

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 191

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PARI-MUTUEL BETTING; AMENDING SECTION 54-2512, IDAHO CODE, TO
AUTHORIZE PARI-MUTUEL BETTING ON THE RESULT OF A LIVE HORSE RACE MEET
AT A FACILITY NOT LOCATED ON THE GROUNDS WHERE THE WAGERING OCCURS UN-
DER CERTAIN CIRCUMSTANCES, TO PROVIDE PROCEDURES, TO PROVIDE FEES AND
TO PROVIDE FOR THE CREATION OF THE LIVE HORSE RACE PURSE DISTRIBUTION
FUND AND TO PROVIDE FOR DISTRIBUTION OF EXCESS PROCEEDS FROM THE FUND.

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

SECTION 1. That Section 54-2512, Idaho Code, be, and the same is hereby
amended to read as follows:

54-2512. PARI-MUTUEL BETTING -- OTHER BETTING ILLEGAL. (1) Any li-
censee conducting a race meet under this chapter may provide a place or
places in the race meet grounds or enclosure at which such licensee may con-
duct and supervise the use of the pari-mutuel system by patrons on the result
of the races conducted by such licensee at such race meet and, upon written
application by a licensee and approval by the commission, on the result of
simulcast and/or televised races. The commission shall issue no more than
one (1) license to simulcast per live race meet licensee and there shall be no
more simulcasting sites in the state than there are licensed live race meet
sites.

(2) Licenses authorizing simulcast and/or televised races will be reg-
ulated by the commission, in addition to its other responsibilities, for the
purpose of enhancing, promoting, and protecting the live race industry in
the state of Idaho. No license authorizing simulcasting and/or televised
races shall be issued to or renewed for persons that are not also licensed to
conduct live race meets in the state of Idaho. Persons applying for a simul-
cast and/or televised race license shall have an agreement reached volun-
tarily or pursuant to binding arbitration in conformance with chapter 9, ti-
tle 7, Idaho Code, with a horsemen's group as the term "horsemen's group" is
defined in section 54-2502, Idaho Code. The agreement 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 struc-
ture. In addition, the agreement shall provide that all simulcast purse mon-
eys that are accrued as required by the horsemen's agreement be held in the
simulcast purse moneys fund created pursuant to the provisions of section
54-2508, Idaho Code. Race days agreed upon shall be submitted to the Idaho
racing commission for its approval.

(3) Upon written application by a live horse race licensee and approval
by the Idaho state racing commission, a license may be issued to conduct
and supervise the use of the pari-mutuel system by patrons on the result of
simulcast and/or televised races in a facility not located on the grounds of

1 a live horse race meet facility, but within the county that the live horse
2 race facility is located, subject to the following restrictions:

3 (a) In addition to the distribution and payment of the handle as de-
4 scribed in section 54-2513, Idaho Code, a licensee operating under a li-
5 cense described in this subsection shall pay to the Idaho state racing
6 commission for deposit in the live horse race purse distribution fund,
7 a minimum of one percent (1%) of the gross daily receipts from simul-
8 cast and/or televised races. The Idaho state racing commission shall
9 distribute the moneys from the live horse race purse distribution fund
10 to those live horse race licensees that ran less than fifteen (15) live
11 race days during the preceding calendar year. The distribution shall be
12 made by dividing the total number of live race days of all of the qual-
13 ified live horse racetracks combined into the moneys collected by the
14 fund in any one (1) calendar year and by multiplying the result by the
15 number of days run by each of the respective live horse racetracks indi-
16 vidually; and

17 (b) Additionally, the licensee shall pay to the Idaho state racing
18 commission a minimum of one percent (1%) of the gross daily receipts
19 from simulcast and/or televised races conducted pursuant to the race
20 purse distribution fund to the licensee whose license is being utilized
21 to conduct simulcast and/or televised races pursuant to this section.
22 These moneys shall be used by the licensee solely for live horse race
23 meet purses; and

24 (c) Approval must be obtained from the board of county commissioners;
25 and

26 (d) A license to conduct and supervise the use of the pari-mutuel system
27 by patrons on the result of simulcast and/or televised races issued pur-
28 suant to this section may be leased to another person or entity but only
29 with the approval of the Idaho state racing commission. A lessee of such
30 a license shall be held by the Idaho state racing commission to the same
31 standards as the original licensee.

32 (4) Upon written application by a live horse race licensee and approval
33 by the Idaho state racing commission, a license may be issued to conduct
34 and supervise the use of the pari-mutuel system by patrons on the result of
35 simulcast and/or televised races in a facility located in another county
36 within the state other than the county where the licensee's live racetrack
37 facility is located subject to the following restrictions:

38 (a) In addition to the distribution and payment of the handle as de-
39 scribed in section 54-2513, Idaho Code, a licensee operating under a li-
40 cense described in this subsection shall pay to the Idaho state racing
41 commission for deposit in the live horse race purse distribution fund,
42 a minimum of one percent (1%) of the gross daily receipts from simul-
43 cast and/or televised races. The Idaho state racing commission shall
44 distribute the moneys from the live horse race purse distribution fund
45 to those live horse race licensees that ran less than fifteen (15) live
46 race days during the preceding calendar year. The distribution shall be
47 made by dividing the total number of live race days of all of the qual-
48 ified live horse racetracks combined into the moneys collected by the
49 fund in any one (1) calendar year and by multiplying the result by the

1 number of days run by each of the respective live horse racetracks indi-
2 vidually; and

3 (b) Additionally, the licensee shall pay to the Idaho state racing com-
4 mission a minimum of one percent (1%) of the gross daily receipts from
5 simulcast and/or televised races conducted pursuant to the live horse
6 race purse distribution fund to the licensee whose license is being uti-
7 lized to conduct simulcast and/or televised races pursuant to this sec-
8 tion. These moneys shall be used by the licensee solely for live horse
9 race meet purses; and

10 (c) Approval must be obtained from the board of county commissioners of
11 the county in which the simulcast and/or televised race facility is to
12 be located; and

13 (d) A license to conduct and supervise the use of the pari-mutuel sys-
14 tem by patrons on the result of simulcast and/or televised races issued
15 under this section may be leased to another person or entity, but only
16 with the approval of the Idaho state racing commission. A lessee of such
17 a license shall be held by the Idaho state racing commission to the same
18 standards as the original licensee.

19 (e) No simulcast and/or televised race license transferred from one
20 (1) county to another shall be located in a facility within thirty (30)
21 miles of a live horse racetrack without the approval of that live horse
22 racetrack facility.

23 (f) No simulcast and/or televised race license can be transferred
24 into a county that has had a live race license within the prior five (5)
25 years.

26 (5) No more than one (1) simulcast and/or televised race facility per
27 county shall be allowed. This includes the one (1) simulcast license autho-
28 rized in section 54-2514A, Idaho Code.

29 (6) There is hereby created in the state treasury the live horse race
30 purse distribution fund, to which shall be deposited moneys received by the
31 Idaho state racing commission for the purposes described in this section.
32 All moneys in the live horse race purse distribution fund are hereby perpet-
33 ually appropriated to the Idaho state racing commission for payment as re-
34 quired in this section. Payments by the Idaho state racing commission from
35 the live horse race purse distribution fund to the recipient live horse race-
36 tracks shall be made no later than thirty (30) days after Idaho state racing
37 commission approval of a live race meet license application for the forth-
38 coming calendar year.

39 (7) Once a total handle exceeding fourteen million dollars
40 (\$14,000,000) is realized from simulcasting and/or televised races con-
41 ducted pursuant to this section in any one (1) calendar year, the Idaho state
42 racing commission shall submit to the Idaho horse board a sum of five percent
43 (5%) of the balance over fourteen million dollars (\$14,000,000), but not to
44 exceed twelve thousand five hundred dollars (\$12,500) to be used by the Idaho
45 horse board for youth programs and to the "Idaho Robert R. Lee Promise Schol-
46 arship Program" as detailed in chapter 43, title 33, Idaho Code, a sum of five
47 percent (5%) of the balance over fourteen million dollars (\$14,000,000), but
48 not to exceed twelve thousand five hundred dollars (\$12,500).

49 (8) Such pari-mutuel system conducted at such race meet shall not under
50 any circumstances, if conducted under the provisions of this chapter and in

1 conformity thereto and to the rules of the commission, be held or construed
 2 to be unlawful, other statutes of this state to the contrary notwithstanding.
 3

4 (49) The participation by a licensee in an interstate combined wagering
 5 pool does not cause that licensee to be considered to be doing business in any
 6 jurisdiction other than the jurisdiction in which the licensee is physically
 7 located.

8 (~~5~~10) Advance deposit wagering on live and/or simulcast horse racing
 9 conducted by licensees is hereby declared to be lawful and within the scope
 10 of the licensee's license. As used in this section, "advance deposit wager-
 11 ing" means a form of wagering in which an account holder may deposit money
 12 with a licensee and then use the balance to fund wagers. The bettor can
 13 then contact the licensee from a location without actually being physically
 14 present at the licensee's premises in order to communicate the desired use
 15 of those funds for wagering purposes. However, no wager can be accepted by
 16 the licensee that exceeds the amount in the account held by the licensee for
 17 the person placing the wager. Any advance deposit wagering conducted by a
 18 person with a provider outside of the state by telephone or other electronic
 19 means shall be illegal unless that provider is licensed by the Idaho state
 20 racing commission and provides a source market fee of not less than ten per-
 21 cent (10%) of the handle forwarded monthly to the commission. All moneys
 22 in the advance deposit wagering accounts held by the commission are hereby
 23 continuously appropriated to the commission for payment as required by this
 24 section. Payments to recipients shall be made annually. Distribution of
 25 the source market fee shall be forty percent (40%) to purses to be deposited
 26 directly into the horsemen's purse account at all tracks weighted by number
 27 of races ran through the year of distribution, thirty percent (30%) to the
 28 simulcast sites in the state weighted by the annual simulcast handle, five
 29 percent (5%) to the track distribution fund, five percent (5%) to the breed
 30 distribution fund, five percent (5%) to the Idaho state racing commission,
 31 five percent (5%) to the public school income fund, and ten percent (10%)
 32 for track operating expenses at the live tracks with distribution weighted
 33 on the number of race days. All moneys in the track operating accounts are
 34 hereby continuously appropriated to the commission for payment as required
 35 by this section. For purposes of this section, wagering instructions con-
 36 cerning funds held in an advance deposit account shall be deemed to be issued
 37 within the licensee's enclosure. As used in this section, "source market
 38 fee" means that part of a wager, made outside of the state by an Idaho resi-
 39 dent, that is returned to the state of Idaho. The commission may promulgate
 40 rules pursuant to chapter 52, title 67, Idaho Code, to implement the provi-
 41 sions of this subsection.

42 (~~6~~11) Pari-mutuel taxes or commissions may not be imposed on any amounts
 43 wagered in an interstate combined wagering pool other than amounts wagered
 44 within this jurisdiction.

45 (712) It shall be unlawful to conduct pool selling, bookmaking, or to
 46 circulate handbooks, or to bet or wager on a race of any licensed race meet,
 47 other than by the pari-mutuel system; and it shall further be unlawful know-
 48 ingly to permit any minor to use the pari-mutuel system.