

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S2/26/13  
**A Bill**

SENATE BILL 329

By: Senators B. Sample, K. Ingram  
By: Representatives Vines, Ferguson

**For An Act To Be Entitled**

*AN ACT TO AMEND THE POWERS AND DUTIES OF THE ARKANSAS RACING COMMISSION; TO AMEND THE METHOD OF PLACING WAGERS AT HORSE TRACKS AND GREYHOUND TRACKS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

**Subtitle**

*TO AMEND THE POWERS AND DUTIES OF THE ARKANSAS RACING COMMISSION; TO AMEND THE METHOD OF PLACING WAGERS AT HORSE TRACKS AND GREYHOUND TRACKS; AND TO DECLARE AN EMERGENCY.*

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

SECTION 1. Arkansas Code § 23-110-204(a)(3) and (4), concerning licenses issued by the Arkansas Racing Commission, are amended to read as follows:

(3) Issue licenses to ~~horse owners, horse trainers, jockeys, and jockey agent;~~

- (A) An apprentice jockey;
- (B) An assistant trainer;
- (C) An attendant;
- (D) A franchise holder's employee;
- (E) A horse owner;
- (F) A horse trainer;
- (G) A horseshoer;



(H) A jockey agent;

(I) A person riding horses on the grounds of the licensed racetrack, including an exercise rider, a jockey, and an outrider;

(J) A stable employee or contractor, including a groom and a hotwalker;

(K) A valet;

(L) A veterinarian;

(M) A veterinarian assistant; and

(N) An authorized agent, a vendor, contractor, or other person employed or involved with the care of horses or business of horse racing on the grounds of the licensed racetrack;

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

SECTION 2. Arkansas Code § 23-110-204(b), concerning the authority of the Arkansas Racing Commission, is amended to read as follows:

(b)(1) The commission shall have full, complete, and sole power and authority to ~~promulgate rules and orders;~~

(A) Impose fines in an amount not to exceed one hundred thousand dollars (\$100,000) per violation of a rule of the commission;

(B) Issue orders;

(C) Order the forfeiture of purse money won by a disqualified horse;

(D) and ~~prescribe~~ Prescribe conditions under which horse racing shall be conducted by a franchise holder;

(E) Promulgate rules;

(F) Redistribute forfeited purse money; and

(G) Suspend or revoke licenses.

(2) ~~but the power and authority so granted~~ The authority granted to the commission under this subsection shall be exercised by the commission in a reasonable manner;

(3) ~~and the~~ The holder of any a franchise, or any a taxpayer, shall have redress may appeal an action of the commission to the Pulaski County Circuit Court for any wrong committed by the commission in the exercise of the power and authority granted in this chapter.

SECTION 3. Arkansas Code § 23-111-203(b)(3) and (4), concerning the licenses issued by the Arkansas Racing Commission, are amended to read as follows:

- (3) Issue licenses to ~~greyhound owners and greyhound trainers~~:
- (A) An attendant;
  - (B) A franchise holder's employee;
  - (C) A greyhound handler;
  - (D) A kennel employee;
  - (E) A kennel helper;
  - (F) A greyhound owner;
  - (G) A greyhound trainer;
  - (H) An assistant greyhound trainer;
  - (I) A veterinarian;
  - (J) A veterinarian assistant; and
  - (K) An authorized agent, contractor, a vendor, or other person employed or involved with the care of greyhounds or greyhound racing on the grounds of the licensed racetrack;
- (4) Establish by rule the license fees, not to exceed one hundred fifty dollars (\$150) per applicant, for a license issued under subdivision (b)(3) of this section ~~greyhound owners and greyhound trainers~~;

SECTION 4. Arkansas Code § 23-111-203(b)(7), concerning the authority of the Arkansas Racing Commission, is amended to read as follows:

- (7)(A) Take ~~such~~ other action, not inconsistent with law, as it may deem necessary or desirable to supervise and regulate and to effectively control in the public interest greyhound racing in the State of Arkansas, including without limitation:
- (i) Imposing fines in an amount not to exceed one hundred thousand dollars (\$100,000) per violation of a rule of the commission;
  - (ii) Issuing orders;
  - (iii) Ordering the forfeiture of purse money won by a disqualified greyhound;
  - (iv) Prescribing conditions under which greyhound racing shall be conducted by a franchise holder;

- (v) Promulgating rules;
- (vi) Redistributing forfeited purse money; and
- (vii) Suspending or revoking licenses.

(B) The commission shall exercise its authority under this subsection in a reasonable manner.

(C) The holder of a franchise or a taxpayer may appeal an action of the commission to the Pulaski County Circuit Court.

*SECTION 5. Arkansas Code § 23-110-405, concerning wagering at a horse racing track, is amended to add an additional subsection to read as follows:*

*(e)(1) With the prior approval of the commission and pursuant to rules adopted by the commission, a franchise holder's patrons with money on deposit in an account with the franchise holder may place wagers by communication through telephone or other mobile device or through other electronic means on races conducted at the franchise holder's race track facility and horse races or greyhound races at other racetracks, whether or not the patron is located on the grounds of the franchise holder's race track facility when placing the wager.*

*(2) Wagers accepted by the franchise holder under this subsection shall be treated for all purposes under this chapter as a wager made by the patron on the grounds of the franchise holder's race track facility.*

*SECTION 6. Arkansas Code § 23-111-508(b), concerning wagering at a greyhound racing track, is amended to read as follows:*

*(b) No other place or method of wagering shall be used or permitted by the franchise holder, unless permitted under subsection (d) or subsection (e) of this section, nor shall the pari-mutuel or certificate system of wagering be conducted on any races except races at the race track where the franchise holder holds a current license issued by the Arkansas Racing Commission.*

*SECTION 7. Arkansas Code § 23-111-508, concerning wagering at a greyhound racing track, is amended to add an additional subsection to read as follows:*

*(e)(1) With the prior approval of the commission and pursuant to rules adopted by the commission, a franchise holder's patrons with money on deposit*

in an account with the franchise holder may place wagers by communication through telephone or other mobile device or through other electronic means on races conducted at the franchise holder's race track facility and horse races or greyhound races at other racetracks, whether or not the patron is located on the grounds of the franchise holder's race track facility when placing the wager.

(2) Wagers accepted by the franchise holder under this subsection shall be treated for all purposes under this chapter as a wager made by the patron on the grounds of the franchise holder's race track facility.

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Racing Commission's authority to impose certain fees and penalties will expire unless specific statutory authority to assess such fees and penalties is enacted and becomes law; and the Arkansas Racing Commission's power to assess such fees and penalties is imperative to the Arkansas Racing Commission's ability to effectively supervise and regulate, in the public interest, horse racing and greyhound racing in Arkansas. It is further found and determined by the General Assembly of the State of Arkansas that there would be a loss of revenue to the state if wagers on horse racing and greyhound racing are not permitted to be placed by additional forms of communication by patrons of Arkansas horse racing and greyhound racing tracks, whether or not the patron is located on the grounds of the race track facility when placing the wager. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

/s/B. Sample