

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/26/19
A Bill

HOUSE BILL 1563

By: Representatives Pilkington, McCollum, G. Hodges, Rushing, Eaves, Blake, D. Ferguson, Fortner, M. Gray, Holcomb, Hollowell, D. Douglas, Scott, F. Allen, Perry

By: Senators G. Stubblefield, B. Ballinger, T. Garner, L. Chesterfield

For An Act To Be Entitled

AN ACT TO ALLOW FOR CASINO GAMING IN POPE COUNTY, JOHNSON COUNTY, OR CONWAY COUNTY; TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 100, PURSUANT TO THE AUTHORITY GRANTED BY ARKANSAS CONSTITUTION, ARTICLE 5, § 1; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW FOR CASINO GAMING IN POPE COUNTY, JOHNSON COUNTY, OR CONWAY COUNTY; TO AMEND ARKANSAS CONSTITUTION, AMENDMENT 100; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. LEGISLATIVE INTENT. (a) The General Assembly finds that:

(1) Arkansas Constitution, Article 5, § 1, provides that "[n]o measure approved by a vote of the people shall be amended or repealed by the General Assembly. . . except upon a yea and nay vote on roll call of two-thirds of all the members elected to each house of the General Assembly. . .";

(2) Arkansas Constitution, Article 5, § 1, defines a "measure" to include any bill, law, resolution, ordinance, charter, constitutional amendment or legislative proposal or enactment of any character; and



(3) The plain language of the definition of "measure" in Arkansas Constitution, Article 5, § 1, clearly includes amendments to the Arkansas Constitution, meaning that the General Assembly may amend such measures with a two-thirds vote of each house.

(b) By the passage of this act, the General Assembly expresses its belief that the Supreme Court will:

(1) Interpret Arkansas Constitution, Article 5, § 1, precisely as it reads; and

(2) Uphold the constitutional authority of the General Assembly under Arkansas Constitution, Article 5, § 1, to amend or repeal amendments to the Arkansas Constitution by a two-thirds vote of each house.

SECTION 2. Pursuant to the authority granted by Arkansas Constitution, Article 5, § 1, Arkansas Constitution, Amendment 100, § 4(k), concerning the licensing of casinos and casino gaming, is amended to read as follows:

(k) The Arkansas Racing Commission shall award a casino license to a casino applicant for a casino to be located in Pope County, Johnson County, or Conway County within two miles of the city limits of the county seat of the county in which the casino would be located. The Arkansas Racing Commission shall also award a casino license to a casino applicant for a casino to be located in Jefferson County within two miles of the city limits of the county seat.

SECTION 3. Pursuant to the authority granted by Arkansas Constitution, Article 5, § 1, Arkansas Constitution, Amendment 100, § 4(m) and (n), are amended to read as follows:

(m) The Arkansas Racing Commission shall require all casino applicants for a casino license in Pope County, Johnson County, Conway County, and Jefferson County to demonstrate experience conducting casino gaming.

(n) The Arkansas Racing Commission shall require all casino applicants for a casino license in Pope County, Johnson County, Conway County, and Jefferson County to submit either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, shall also require all casino applicants to include a letter of support from the mayor in the city or town where the applicant is proposing

the casino to be located.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the statewide adoption of Arkansas Constitution, Amendment 100, has authorized casino gaming in Pope County; that because the voters of Pope County rejected the adoption of the proposed amendment that became Arkansas Constitution, Amendment 100, at the 2018 General Election, additional options should be provided for the location of the casino envisioned by the passage of Arkansas Constitution, Amendment 100; and that this act should become effective at the earliest opportunity to avoid confusion in the implementation of Arkansas Constitution, Amendment 100, and expedite the application process for casino licenses. 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/Pilkington