTHERWISE DULY ELECTED REPRESENTATIVE OF A RACING COMMISSION OR THE EQUIVALENT THEREOF IN A PARTY STATE WHO REPRESENTS THAT PARTY AS A MEMBER OF THE COMPACT COMMITTEE.

3. "PARTICIPANTS IN LIVE RACING" MEANS PARTICIPANTS IN LIVE RACING WITH PARI-MUTUEL WAGERING IN THE PARTY STATES.

4. "PARTY STATE" MEANS EACH STATE THAT HAS ENACTED THIS COMPACT.

5. "STATE" MEANS EACH OF THE SEVERAL STATES OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO AND EACH TERRITORY OR POSSESSION OF THE UNITED STATES.

ARTICLE III

CONSTRUCTION AND SEVERABILITY

SECTION 2. CONSTRUCTION AND SEVERABILITY.

THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE ITS PURPOSES. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND, IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED STATES OR OF ANY PARTY STATE, OR THE APPLICABILITY OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND ITS APPLICABILITY TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF ALL OR SOME PORTION OF THIS COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

APPROVED BY THE GOVERNOR APRIL 7, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2004.