

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H3/26/19

# A Bill

HOUSE BILL 1563

5 By: Representatives Pilkington, McCollum, G. Hodges, Rushing, Eaves, Blake, D. Ferguson, Fortner, M.  
6 Gray, Holcomb, Hollowell, D. Douglas, Scott, F. Allen, Perry  
7 By: Senators G. Stubblefield, B. Ballinger, T. Garner, L. Chesterfield  
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## For An Act To Be Entitled

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10 AN ACT TO ALLOW FOR CASINO GAMING IN POPE COUNTY,  
11 JOHNSON COUNTY, OR CONWAY COUNTY; TO AMEND ARKANSAS  
12 CONSTITUTION, AMENDMENT 100, PURSUANT TO THE  
13 AUTHORITY GRANTED BY ARKANSAS CONSTITUTION, ARTICLE  
14 5, § 1; TO DECLARE AN EMERGENCY; AND FOR OTHER  
15 PURPOSES.  
16

## Subtitle

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19 TO ALLOW FOR CASINO GAMING IN POPE  
20 COUNTY, JOHNSON COUNTY, OR CONWAY COUNTY;  
21 TO AMEND ARKANSAS CONSTITUTION, AMENDMENT  
22 100; AND TO DECLARE AN EMERGENCY.  
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. DO NOT CODIFY. LEGISLATIVE INTENT. (a) The General  
28 Assembly finds that:

29 (1) Arkansas Constitution, Article 5, § 1, provides that "[n]o  
30 measure approved by a vote of the people shall be amended or repealed by the  
31 General Assembly. . . except upon a yea and nay vote on roll call of two-  
32 thirds of all the members elected to each house of the General Assembly. .  
33 ."

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



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

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

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

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

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

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

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

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

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

1 the casino to be located.

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3 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
 4 General Assembly of the State of Arkansas that the statewide adoption of  
 5 Arkansas Constitution, Amendment 100, has authorized casino gaming in Pope  
 6 County; that because the voters of Pope County rejected the adoption of the  
 7 proposed amendment that became Arkansas Constitution, Amendment 100, at the  
 8 2018 General Election, additional options should be provided for the location  
 9 of the casino envisioned by the passage of Arkansas Constitution, Amendment  
 10 100; and that this act should become effective at the earliest opportunity to  
 11 avoid confusion in the implementation of Arkansas Constitution, Amendment  
 12 100, and expedite the application process for casino licenses. Therefore, an  
 13 emergency is declared to exist, and this act being immediately necessary for  
 14 the preservation of the public peace, health, and safety shall become  
 15 effective on:

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

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

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

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 23 /s/Pilkington  
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