

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2028

4
5 By: Representatives Magnus and Flanagan
6 By: Senator Argue

For An Act To Be Entitled

10 "AN ACT TO REPEAL ARKANSAS CODE ANNOTATED §§ 23-110-105 AND
11 23-111-105; TO REPEAL ARKANSAS CODE ANNOTATED §§ 23-110-411
12 AND 23-11-510, AS BOTH SECTIONS WERE AMENDED BY ACT 664 OF
13 1991; TO AMEND ARKANSAS CODE ANNOTATED §§ 23-110-411 AND
14 23-111-510, AS BOTH SECTIONS WERE AMENDED BY ACT 1020 OF
15 1991, TO ELIMINATE THE AUTHORITY OF THE RACING COMMISSION
16 TO ISSUE OR DISTRIBUTE TAX-FREE PASSES AND TO PROHIBIT THE
17 DISTRIBUTION OF TAX-FREE PASSES THROUGH ANY PERSON HOLDING
18 ELECTED OFFICE; AND FOR OTHER PURPOSES."

Subtitle

21 "TO ELIMINATE THE AUTHORITY OF THE
22 RACING COMMISSION TO ISSUE OR DISTRIBUTE
23 TAX-FREE PASSES AND TO PROHIBIT THE
24 DISTRIBUTION OF TAX-FREE PASSES THROUGH
25 ANY PERSON HOLDING ELECTED OFFICE."

26
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28
29 SECTION 1. Arkansas Code Annotated § 23-110-105 is repealed.

30 ~~23-110-105. Racing passes.~~

31 ~~The Director of the Department of Finance and Administration shall set a~~
32 ~~maximum number of racing passes to be printed and issued annually and it shall~~
33 ~~not be less than the number printed in 1990.~~

34
35 SECTION 2. Arkansas Code Annotated § 23-110-411, as amended by Act 664
36 of 1991, is repealed.

1 ~~§ 23-110-411. Admission tax. [As amended by Acts 1991, No. 664, § 1.]~~

2 ~~(a) Each franchise holder authorized to conduct a race meet under this~~
 3 ~~chapter shall pay to the commission, for the use and benefit of the State of~~
 4 ~~Arkansas, either ten percent (10%) of all moneys received each day from~~
 5 ~~admissions paid by persons attending the races at the meeting, or the sum of~~
 6 ~~ten cents (\$.10) on each and every paid admission, whichever sum is the~~
 7 ~~greater. All payments provided for in this section shall be made each day of~~
 8 ~~any and every race meeting.~~

9 ~~(b) The issuance of all tax-free passes shall be by the franchise~~
 10 ~~holder or their employees or agents. The commission shall have no authority~~
 11 ~~over the issuance or distribution of such passes.~~

12

13 SECTION 3. Arkansas Code Annotated § 23-110-411, as amended by Act 1020
 14 of 1991, is amended to read as follows:

15 "23-110-411. Admission tax. [As amended by Acts 1991, No. 1020, § 1.]

16 (a) Each franchise holder authorized to conduct a race meet under this
 17 chapter shall pay to the commission, for the use and benefit of the State of
 18 Arkansas, either ten percent (10%) of all moneys received each day from
 19 admissions paid by persons attending the races at the meeting, or the sum of
 20 ten cents (\$.10) on each and every paid admission, whichever sum is the
 21 greater. All payments provided for in this section shall be made each day of
 22 any and every race meeting.

23 (b)(1) ~~The issuance of all tax-free passes shall be under the~~
 24 ~~regulations or orders of the commission. The issuance of all tax-free passes~~
 25 ~~shall be by the franchise holder or their employees or agents. The commission~~
 26 ~~shall have no authority over the issuance or distribution of such passes.~~

27 (2) It shall be unlawful for any person, corporation, firm,
 28 partnership, or any other entity, to sell or offer for sale, for any
 29 consideration, any tax-free pass issued by the ~~commission~~ franchise holder or
 30 their employees or agents for general admission to the racing facility of any
 31 franchise holder.

32 (3) Any person, corporation, firm, partnership, or other entity,
 33 who sells or offers for sale tax-free passes shall, upon conviction, be guilty
 34 of a Class B misdemeanor. The penalty for each such offense shall be a fine
 35 in an amount not to exceed five hundred dollars (\$500) or imprisonment for a
 36 period of time not to exceed ninety (90) days, or both.

1 (c)(1) No tax-free passes shall be distributed through any person
 2 holding elected office in the State of Arkansas.

3 (2) Any person who violates this subsection shall be guilty of an
 4 unclassified misdemeanor and shall be punished by a fine of no less than five
 5 hundred dollars (\$500) nor more than one thousand dollars (\$1,000)."

6
 7 SECTION 4. Arkansas Code Annotated § 23-111-105 is repealed.

8 ~~23-111-105. Racing passes.~~

9 ~~The Director of the Department of Finance and Administration shall set a~~
 10 ~~maximum number of racing passes to be printed and issued annually and it shall~~
 11 ~~not be less than the number printed in 1990.~~

12
 13 SECTION 5. Arkansas Code Annotated § 23-111-510, as amended by Act 664
 14 of 1991, is repealed.

15 ~~§ 23-111-510. Admission tax. [As amended by Acts 1991, No. 664, § 2.]~~

16 ~~(a)(1) Each franchise holder authorized to conduct a race meeting under~~
 17 ~~this chapter shall pay to the commission, for the use and benefit of the State~~
 18 ~~of Arkansas, either ten percent (10%) of all moneys received each day from~~
 19 ~~admissions paid by persons attending the races at the meeting, or the sum of~~
 20 ~~ten cents (\$.10) on each and every paid admission, whichever sum is the~~
 21 ~~greater.~~

22 ~~(2) All payments provided for in this section shall be made each~~
 23 ~~day of any and every race meeting.~~

24 ~~(b) The issuance of all tax-free passes shall be by the franchise~~
 25 ~~holder or their employees or agents. The commission shall have no authority~~
 26 ~~over the issuance or distribution of such passes.~~

27
 28 SECTION 6. Arkansas Code Annotated § 23-111-510, as amended by Act 1020
 29 of 1991, is amended to read as follows:

30 "23-111-510. Admission tax. [As amended by Acts 1991, No. 1020, § 2.]

31 (a)(1) Each franchise holder authorized to conduct a race meeting under
 32 this chapter shall pay to the commission, for the use and benefit of the State
 33 of Arkansas, either ten percent (10%) of all moneys received each day from
 34 admissions paid by persons attending the races at the meeting, or the sum of
 35 ten cents (\$.10) on each and every paid admission, whichever sum is the
 36 greater.

1 (2) All payments provided for in this section shall be made each
 2 day of any and every race meeting.

3 (b)(1) ~~The issuance of all tax-free passes shall be under the~~
 4 ~~regulations or orders of the commission.~~ The issuance of all tax-free passes
 5 shall be by the franchise holder or their employees or agents. The commission
 6 shall have no authority over the issuance or distribution of such passes.

7 (2) It shall be unlawful for any person, corporation, firm,
 8 partnership, or any other entity, to sell or offer for sale, for any
 9 consideration, any tax-free pass issued by the ~~commission~~ franchise holder or
 10 their employees or agents for general admission to the racing facility of any
 11 franchise holder.

12 (3) Any person, corporation, firm, partnership, or other entity,
 13 who sells or offers for sale tax-free passes shall, upon conviction, be guilty
 14 of a Class B misdemeanor. The penalty for each such offense shall be a fine
 15 in an amount not to exceed five hundred dollars (\$500) or imprisonment for a
 16 period of time not to exceed ninety (90) days, or both.

17 (c)(1) No tax-free passes shall be distributed through any person
 18 holding elected office in the State of Arkansas.

19 (2) Any person who violates this subsection shall be guilty of an
 20 unclassified misdemeanor and shall be punished by a fine of no less than five
 21 hundred dollars (\$500) nor more than one thousand dollars (\$1,000)."

22
 23 SECTION 7. Section 6 of Act 73 of 1997 is repealed.

24 ~~SPECIAL LANGUAGE. The Director of the Department of Finance and~~
 25 ~~Administration shall set a maximum number of racing passes to be printed and~~
 26 ~~issued annually and it shall not be less than the number printed in 1990.~~

27
 28 SECTION 8. All provisions of this act of a general and permanent nature
 29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 30 Revision Commission shall incorporate the same in the Code.

31
 32 SECTION 9. If any provision of this act or the application thereof to
 33 any person or circumstance is held invalid, such invalidity shall not affect
 34 other provisions or applications of the act which can be given effect without
 35 the invalid provision or application, and to this end the provisions of this
 36 act are declared to be severable.

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SECTION 10. All laws and parts of laws in conflict with this act are hereby repealed.