

**ASSEMBLY BILL**

**No. 3090**

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**Introduced by Assembly Member Machado**

February 23, 1996

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An act to amend Sections 19549 and 19549.1 of the Business and Professions Code, and to amend Section 4058 of the Food and Agricultural Code, relating to horseracing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3090, as introduced, Machado. Horseracing: fairs.

(1) Existing law permits the California Horse Racing Board to allocate horseracing days for mixed breed meetings at the California Exposition and State Fair and at district agricultural association racing facilities in the northern zone, subject to the condition that horseracing days may not be allocated for any meeting between July 1 and October 31.

This bill would additionally permit the board to allocate horseracing days for combined fair horseracing meetings, and would permit dates to be allocated for a combined fair horseracing meeting between July 1 and October 31.

(2) Under existing law, all revenues distributed to the state as license fees from horseracing are required to be deposited in the Fair and Exposition Fund and are continuously appropriated to the Department of Food and Agriculture for various regulatory and general governmental purposes.

This bill would authorize additional racing, resulting in additional wagering, and would increase the amount of continuously appropriated license fees, thereby making an

appropriation. This bill would also result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 19549 of the Business and  
2 Professions Code is amended to read:

3 19549. Except as provided in Section 19549.1, the  
4 maximum number of racing days that may be allocated  
5 to the California Exposition and State Fair or a county or  
6 district agricultural association fair or citrus *fruit* fair shall  
7 be 14 days per year. Those racing days shall be days ~~in the~~  
8 ~~calendar~~ *during the* period in which general fair  
9 activities are conducted. However, any fair racing  
10 association that conducted racing in the central or  
11 southern zone prior to January 1, 1980, shall be entitled to  
12 be allocated up to three weeks of racing. Nothing in this  
13 section diminishes the authority of the board to establish  
14 racing dates.

15 SEC. 2. Section 19549.1 of the Business and  
16 Professions Code is amended to read:

17 19549.1. Notwithstanding Sections 19533 and 19549 or  
18 any other provision of this chapter, the board may  
19 allocate horseracing days for mixed breed meetings ~~at the~~  
20 ~~California Exposition and State Fair and at district~~  
21 ~~agricultural association racing facilities in the northern~~  
22 ~~zone and combined fair horseracing meetings~~ pursuant  
23 to Section 4058 of the Food and Agricultural Code, except  
24 (1) that ~~days dates~~ may ~~not only~~ be allocated for ~~any a~~  
25 ~~combined fair horseracing~~ meeting between July 1 and  
26 October 31, ~~except that the California Exposition and~~  
27 ~~State Fair may conduct a night mixed breed meeting~~  
28 ~~from Labor Day until the date that the 21st District~~  
29 ~~Agricultural Association commences its mixed breed~~  
30 ~~meeting and the total combined number of dates shall not~~



1 *exceed the total combined dates of the combined fair*  
2 *racing associations in 1995, and (2) that days may not be*  
3 *allocated for a mixed breed meeting or a combined fair*  
4 *horseracing meeting during the month of June at the*  
5 *California Exposition and State Fair if a standardbred*  
6 *meeting is being conducted at that facility during the*  
7 *month of June. The mixed breed meetings shall be*  
8 *conducted by a person other than the California*  
9 *Exposition and State Fair or the district agricultural*  
10 *association and shall be subject to Section 19550. The*  
11 *mixed breed meetings shall encourage the racing of*  
12 *emerging breeds of horses.*

13 SEC. 3. Section 4058 of the Food and Agricultural  
14 Code is amended to read:

15 4058. (a) Notwithstanding Section 4052, the  
16 California Exposition and State Fair ~~or~~ a district  
17 agricultural association *fair, or county fair in the northern*  
18 *zone, with the approval of both the Department of Food*  
19 *and Agriculture and the Department of General Services,*  
20 *may form an entity for conducting combined fair*  
21 *horseracing meetings and utilize its their racing facilities*  
22 *for conducting horseracing meetings, with parimutuel*  
23 *wagering, on days other than the days on which general*  
24 *fair activities are conducted. The horseracing meetings*  
25 *shall include a program consisting of either all breeds of*  
26 *horses or an Appaloosa invitational meeting as defined in*  
27 *Section 19417.6 of the Business and Professions Code. A*  
28 *combined fair horseracing meeting pursuant to this*  
29 *section shall be a general fair activity for the purpose of*  
30 *Section 19549 of the Business and Professions Code.*

31 (b) The association shall designate certain days of a  
32 *mixed breed* meeting held pursuant to this section as  
33 charity days with the proceeds therefrom to be  
34 distributed in accordance with Sections 19550 and 19556  
35 of the Business and Professions Code.

36 (c) The association shall encourage the racing of the  
37 emerging breeds of horses.

