

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 856 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/23/07

A Bill

SENATE BILL 588

5 By: Senator T. Smith
6
7

For An Act To Be Entitled

9 AN ACT AMENDING THE AUTHORITY OF THE ARKANSAS
10 RACING COMMISSION TO ENABLE THE COMMISSION TO SET
11 LICENSE FEES AND CONDUCT CRIMINAL BACKGROUND
12 CHECKS ON LICENSE APPLICANTS AND EMPLOYEES; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT AMENDING THE AUTHORITY OF THE
16 ARKANSAS RACING COMMISSION TO ENABLE THE
17 COMMISSION TO SET LICENSE FEES AND
18 CONDUCT CRIMINAL BACKGROUND CHECKS ON
19 LICENSE APPLICANTS AND EMPLOYEES.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 23-110-204 is amended to read as follows:
26 23-110-204. Powers and duties.

27 (a) Subject to the limitations and conditions as provided in this
28 chapter or other applicable law, the Arkansas Racing Commission shall have
29 sole jurisdiction over the business and the sport of horse racing in this
30 state where the racing is permitted for any stake, purse, or reward, and, in
31 exercising its jurisdiction, but without necessarily being limited to the
32 following enumeration, it shall be the function, power, and duty of the
33 commission to:

- 34 (1) Grant franchises to conduct horse races;
35 (2) Approve dates for each racing meet and issue permits



1 therefor;

2 (3) Issue licenses to horse owners, horse trainers, jockeys, and
3 ~~jockeys'~~ jockey agents;

4 (4) Establish by rule the license fees, not to exceed one
5 hundred fifty dollars (\$150) per applicant, for horse owners, horse trainers,
6 jockeys, and jockey agents;

7 ~~(4)~~(5) Collect and deposit in the State Treasury all fees for
8 franchises and licenses for all taxes, other imposts, and all other moneys
9 due the State of Arkansas in relation to horse racing;

10 ~~(5)~~(6) Hear and determine all matters properly coming before the
11 commission and grant rehearings thereon; and

12 ~~(6)~~(7) Take such other action, not inconsistent with law, as it
13 may deem necessary or desirable to supervise and regulate, and to effectively
14 control in the public interest, horse racing in the State of Arkansas.

15 (b) The commission shall have full, complete, and sole power and
16 authority to promulgate rules, ~~regulations~~, and orders and prescribe
17 conditions under which horse racing shall be conducted by a franchise holder,
18 but the power and authority so granted shall be exercised by the commission
19 in a reasonable manner, and the holder of any franchise, or any taxpayer,
20 shall have redress to the Pulaski County Circuit Court for any wrong
21 committed by the commission in the exercise of the power and authority
22 granted in this chapter.

23 (c)(1) The commission shall have no right or power to determine who
24 shall be officers or employees of any franchise holder.

25 (2)(A) However, the commission may by rule require that all
26 officers, employees, or agents of the franchise holder who are in charge of,
27 or whose duties relate directly to, the running of races and the handling of
28 any funds which may be wagered on any race are to be approved by the
29 commission.

30 (B) The commission may compel the discharge of any
31 official, employee, or agent of the franchise holder who fails or refuses to
32 comply with the rules, regulations, or orders of the commission, or who, in
33 the opinion of the commission, is guilty of fraud or dishonesty.

34 (d) For the purpose of regulating its own procedure and carrying out
35 its functions, powers, and duties, the commission shall have the authority
36 from time to time to make, amend, and enforce all necessary or desirable

1 rules ~~and regulations~~ not inconsistent with law.

2 (e)(1)(A) An applicant shall be fingerprinted to determine an
3 applicant's suitability to be issued a license as a horse owner, horse
4 trainer, jockey, or jockey agent.

5 (B) The fingerprints shall be forwarded by the Arkansas
6 Racing Commission to the Department of Arkansas State Police for statewide
7 criminal and non-criminal background checks.

8 (C) After completion of the statewide criminal and non-
9 criminal background check, the fingerprints shall be forwarded by the
10 Department of Arkansas State Police to the Federal Bureau of Investigation
11 for a national criminal history record check.

12 (2) The applicant shall sign a release that authorizes the:

13 (A) Department of Arkansas State Police to forward the
14 applicant's fingerprint card to the Federal Bureau of Investigation for a
15 national criminal history record check; and

16 (B) Release of the results of the statewide criminal and
17 non-criminal background check and the national criminal history record check
18 to the Arkansas Racing Commission.

19 (4)(A) Any information received by the commission from the
20 statewide criminal and noncriminal background check and the national criminal
21 history record check of the applicant shall be kept confidential and may be
22 used by the commission only for the purpose of determining the applicant's
23 suitability to be licensed by the commission.

24 (B) The commission may disclose any information under
25 subdivision (e)(4)(A) of this section to the applicant or the applicant's
26 duly authorized representative.

27 (5) No statewide criminal and noncriminal background check or
28 national criminal history record check shall be required of an applicant for
29 certain classes of licenses that have been exempted from investigation by
30 rules promulgated by the commission.

31 (6) The commission shall promulgate rules to implement this
32 subsection.

33
34 SECTION 2. Arkansas Code § 23-110-404 is repealed.

35 ~~23-110-404. License for horse owner, horse trainer, jockey, and jockey~~
36 ~~agent required.~~

1 ~~Before participating in any horse racing meet:~~

2 ~~(1) Each horse owner shall pay the Arkansas Racing Commission a~~
3 ~~license fee of twenty dollars (\$20.00);~~

4 ~~(2) Each horse trainer shall pay the commission a license fee of~~
5 ~~fifteen dollars (\$15.00); and~~

6 ~~(3) Each jockey and jockey agent shall pay the commission a~~
7 ~~license fee of fifteen dollars (\$15.00).~~

8
9 SECTION 3. Arkansas Code § 23-111-203 is amended to read as follows:
10 23-111-203. Powers and duties generally.

11 (a) Subject to the limitations and conditions as in this chapter or
12 other applicable law provided, the Arkansas Racing Commission shall have sole
13 jurisdiction over the business and the sport of greyhound racing in the state
14 where the racing is permitted for any stake, purse, or reward.

15 (b) In exercising the jurisdiction as provided in subsection (a) of
16 this section, but without necessarily being limited to the following, it
17 shall be the function, power, and duty of the commission to:

18 (1) Grant franchises to conduct greyhound races;

19 (2) Approve dates for each racing meet and issue permits
20 therefor;

21 (3) Issue licenses to greyhound owners and greyhound trainers;

22 (4) Establish by rule the license fees, not to exceed one
23 hundred fifty dollars (\$150) per applicant, for greyhound owners and
24 greyhound trainers;

25 ~~(4)(5)~~ Collect and deposit in the State Treasury all fees for
26 franchises and licenses, all taxes and other imposts, and all other moneys
27 due the State of Arkansas in relation to greyhound racing;

28 ~~(5)(6)~~ Hear and determine all matters properly coming before the
29 commission and grant rehearings thereon; and

30 ~~(6)(7)~~ Take such other action, not inconsistent with law, as it
31 may deem necessary or desirable to supervise and regulate and to effectively
32 control in the public interest greyhound racing in the State of Arkansas.

33 (c)(1)(A) An applicant shall be fingerprinted to determine an
34 applicant's suitability to be issued a license as a greyhound owner or
35 trainer.

36 (B) The fingerprints shall be forwarded by the commission

1 to the Department of Arkansas State Police for statewide criminal and
2 noncriminal background checks.

3 (C) After completion of the statewide criminal and
4 noncriminal background checks, the fingerprints shall be forwarded by the
5 department to the Federal Bureau of Investigation for a national criminal
6 history record check.

7 (2) The applicant shall sign a release that authorizes the:

8 (A) Department to forward the applicant's fingerprint card
9 to the Federal Bureau of Investigation for a national criminal history record
10 check; and

11 (B) Release of the results of the statewide criminal and
12 noncriminal background checks and the national criminal history record check
13 to the commission.

14 (3)(A) Any information received by the commission from the
15 statewide criminal and noncriminal background check and the national criminal
16 history record check shall be kept confidential and may be used by the
17 commission only for the purpose of determining the applicant's suitability to
18 be licensed by the commission.

19 (B) The commission may disclose any information under
20 subdivision (c)(3)(A) of this section to the applicant or the applicant's
21 duly authorized representative.

22 (4) No statewide criminal and noncriminal background checks or
23 national criminal history record check shall be required of applicants for
24 certain classes of licenses that have been exempted from investigation by
25 rules promulgated by the commission.

26 (5) The commission shall promulgate rules to implement
27 subsection (c) of this section.

28
29 SECTION 4. Arkansas Code § 23-111-507 is repealed.

30 ~~23-111-507. License for greyhound owner and greyhound trainer required.~~
31 ~~Each greyhound owner shall pay the Arkansas Racing Commission a license~~
32 ~~fee of twenty dollars (\$20.00), and each greyhound trainer shall pay the~~
33 ~~commission a license fee of fifteen dollars (\$15.00) before participating in~~
34 ~~any greyhound racing meet.~~

35
36 SECTION 5. Arkansas Code § 23-113-303 is amended to read as follows:

1 23-113-303. Licenses for employees and suppliers.

2 (a) The Arkansas Racing Commission may require persons employed by the
3 franchise holder in the conduct of wagering on electronic games of skill to
4 obtain a license from the commission under procedures generally consistent
5 with the licensing procedures otherwise applicable to other employees of the
6 franchise holder engaged in the conduct of pari-mutuel wagering on horse
7 racing or greyhound racing, as the case may be.

8 (b)(1) No person may sell or otherwise supply electronic games of
9 skill to a franchise holder for the conduct of wagering thereon as authorized
10 in this chapter or provide repair or other services to electronic games of
11 skill unless the person has:

12 (A) Demonstrated to the satisfaction of the commission
13 that the person has the capability and qualifications necessary to reasonably
14 furnish the equipment and perform the services to be provided by the
15 supplier; and

16 (B) Obtained a license from the commission.

17 (2) Each supplier shall pay to the commission an annual license
18 fee in the amount of one thousand dollars (\$1,000) for each year or part
19 thereof that the license is in effect.

20 (c)(1)(A) An applicant shall be fingerprinted to determine an
21 applicant's suitability to be issued a franchise holder employee license,
22 supplier license, or service license.

23 (B) The fingerprints shall be forwarded by the Arkansas
24 Racing Commission to the Department of Arkansas State Police for statewide
25 criminal and noncriminal background checks.

26 (C) After completion of the statewide criminal and
27 noncriminal background check, the fingerprints shall be forwarded by the
28 Department of Arkansas State Police to the Federal Bureau of Investigation
29 for a national criminal history record check.

30 (2) The applicant shall sign a release that authorizes the:

31 (A) Department of Arkansas State Police to forward the
32 applicant's fingerprint card to the Federal Bureau of Investigation for a
33 national criminal history record check; and

34 (B) Release of the results of the statewide criminal and
35 noncriminal background check and the national criminal history record check
36 to the Arkansas Racing Commission.

1 (3)(A) Any information received by the Arkansas Racing
2 Commission from the statewide criminal and noncriminal background check and
3 the national criminal history record check shall be kept confidential and may
4 be used by the commission only for the purpose of determining the applicant's
5 suitability to be licensed by the commission.

6 (B) The commission may disclose any information under
7 subdivision (c)(3)(A) of this section to the applicant or the applicant's
8 duly authorized representative.

9 (4) No statewide criminal and noncriminal background check or
10 national criminal history record check shall be required of applicants for
11 certain classes of licenses that have been exempted from investigation by
12 rules promulgated by the Arkansas Racing Commission.

13 (5) The Arkansas Racing Commission shall promulgate rules to
14 implement subsection (c) of this section.

15 ~~(e)~~(d) Any person knowingly making a false statement on an employee or
16 supplier license application under this chapter shall be guilty of a Class A
17 misdemeanor.

18
19 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that the Arkansas Racing Commission
21 is responsible for licensing individuals and businesses that wish to be
22 involved in conducting electronic games of skill and thoroughbred horse and
23 greyhound racing in the State of Arkansas; that there is an immediate need
24 for the Arkansas Racing Commission to obtain state and federal background
25 investigations for potential licensees; and that this act provides the
26 necessary authorization for the Arkansas Racing Commission to obtain the
27 background investigations. Therefore, an emergency is declared to exist and
28 this act being immediately necessary for the preservation of the public
29 peace, health, and safety shall become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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/s/ T. Smi

APPROVED: 4/3/2007h