

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.

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

# A Bill

SENATE BILL 588

4  
5 By: Senator T. Smith  
6  
7

## For An Act To Be Entitled

8  
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  
16 AN ACT AMENDING THE AUTHORITY OF THE  
17 ARKANSAS RACING COMMISSION TO ENABLE THE  
18 COMMISSION TO SET LICENSE FEES AND  
19 CONDUCT CRIMINAL BACKGROUND CHECKS ON  
20 LICENSE APPLICANTS AND EMPLOYEES.  
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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

36 therefor;



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

3 (4) Promulgate by rule the license fees for horse owners, horse  
 4 trainers, jockeys, and jockey agents;

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

8 ~~(5)~~(6) Hear and determine all matters properly coming before the  
 9 commission and grant rehearings thereon; and

10 ~~(6)~~(7) Take such other action, not inconsistent with law, as it  
 11 may deem necessary or desirable to supervise and regulate, and to effectively  
 12 control in the public interest, horse racing in the State of Arkansas.

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

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

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

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

32 (d) For the purpose of regulating its own procedure and carrying out  
 33 its functions, powers, and duties, the commission shall have the authority  
 34 from time to time to make, amend, and enforce all necessary or desirable  
 35 rules ~~and regulations~~ not inconsistent with law.

36 (e)(1)(A) An applicant shall be fingerprinted to determine an

1 applicant's suitability to be issued a license as a horse owner, horse  
 2 trainer, jockey, or jockey agent.

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

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

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

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

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

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

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

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

29 (6) The commission shall promulgate rules to implement this  
 30 subsection.

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

33 ~~23-110-404. License for horse owner, horse trainer, jockey, and jockey~~  
 34 ~~agent required.~~

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

36 ~~(1) Each horse owner shall pay the Arkansas Racing Commission a~~

1 ~~license fee of twenty dollars (\$20.00);~~

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

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

6  
 7 SECTION 3. Arkansas Code § 23-111-203 is amended to read as follows:  
 8 23-111-203. Powers and duties generally.

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

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

16 (1) Grant franchises to conduct greyhound races;

17 (2) Approve dates for each racing meet and issue permits

18 therefor;

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

20 (4) Establish by rules the license fees for greyhound owners and  
 21 greyhound trainers;

22 ~~(4)(5)~~ Collect and deposit in the State Treasury all fees for  
 23 franchises and licenses, all taxes and other imposts, and all other moneys  
 24 due the State of Arkansas in relation to greyhound racing;

25 ~~(5)(6)~~ Hear and determine all matters properly coming before the  
 26 commission and grant rehearings thereon; and

27 ~~(6)(7)~~ Take such other action, not inconsistent with law, as it  
 28 may deem necessary or desirable to supervise and regulate and to effectively  
 29 control in the public interest greyhound racing in the State of Arkansas.

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

33 (B) The fingerprints shall be forwarded by the commission  
 34 to the Department of Arkansas State Police for statewide criminal and  
 35 noncriminal background checks.

36 (C) After completion of the statewide criminal and

1 noncriminal background checks, the fingerprints shall be forwarded by the  
 2 department to the Federal Bureau of Investigation for a national criminal  
 3 history record check.

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

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

8 (B) Release of the results of the statewide criminal and  
 9 noncriminal background checks and the national criminal history record check  
 10 to the commission.

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

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

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

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

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

27 ~~23-111-507. License for greyhound owner and greyhound trainer required.~~  
 28 ~~Each greyhound owner shall pay the Arkansas Racing Commission a license~~  
 29 ~~fee of twenty dollars (\$20.00), and each greyhound trainer shall pay the~~  
 30 ~~commission a license fee of fifteen dollars (\$15.00) before participating in~~  
 31 ~~any greyhound racing meet.~~

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

34 23-113-303. Licenses for employees and suppliers.

35 (a) The Arkansas Racing Commission may require persons employed by the  
 36 franchise holder in the conduct of wagering on electronic games of skill to

1 obtain a license from the commission under procedures generally consistent  
2 with the licensing procedures otherwise applicable to other employees of the  
3 franchise holder engaged in the conduct of pari-mutuel wagering on horse  
4 racing or greyhound racing, as the case may be.

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

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

13 (B) Obtained a license from the commission.

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

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

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

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

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

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

31 (B) Release of the results of the statewide criminal and  
32 noncriminal background check and the national criminal history record check  
33 to the Arkansas Racing Commission.

34 (3)(A) Any information received by the Arkansas Racing  
35 Commission from the statewide criminal and noncriminal background check and  
36 the national criminal history record check shall be kept confidential and may

1 be used by the commission only for the purpose of determining the applicant's  
2 suitability to be licensed by the commission.

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

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

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

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

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

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

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

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

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