

**Popular Name**

AN AMENDMENT TO ALLOW NANCY TODD’S POKER PALACE AND ENTERTAINMENT VENUES, LLC  
TO OWN AND OPERATE FOUR CASINO GAMING ESTABLISHMENTS, ONE EACH IN PULASKI, MILLER,  
FRANKLIN AND CRITTENDEN COUNTIES

**Ballot Title**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION AUTHORIZING FOUR CASINO GAMING ESTABLISHMENTS, TO BE OWNED AND OPERATED BY “NANCY TODD’S POKER PALACE AND ENTERTAINMENT VENUES, LLC” (A PRIVATE LIMITED LIABILITY COMPANY), ONE EACH TO BE LOCATED IN PULASKI, MILLER, FRANKLIN AND CRITTENDEN COUNTIES; PROHIBITING THE GENERAL ASSEMBLY AND ANY POLITICAL SUBDIVISION OF THE STATE FROM ENACTING ANY LEGISLATION, RULES OR REGULATIONS REGARDING CASINO GAMING; PROHIBITING CASINO GAMING AT ANY OTHER THAN THE LOCATIONS OPERATED BY NANCY TODD’S POKER PALACE AND ENTERTAINMENT VENUES, LLC; PROHIBITING PERSONS UNDER THE AGE OF 21 FROM PARTICIPATING IN CASINO GAMING; REQUIRING THAT THE NET GAMING REVENUE OF EACH CASINO SHALL BE SUBJECT TO THE TAXES LEVIED BY ALL OF THE TAXING JURISDICTIONS WHERE A CASINO IS LOCATED AT THE SAME RATE AS FOR BUSINESSES GENERALLY, WITH THE TAX TO BE PAID TO THE STATE’S GENERAL REVENUE FUND ACCOUNT OF THE STATE APPORTIONMENT FUND; DEFINING “NET GAMING REVENUE” AS TOTAL ANNUAL GAMING REVENUES, INCLUDING COMPENSATION FOR CONDUCTING ANY GAME IN WHICH NANCY TODD’S POKER PALACE AND ENTERTAINMENT VENUES, LLC IS NOT A PARTY TO THE WAGER, MINUS AMOUNTS PAID TO COVER THE WINNINGS OF PATRONS; FURTHER REQUIRING THAT THE NET GAMING REVENUE OF EACH CASINO BE SUBJECT TO AN ADDITIONAL TAX AT THE RATE OF TWELVE AND ONE-HALF PERCENT (12.5%); MANDATING THAT THE PROCEEDS OF THIS ADDITIONAL TAX SHALL NOT BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY AND DECLARING SUCH PROCEEDS TO BE CASH FUNDS HELD SEPARATE AND APART FROM THE STATE TREASURY WITH THE ADDITIONAL PROCEEDS DISTRIBUTED: (I) THIRTY PERCENT (30%) TO FUND PUBLIC SCHOOLS IN ARKANSAS; (II) TEN PERCENT (10%) TO THE ARKANSAS DEPARTMENT OF VETERAN AFFAIRS; (III) EIGHT PERCENT (8%) TO THE ARKANSAS CHILDREN’S HOSPITAL; (IV) EIGHT PERCENT (8%) TO THE MEDICAID PROGRAM TRUST FUND; (V) EIGHT PERCENT (8%) TO A SENIOR CARE PRESCRIPTION DRUG BENEFIT PROGRAM; (VI) SIX PERCENT (6%) TO THE REGISTERED ARKANSAS STATE

APPRENTICESHIP PROGRAMS GOVERNED BY THE ARKANSAS APPRENTICESHIP COORDINATION STEERING COMMITTEE; (VII) TWELVE PERCENT (12%) TO THE COUNTY IN WHICH A CASINO OPERATES, BASED ON NET GAMING REVENUE FROM OPERATIONS IN THAT COUNTY; AND (VIII) EIGHTEEN PERCENT (18%) TO ALL COUNTIES WITH NO CASINO GAMING, BASED ON THEIR POPULATION ACCORDING TO THE MOST RECENT CENSUS; PROHIBITING ANY OTHER STATE OR LOCAL TAXES, FEES OR ASSESSMENTS OF ANY NATURE ON NANCY TODD'S POKER PALACE AND ENTERTAINMENT VENUES, LLC, INCLUDING ON ITS FURNITURE, FIXTURES, EQUIPMENT, PROPERTY, BUSINESS OPERATIONS, GROSS REVENUES, NET GAMING REVENUES, OR INCOME DERIVED FROM OR USED IN CASINO GAMING EXCEPT AS LEVIED AGAINST BUSINESSES GENERALLY; ALLOWING A CASINO TO OPERATE ANY DAY FOR ANY PORTION OF THE DAY; ALLOWING THE SELLING OR FREE FURNISHING OF ALCOHOLIC BEVERAGES IN CASINOS DURING ALL HOURS THEY OPERATE BUT OTHERWISE REQUIRING ADHERENCE TO ALL ALCOHOLIC BEVERAGE CONTROL BOARD REGULATIONS; PERMITTING THE SHIPMENT INTO AUTHORIZED COUNTIES OF GAMBLING DEVICES DULY REGISTERED, RECORDED AND LABELED PURSUANT TO FEDERAL LAW; RENDERING THE PROVISIONS OF THE AMENDMENT SEVERABLE; DECLARING INAPPLICABLE ALL CONSTITUTIONAL PROVISIONS AND LAWS TO THE EXTENT THEY CONFLICT WITH THIS AMENDMENT BUT NOT OTHERWISE REPEALING, SUPERSEDING, AMENDING OR OTHERWISE AFFECTING AMENDMENTS 84 (BINGO) AND 87 (STATEWIDE LOTTERY) TO THE ARKANSAS CONSTITUTION.

### **Full Text**

Be it enacted by the people of the State of Arkansas:

#### **Section 1: Authorizing Casino Gaming**

1.1 Casino gaming is hereby authorized to be conducted by Nancy Todd's Poker Palace and Entertainment Venues, LLC, an Arkansas limited liability company, and shall be lawful and shall be considered an appropriate land use in the following counties: Pulaski County, Miller County, Franklin County and Crittenden County.

1.2 The term "casino gaming" means any game played with cards, dice, equipment, or any mechanical, electromechanical, or electronic device, or machine for money, property, checks, credit or any representative value, including, without limiting the generality of the foregoing, blackjack, poker, keno, baccarat, roulette, craps, slot machines, video poker or any other gaming, percentage game or any other game or device.

1.3 The term "casino" means any facility owned and operated by Nancy Todd's Poker Palace and Entertainment Venues, LLC where casino gaming is conducted which is authorized by this Amendment to conduct casino gaming.

## **Section 2: Tax on Casino Net Gaming Revenue**

2.1 The term “net gaming revenue” means that total, measured on an annual basis, of cash received as winnings, cash received in payment for credit extended by Nancy Todd’s Poker Palace and Entertainment Venues, LLC to a patron for purposes of gaming, and compensation received for conducting any game in which Nancy Todd’s Poker Palace and Entertainment Venues, LLC is not a party to the wager, less the total of all cash paid out as losses to patrons and those amounts paid to purchase annuities to fund losses paid to patrons over several years.

2.2 The net gaming revenue of each casino shall be subject to the taxes levied by all of the taxing jurisdictions where a casino is located at the same rate as for businesses generally. The total amount of said tax paid to the State shall be paid to the State’s General Revenue Fund Account of the State Apportionment Fund.

2.3 Except as specified in this Amendment, there shall be no taxes, fees, or assessment of any nature levied by the state or any county, city, incorporated town, administrative body, or any other political subdivision of the State on Nancy Todd’s Poker Palace and Entertainment Venues, LLC included but not limited to, it’s furniture, fixtures, equipment, property, business operations, gross revenues, or net gaming revenues or income derived from, or used in, casino gaming which are not levied against businesses generally in the state of Arkansas.

2.4 The net gaming revenue of casinos shall be subject to an additional tax at the rate of twelve and one-half percent (12.5%). Proceeds from this additional tax shall not be subject to appropriation by the General Assembly and are specifically declared to be cash funds separate and apart from the State Treasury and shall be distributed as follows:

- (i) Thirty percent (30%) to fund all public schools in Arkansas;
- (ii) Ten percent (10%) to the Arkansas Department of Veteran Affairs;
- (iii) Eight percent (8%) to the Arkansas Children’s Hospital;
- (iv) Eight percent (8%) to the Medicaid Program Trust Fund;
- (v) Eight percent (8%) to a senior care prescription drug benefit program;
- (vi) Six percent (6%) to the Registered Arkansas State Apprenticeship Programs governed by the Arkansas Apprenticeship Coordination Steering Committee;
- (vii) Twelve percent (12%) to the counties in which a casino is located and operating, with each county’s share based on net gaming revenue arising from operations in that county;
- (viii) Eighteen percent (18%) to all counties with no casino gaming, with each county’s share determined by the percentage that its population bears to the total population of all such counties, as reported in the most recent United States Census.

## **Section 3: Casino Gaming Restrictions**

3.1 Unless otherwise specifically provided herein, neither the General Assembly nor any political subdivision of this State shall enact any legislation, rule or regulation regarding the operation of casino gaming as defined in this Amendment.

3.2 Casino gaming may only be conducted by Nancy Todd’s Poker Palace and Entertainment Venues, LLC and its employees.

3.3 All of the games specified herein under the definition of “casino gaming” are permitted only at authorized locations operated by Nancy Todd’s Poker Palace and Entertainment Venues, LLC and shall not be classified as a lottery or subject to any regulations under Article 19, Section 14 as amended by Amendment 87 to the Arkansas Constitution.

3.4 Nancy Todd's Poker Palace and Entertainment Venues, LLC shall abide by the rules and regulations of The Alcohol Beverage Control Board in the sale of alcoholic beverages, beer, and wine in casinos. Notwithstanding any law, rule, or regulation to the contrary, all casinos shall be permitted to sell or to provide complimentary alcoholic beverages during all hours they operate.

3.5 Casinos shall be permitted to operate any day and for any portion of a twenty-four (24) hour day.

3.6 No person under the age of twenty-one (21) shall be allowed to participate in casino gaming.

3.7 No more than one casino shall be operated by Nancy Todd's Poker Palace and Entertainment Venues, LLC in any one county.

#### **Section 4: Legal Shipment of Gambling Devices Into State**

All shipments of gambling devices, including slot machines, into any county of this State within which casino gaming is authorized, the registering, recording, and labeling of which has been duly performed by the manufacturer or dealer thereof in accordance with Section 3 and 4 of that certain Act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. Sections 1171-1178, shall be deemed legal shipments thereof into any such county of this State within which casino gaming is authorized.

#### **Section 5: Severability**

If any provision of this Amendment, or the application of any such provision to any person or circumstance is held invalid, the validity of any other provision of this Amendment, or the application of such provision to other persons and circumstances, shall not be affected thereby, and to this end the provisions of this Amendment are declared to be severable.

#### **Section 6: Inconsistent Provisions Inapplicable**

All provisions of the Constitution of this State and statutes of the State, including but not limited to laws forbidding the judicial enforcement of gambling debts and statutes declaring gambling to be crimes, to the extent inconsistent or in conflict with any provision of this Amendment are expressly declared null and void and do not to apply to any provision of this Amendment. However, this Agreement does not repeal, supersede, amend or otherwise affect Amendments 84 and 87 to the Arkansas Constitution or games of bingo, raffles, or the state lottery permitted therein.