

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

HOUSE BILL 1162

4  
5 By: Representatives T. Smith, Hale, R. Smith  
6 By: Senator Canada

## For An Act To Be Entitled

7  
8  
9  
10 "AN ACT TO AMEND CERTAIN PROVISIONS OF ARKANSAS LAW  
11 DEALING WITH HORSE RACING TO AUTHORIZE THE RACING  
12 COMMISSION TO PERMIT RACES RUN AT OTHER RACETRACKS  
13 THAT ARE SHOWN AT THE ARKANSAS RACETRACK, AND RACES  
14 RUN AT THE ARKANSAS RACETRACK THAT ARE SHOWN AT OTHER  
15 RACETRACKS AND LOCATIONS, TO BE SHOWN LIVE OR IN ANY  
16 OTHER MANNER APPROVED BY THE RACING COMMISSION; TO  
17 AUTHORIZE THE RACING COMMISSION TO ESTABLISH A MINIMUM  
18 PAYOUT ON RACES WHERE A MINUS WAGERING POOL EXISTS;  
19 AND TO AUTHORIZE THE RACING COMMISSION TO REQUIRE  
20 HORSES CLAIMED IN CLAIMING RACES TO HAVE A NEGATIVE  
21 TEST FOR EQUINE INFECTIOUS ANEMIA WITHIN THE PREVIOUS  
22 TWELVE MONTHS, RATHER THAN SIX MONTHS, AND/OR TO ALLOW  
23 SUCH TEST TO BE CONDUCTED AFTER THE RACE. "

## Subtitle

24  
25  
26 "TO AMEND THE HORSE RACING LAW. "

27  
28  
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

30  
31 SECTION 1. Arkansas Code 23-110-405(b) is amended to read as follows:

32 "(b) With the prior approval of the commission, and consistent with  
33 applicable federal law, a franchise holder may enter into agreements and  
34 arrangements with other parties pursuant to which its patrons may wager on  
35 races run at other race tracks which are shown live or in any other manner  
36 approved by the commission by television or otherwise at locations on the

1 grounds at the Arkansas race track at any time or times during the calendar  
 2 year and agreements and arrangements whereby its races are shown live or in  
 3 any other manner approved by the commission at other race tracks and  
 4 locations. Such agreements and arrangements shall specify all financial,  
 5 wagering, distribution, and other details which shall govern, and, to that  
 6 end, the provisions of §§ 23-110-402 and 23-110-407, and any other  
 7 inconsistent provisions, shall not be applicable to such agreements and  
 8 arrangements."

9  
 10 SECTION 2. Arkansas Code 23-110-410(a) is amended to read as follows:

11 "(a) Breaks shall ~~at all times~~ be computed on the basis of ten cents  
 12 (10¢) on the dollar and the odd cents or breaks are classified as special  
 13 thoroughbred horse racing fees to be deposited and used as provided in this  
 14 section; provided, in the event of a minus pool, the commission shall have the  
 15 authority to establish the minimum payout on winning wagers."

16  
 17 SECTION 3. Arkansas Code 2-40-819 is amended to read as follows:

18 "2-40-819. Testing requirements for change of ownership.

19 All Equidae which are sold, bartered, traded, given free of charge,  
 20 offered for sale, or any horses otherwise exchanged for any reason within  
 21 Arkansas except at approved markets must be accompanied by a record of a  
 22 negative EIA test conducted at an approved laboratory within the previous six  
 23 (6) months. Photocopies of a VS Form 10-11 or other form prescribed by the  
 24 Commission shall not be considered an official record of the test. Foals,  
 25 less than six (6) months of age, accompanied by, nursing, and included in  
 26 change of ownership with a negative tested mare, are exempt from the testing  
 27 requirements. Foals sold separately are required to have a negative current  
 28 official EIA test. On all private sales, ~~trades or barter~~ trades, barter,  
 29 i.e., any sale other than through an approved market, both the buyer and  
 30 seller are equally and individually responsible for meeting the EIA testing  
 31 requirements prior to the sale or change of ownership. Notwithstanding the  
 32 foregoing provisions, with respect to horses claimed in claiming races run at  
 33 a licensed racetrack regulated by the Arkansas Racing Commission, the Arkansas  
 34 Racing Commission shall have the authority to require that such negative EIA  
 35 test to have been conducted at an approved laboratory within the previous  
 36 twelve months, rather than the previous six months, and/or to allow any such

1 test required to be conducted within the last six months to be conducted after  
2 the race and after title and risk of loss have passed to the buyer."

3  
4 SECTION 4. All provisions of this Act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

7  
8 SECTION 5. If any provision of this Act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the Act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 Act are declared to be severable.

13  
14 SECTION 6. All laws and parts of laws in conflict with this Act are  
15 hereby repealed to the extent of such conflict.

16  
17 SECTION 7. Emergency. It is hereby determined by the General Assembly  
18 that horse racing and activities related thereto in Arkansas have a  
19 significant favorable impact on the economy of the entire state and the  
20 welfare of our citizens and residents, and it is imperative that the  
21 provisions of this act be effective to the fullest extent possible with  
22 respect to the upcoming racing season scheduled to begin January 29, 1999 in  
23 order to maintain and improve Arkansas' premier and traditional position in  
24 horse racing, and in order to accomplish these goals (essential to the welfare  
25 of the state and its citizens and residents) the amendments and provisions set  
26 forth in this act must be effective immediately. Therefore, an emergency is  
27 hereby declared to exist, and this act, being immediately necessary for the  
28 preservation of the public peace, health and safety, shall take effect, and be  
29 in full force, immediately from and after its approval by the Governor. If  
30 the bill is neither approved nor vetoed by the Governor, it shall become  
31 effective on the expiration of the period of time during which the Governor  
32 may veto the bill. If the bill is vetoed by the Governor and the veto is  
33 overridden, it shall become effective on the date the last house overrides the  
34 veto.