

**ARIZONA EXPOSITION AND
STATE FAIR BOARD**

**FIVE-YEAR REVIEW REPORT
TITLE 3, CHAPTER 12, ARTICLES 1-3**

**FOR THE
GOVERNOR'S REGULATORY REVIEW
COUNCIL (GRRC)**

Submitted _December 28, 2012

I. Introduction

The rules adopted by the Arizona Exposition and State Fair Board (“Board”) regulate all games played during the Arizona State Fair. The rules serve the primary purpose of protecting the public’s safety and welfare. Each game operator pays the Board for a space on the grounds during the Arizona State Fair. Payment is based on the total number of front feet a game occupies, and the rate is approximately \$175.00 per front foot. Because the fair would not have any games unless the game operators make a profit, certain of the Board’s rules protect the game owner from persons taking unfair advantage of the game. The rules have functioned well and accomplished their purposes since their adoption.

II. Identical Information Regarding Rules

The following information is identical for all of the Board’s rules. Because the information is the same for each rule listed, it is not included in the analysis of the individual rules.

A. Statute Authorizing Rules

The Board adopted the rules contained in A.A.C. Title 3, Chapter 12 pursuant to A.R.S. sec. 3-1003 (A)(10), a copy of which is attached to this report.

B. Effectiveness

The stated objective for all of the Agency’s rules is effectively met.

C. Consistency

There are no other statutes and rules that apply to or conflict with these rules.

D. Enforcement

The rules are all enforced by Department of Public Safety officers trained regarding carnival games and by State Fair personnel. The rules are uniformly and fairly enforced and there have been no enforcement issues during the past five years.

E. Clarity, Conciseness and Understandability

In 2002, the Board amended the rules to correct certain minor stylistic problems and make the rules consistent with the Secretary of State’s requirements. The rules remain clear and concise and both game owners and the public can easily understand the rules.

F. Criticisms

The Board has not received any written criticisms of any of its rules during the past five years.

G. Economic, small business and consumer impact comparison with the 2002 Rulemaking

The economic, small business and consumer impact statement prepared for the Board's 2002 Rulemaking is attached. The Board's analysis of the impact the rules have had on the public and the game owners is substantially as predicted in the 2002 impact statement. The rules continue to perform as indicated and because these rules have existed in one form or another for over 20 years, the economic impact is negligible.

H. Any analysis submitted that the rule's impact on the state's business competitiveness compares to the competitiveness of businesses in other states.

The Board has received no such analysis.

I. The Board's progress toward completing the needed actions identified in the previous Five-year review report.

The Board had no plans to amend its rules since the last rules review.

J. Agency's progress toward completing the needed actions identified in the previous five year rules report.

No actions were identified.

K. A determination that the probable benefits of the rule outweigh, within this state, the probable costs of the rule and the rule imposes the least burden and costs to regulate persons, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective.

These rules keep both game operators and the public safe from wrongful practices. The rules do so with little costs or recurring costs because the industry trend for at least seven to ten years has been to require uniforms by employees.

L. A determination that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of federal law.

No federal law applies to the Board's rules.

- M. For rules made after July 29, 2010, which require issuance of a regulatory permit, license, or agency authorization, whether the rule complies with A.R.S. 41-1037.**

None of the rules were made after July 29, 2010.

- N. Planned course of action.**

The Board has no current plans to amend its rules. The rules are working well and accomplish their intended purposes.

III. Analysis of Individual Rules

- A. R3-12-101 – Definitions**

Objective

The objective is to ensure that all those using or interpreting the rules do so using the consistent and well defined terms.

- B. R3-12-201 – Hoop and Ring Toss Games**

Objective

The objective is to set forth the types of hoop and ring toss games allowed at the Arizona State Fair and to regulate such games so that the games constitute a form of legal gambling as defined in A.R.S. Title 13. This rule also protects the public by strictly defining the allowed games to prevent unfair modifications to the games.

- C. R3-12-202 – Dart Games**

Objective

The objective is to set forth the types of dart games allowed at the Arizona State Fair and to regulate such games so that the games constitute legal gambling as defined in A.R.S. Title 13. This rule also protects the public by strictly defining the allowed games to prevent unfair modifications to the games.

D. R3-12-203 – Ball Toss Games

Objective

The objective is to set forth the types of ball toss games allowed at the Arizona State Fair and to regulate such games so that the games constitute legal gambling as defined in A.R.S. Title 13. This rule also protects the public by strictly defining the allowed games to prevent unfair modifications to the games.

E. R3-12-204 – Shooting Games

Objective

The objective is to set forth the types of shooting games allowed at the Arizona State Fair and to regulate such games so that the games constitute legal gambling as defined in A.R.S. Title 13. This rule also protects the public by strictly defining the allowed games to prevent unfair modifications to the games.

F. R3-12-205 – Coin Games

Objective

The objective is to set forth the types of coin games allowed at the Arizona State Fair and to regulate such games so that the games constitute legal gambling as defined in A.R.S. Title 13. This rule also protects the public by strictly defining the allowed games to prevent unfair modifications to the games.

G. R3-12-206 – Other Games

Objective

The objective is to set forth all other types of games allowed at the Arizona State Fair and to regulate such games so that the games constitute legal gambling as defined in A.R.S. Title 13. This rule also protects the public by strictly defining the allowed games to prevent unfair modifications to the games.

H. R3-12-301 – Safety

Objective

The objective is to protect the consumer and ensure a safe environment for those attending the Arizona State Fair.

I. R3-12-302 – Posting Prizes and Game Standards

Objective

The objectives are to ensure that all customers know the rules of each game played and to prevent game owners from modifying the game in the middle of play.

J. R3-12-303 – Prizes

Objective

The objective is to keep the Fairgrounds safe for all customers and provide players with an opportunity to win a quality prize for the money the consumer spends.

K. R3-12-304 – Valuable Prize Limit

Objective

The objective is to protect the concessionaire from highly successful players by limiting any player to one most valuable prize per game per day.

L. R3-12-305 – Lease Standards

Objective

The objective is to ensure that all games are booked in accordance with current Arizona State Fair policies.

M. R3-12-306 – Uniforms

Objective

The objective is to ensure that all concessionaires are responsible for all their employees and that the employees are neat, clean and well kept.

N. R3-12-307 – Concession Location

Objective

The objective is to maintain the orderly movement of customers within the fairgrounds.

O. R3-12-308 – Sound Control

Objective

The objective is to provide a pleasant environment for customers and competing concessionaires on the fairgrounds.

P. R3-12-309 – Height and Line Designation

Objective

The objective is to provide customers with a fair opportunity to win at the games by ensuring playing distance uniformity for all players and to ensure public safety.