

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Regulated Services offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Interstate Compact on Licensure of Participants in Pari-Mutuel Wagering.--There is hereby created the Interstate Compact on Licensure of Participants in Pari-Mutuel Wagering.

Section 2. Purposes.--The purposes of this compact are to:

(1) Establish uniform requirements among the party states for the licensing of participants with pari-mutuel wagering, and ensure that all licensed participants meet a uniform minimum standard of honesty and integrity.

(2) Facilitate the growth of the pari-mutuel wagering industry in each party state and nationwide by simplifying the process for licensing participants in pari-mutuel wagering, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts

Amendment No. 1 (for drafter's use only)

1 pari-mutuel wagering.

2 (3) Authorize the Department of Business and
3 Professional Regulation to participate in this compact.

4 (4) Provide for participation in this compact by
5 officials of the party states, and permit those officials,
6 through the compact committee established by this compact, to
7 enter into contracts with governmental agencies and
8 nongovernmental persons to carry out the purposes of this
9 compact.

10 (5) Establish the compact committee created by this
11 compact as an interstate governmental entity duly authorized
12 to request and receive criminal history record information
13 from the Federal Bureau of Investigation and other state and
14 local law enforcement agencies.

15 Section 3. Definitions.--

16 (1) "Compact committee" means the organization of
17 officials from the party states that is authorized and
18 empowered to carry out the purposes of this compact.

19 (2) "Official" means the appointed, elected,
20 designated, or otherwise duly selected member of a racing
21 commission, or the equivalent thereof, in a party state who
22 represents that party state as a member of the compact
23 committee.

24 (3) "Participants in pari-mutuel wagering" means
25 participants in horseracing, greyhound racing, and jai alai
26 games with pari-mutuel wagering in the party states.

27 (4) "Party state" means each state that has enacted
28 this compact.

29 (5) "State" means each of the several states of the
30 United States, the District of Columbia, the Commonwealth of
31 Puerto Rico, and each territory or possession of the United

Amendment No. 1 (for drafter's use only)

1 States.

2 Section 4. Entry into force.--This compact shall come
3 into force when enacted by any four states. Thereafter, this
4 compact shall become effective in any other state upon that
5 state's enactment of this compact and upon the affirmative
6 vote of a majority of the officials on the compact committee
7 as provided in section 9.

8 Section 5. States eligible to join compact.--Any state
9 that has adopted or authorized pari-mutuel wagering shall be
10 eligible to become party to this compact.

11 Section 6. Withdrawal from compact; impact on force
12 and effect.--

13 (1) Any party state may withdraw from this compact by
14 enacting a statute repealing this compact, but no such
15 withdrawal shall become effective until the head of the
16 executive branch of the withdrawing party state has given
17 notice in writing of such withdrawal to the head of the
18 executive branch of all other party states.

19 (2) If, as a result of withdrawals, participation in
20 this compact decreases to fewer than three party states, this
21 compact shall no longer be in force and effect until
22 participation in this compact increases to three or more party
23 states.

24 Section 7. Compact committee.--

25 (1) There is hereby created an interstate governmental
26 entity to be known as the "compact committee," which shall be
27 comprised of one official from the racing commission, or the
28 equivalent thereof, in each party state who shall be
29 appointed, serve, and be subject to removal in accordance with
30 the laws of the party state she or he represents. The
31 official from Florida shall be appointed by the Secretary of

Amendment No. 1 (for drafter's use only)

1 the Department of Business and Professional Regulation.
2 Pursuant to the laws of her or his party state, each official
3 shall have the assistance of her or his state's racing
4 commission, or the equivalent thereof, in considering issues
5 related to licensing of participants in pari-mutuel wagering
6 and in fulfilling her or his responsibilities as the
7 representative from her or his state to the compact committee.

8 (2) If an official is unable to perform any of her or
9 his duties as a member of the compact committee, the racing
10 commission, or the equivalent thereof, from her or his state
11 shall designate another of its members as an alternate who
12 shall serve in her or his place and represent the party state
13 as its official on the compact committee, until that racing
14 commission, or the equivalent thereof, determines that the
15 original representative official is once again able to perform
16 her or his duties as that party state's representative
17 official on the compact committee. The designation of an
18 alternate shall be communicated by the affected state's racing
19 commission, or the equivalent thereof, to the compact
20 committee as the committee's bylaws may provide.

21 Section 8. Powers and duties of compact committee.--In
22 order to carry out the purposes of this compact, the compact
23 committee is hereby granted the power and duty to:

24 (1)(a) Determine which categories of participants in
25 pari-mutuel wagering, including, but not limited to, owners,
26 trainers, jockeys, jai alai players, drivers, grooms, mutuel
27 clerks, racing officials, veterinarians, and farriers, should
28 be licensed by the committee, and establish the requirements
29 for the initial licensure of applicants in each category, the
30 term of the license for each category, and the requirements
31 for renewal of licenses in each category.

Amendment No. 1 (for drafter's use only)

1 (b) With regard to requests for criminal history
2 record information on each applicant for a license, and with
3 regard to the effect of a criminal record on the issuance or
4 renewal of a license, determine for each category of
5 participants in pari-mutuel wagering which licensure
6 requirements for that category are, in its judgment, the most
7 restrictive licensure requirements of any party state for that
8 category and adopt licensure requirements for that category
9 that are, in its judgment, comparable to those most
10 restrictive requirements.

11 (2) Investigate applicants for licensure by the
12 compact committee and, as permitted by federal and state law,
13 gather information on such applicants, including criminal
14 history record information from the Federal Bureau of
15 Investigation and relevant state and local law enforcement
16 agencies, and, where appropriate, from the Royal Canadian
17 Mounted Police and law enforcement agencies of other
18 countries, which is necessary to determine whether a license
19 should be issued under the licensure requirements established
20 by the committee pursuant to subsection (1). Only officials
21 on, and employees of, the compact committee may receive and
22 review such criminal history record information, and those
23 officials and employees may use that information only for the
24 purposes of this compact. No such official or employee may
25 disclose or disseminate such information to any person or
26 entity other than another official on or employee of the
27 compact committee. The fingerprints of each applicant for
28 licensure by the compact committee shall be taken by the
29 compact committee, its employees, or its designee and,
30 pursuant to Pub. L. No. 92-544 or Pub. L. No. 100-413, shall
31 be forwarded to a state identification bureau, or to the

Amendment No. 1 (for drafter's use only)

1 Association of Racing Commissioners International, Inc., for
2 submission to the Federal Bureau of Investigation for a
3 criminal history record check. Such fingerprints may be
4 submitted on a fingerprint card or by electronic or other
5 means authorized by the Federal Bureau of Investigation or
6 other receiving law enforcement agency.

7 (3) Issue licenses to, and renew the licenses of,
8 participants in pari-mutuel wagering who are found by the
9 committee to have met the licensure and renewal requirements
10 established by the committee pursuant to subsection (1). The
11 compact committee shall not have the power or authority to
12 deny a license. If the compact committee determines that an
13 applicant is not eligible for the issuance or renewal of a
14 compact committee license, the compact committee shall notify
15 the applicant that her or his application will not be
16 processed further. Such notification does not constitute and
17 shall not be considered to be the denial of a license. Any
18 such applicant shall have the right to present additional
19 evidence to, and be heard by, the compact committee, but the
20 final decision on issuance or renewal of the license shall be
21 made by the compact committee using the requirements
22 established pursuant to subsection (1).

23 (4) Enter into contracts or agreements with
24 governmental agencies and nongovernmental persons to provide
25 personal services for its activities and such other services
26 as may be necessary to effectuate the purposes of this
27 compact.

28 (5) Create, appoint, and abolish those offices,
29 employments, and positions, including that of executive
30 director, that it deems necessary for the purposes of this
31 compact; prescribe the powers, duties, and qualifications of,

Amendment No. 1 (for drafter's use only)

1 and hire persons to fill, such offices, employments, and
2 positions; and provide for the removal, term, tenure,
3 compensation, fringe benefits, retirement benefits, and other
4 conditions of employment of persons filling such offices,
5 employments, and positions.

6 (6) Borrow, accept, or contract for the services of
7 personnel from any state, the United States, or any other
8 governmental agency, or from any person, firm, association,
9 corporation, or other entity.

10 (7) Acquire, hold, and dispose of real and personal
11 property by gift, purchase, lease, or license, or in other
12 similar manner, in furtherance of the purposes of this
13 compact.

14 (8) Charge a fee to each applicant for an initial
15 license or renewal of a license.

16 (9) Receive other funds through gifts, grants, and
17 appropriations.

18 Section 9. Voting requirements.--

19 (1) Each member of the compact committee shall be
20 entitled to one vote.

21 (2) All action taken by the compact committee with
22 regard to the addition of party states as provided in section
23 4, the licensure of participants in pari-mutuel wagering, and
24 the receipt and disbursement of funds shall require a majority
25 vote of the members of the compact committee, or their
26 alternates. All other action by the compact committee shall
27 require a majority vote of the members present, or their
28 alternates.

29 (3) No action of the compact committee may be taken
30 unless a quorum is present. A majority of the members of the
31 compact committee, or their alternates, shall constitute a

Amendment No. 1 (for drafter's use only)

1 quorum.

2 Section 10. Administration and management.--

3 (1) The compact committee shall elect annually from
4 among its members a chair, a vice chair, and a
5 secretary/treasurer.

6 (2) The compact committee shall adopt bylaws for the
7 conduct of its business by a two-thirds vote of the members of
8 the committee, or their alternates, and shall have the power
9 by the same vote to amend and rescind these bylaws. The
10 compact committee shall publish its bylaws in convenient form
11 and shall file a copy thereof and a copy of any amendments
12 thereto with the secretary of state or equivalent agency of
13 each of the party states.

14 (3) The compact committee may delegate the day-to-day
15 management and administration of its duties and
16 responsibilities to an executive director and her or his
17 support staff.

18 (4) Employees of the compact committee shall be
19 considered governmental employees.

20 Section 11. Immunity from liability for performance of
21 official responsibilities and duties.--No member or employee
22 of the compact committee shall be held personally liable for
23 any good faith act or omission that occurs during the
24 performance and within the scope of her or his
25 responsibilities and duties under this compact.

26 Section 12. Rights and responsibilities of each party
27 state.--

28 (1) By enacting this compact, each party state:

29 (a) Agrees to:

30 1. Accept the decisions of the compact committee
31 regarding the issuance of compact committee licenses to

Amendment No. 1 (for drafter's use only)

1 participants in pari-mutuel wagering pursuant to the
2 committee's licensure requirements.
3 2. Reimburse or otherwise pay the expenses of its
4 official representative on the compact committee or her or his
5 alternate.
6 (b) Agrees not to treat a notification to an applicant
7 by the compact committee described in subsection (3) of
8 section 8 as the denial of a license, or to penalize such an
9 applicant in any other way based solely on such a decision by
10 the compact committee.
11 (c) Reserves the right to:
12 1. Apply its own standards in determining whether, on
13 the facts of a particular case, a compact committee license
14 should be suspended or revoked. Any party state that suspends
15 or revokes a compact committee license shall, through its
16 racine commission, or the equivalent thereof, or otherwise,
17 promptly notify the compact committee of that suspension or
18 revocation.
19 2. Apply its own standards in determining licensure
20 eligibility, under the laws of that party state, for
21 categories of participants in pari-mutuel wagering that the
22 compact committee determines not to license and for individual
23 participants in pari-mutuel wagering who do not meet the
24 licensure requirements of the compact committee.
25 3. Establish its own licensure standards for those not
26 covered by the compact committee license.
27 (2) No party state shall be held liable for the debts
28 or other financial obligations incurred by the compact
29 committee.
30 Section 13. Construction and severability.--
31 (1) This compact shall be liberally construed so as to

Amendment No. 1 (for drafter's use only)

1 effectuate its purposes. The provisions of this compact shall
2 be severable, and, if any phrase, clause, sentence, or
3 provision of this compact is declared to be contrary to the
4 Constitution of the United States or of any party state, or
5 the applicability of this compact to any government, agency,
6 person, or circumstance is held invalid, the validity of the
7 remainder of this compact and the applicability thereof to any
8 government, agency, person, or circumstance shall not be
9 affected thereby.

10 (2) If all or some portion of this compact is held to
11 be contrary to the constitution of any party state, the
12 compact shall remain in full force and effect as to the
13 remaining party states and in full force and effect as to the
14 state affected as to all severable matters.

15 Section 14. This act shall take effect upon becoming a
16 law.

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, lines 2-16,
22 remove from the title of the bill: all of said lines

23

24 and insert in lieu thereof:

25 An act relating to pari-mutuel wagering;
26 creating the Interstate Compact on Licensure of
27 Participants in Pari-Mutuel Wagering; providing
28 purposes; providing definitions; providing for
29 entry into force; providing eligibility
30 criteria; providing for withdrawal; providing
31 the establishment of a compact committee;

Amendment No. 1 (for drafter's use only)

1 providing powers and duties; providing voting
2 requirements; providing administrative and
3 management criteria; providing for immunity
4 from liability; providing rights and
5 responsibilities of each party state; providing
6 fee standards; providing construction and
7 severability; providing an effective date.
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