

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
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

36 therefor;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7
8 SECTION 3. Arkansas Code § 23-111-203 is amended to read as follows:
9 23-111-203. Powers and duties generally.

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

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

17 (1) Grant franchises to conduct greyhound races;

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

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

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

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

27 ~~(5)(6)~~ Hear and determine all matters properly coming before the
28 commission and grant rehearings thereon; and

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

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

35 (B) The fingerprints shall be forwarded by the commission
36 to the Department of Arkansas State Police for statewide criminal and

1 noncriminal background checks.

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

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

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

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

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

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

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

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

27
28 SECTION 4. Arkansas Code § 23-111-507 is repealed.

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

34
35 SECTION 5. Arkansas Code § 23-113-303 is amended to read as follows:

36 23-113-303. Licenses for employees and suppliers.

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

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

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

15 (B) Obtained a license from the commission.

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

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

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

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

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

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

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

36 (3)(A) Any information received by the Arkansas Racing

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

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

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

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

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

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

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

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

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

35
36 /s/ T. Smith