

AN ACT

ENTITLED, An Act to revise certain provisions regarding the regulation of simulcast racing operations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 42-7-57 be amended to read as follows:

42-7-57. No person may hold any racing meeting or collect or disburse any money under the certificate system without having first obtained and having in full force and effect a license issued by the commission. Any person who violates the provisions of this section is guilty of a Class 1 misdemeanor.

Section 2. That § 42-7-58.1 be amended to read as follows:

42-7-58.1. The commission may allow licensees approved by the commission to collect and disburse money under the certificate system at locations other than where licensed races are conducted if the satellite locations are more than fifty miles away from any pari-mutuel horse track or dog track licensed by the commission which is conducting a race meet at that time or if the pari-mutuel horse or dog track agrees to the operation of such a location within the fifty mile radius. The special racing fund shall receive one and one-half percent of the total amount contributed from the satellite location, and the special racing revolving fund in the Office of the State Treasurer and the South Dakota-bred racing fund shall each receive one and one-half percent of the total amount contributed, with the remaining amount of the contribution withheld at the satellite location to be retained by the licensees. No other deductions may be made from the amount withheld by the licensee at the satellite location. Satellite facilities may receive contributions between the hours of 9:00 a.m. and 1:00 a.m.

Section 3. That § 42-7-59 be amended to read as follows:

42-7-59. The application for a license to hold or conduct a racing meeting or to provide a simulcast signal to a satellite facility shall be signed under oath and filed with the commission on or

before a day prescribed in this chapter. The application shall state:

- (1) The full name and address of the applicant. If the applicant for a license is a corporation, the names of all officers, directors, or stockholders of the corporation or any of its holding corporations shall be disclosed individually to the commission. The commission may require disclosure of any person or group of persons holding directly, indirectly, or beneficially an interest of any nature whatsoever in the corporation or any of its holding corporations, whether financial, administrative, policy-making, or supervising;
- (2) The location of its racetrack or other facilities and whether the racetrack or other facilities are owned or leased. If leased, state the names and addresses of the lessors;
- (3) A statement of the assets and liabilities of such applicant;
- (4) A description of the qualifications and experience of the applicant, if an individual, or of its officers and directors, if a corporation, in the conduct of racing establishments in the five years preceding the filing of such application;
- (5) The time, place, and number of days such racing meet is proposed to be conducted or such satellite facilities are proposed to be in operation;
- (6) The type of racing to be conducted or simulcast;
- (7) Such other information as the commission may require.

Any expenses incurred by the commission in regard to the investigation of an applicant shall be paid by the applicant.

Section 4. That § 42-7-60 be amended to read as follows:

42-7-60. Every person applying for a license under §§ 42-7-58 and 42-7-58.1 shall give bond payable to the State of South Dakota with good security to be approved by the commission. The bond shall be the amount which the commission determines is adequate to protect the amount normally due and owing to the commission in a sixty-day period or, in the case of new or altered conditions, based on the projected revenues.

The commission may waive the bond. In such event, the amount of taxes and fees due and owing the state shall be a lien on the license to operate. The lack of timely payment shall be cause for revocation or suspension of the license to operate.

Section 5. That § 42-7-63 be amended to read as follows:

42-7-63. The commission may charge a fee for licensees to collect and disburse money under the certificate system commensurate with the amount of money which is collected daily, but no charge less than ten dollars nor in excess of one hundred dollars per day shall be made. The license fees shall be remitted to the state treasurer and placed in the special racing fund.

Section 6. That § 42-7-69 be repealed.

Section 7. That § 42-7-70 be repealed.

Section 8. That § 42-7-81 be amended to read as follows:

42-7-81. Before any payment is made to a person who has contributed to a pari-mutuel pool, the licensee shall deduct the odd cents by which the amount payable to such person exceeds a multiple of ten cents, which shall be known as breakage. The licensee conducting the live race meet or providing the simulcast signal to the location where the money is collected shall retain all breakage.

Section 9. That § 42-7-82 be amended to read as follows:

42-7-82. Claims for any part of a redistribution from a pari-mutuel pool shall be made within sixty days from the end of the meet at which the race was held or be forever barred. Any sums so barred shall become the property of the licensee conducting the meet or providing the simulcast signal to the satellite facility at which the contribution was made.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1029

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1029
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State