

SHORT TITLE: Horse racing; relating to offtrack wagering and simulcast racing; correcting and clarifying statutory references; providing for additional disbursement from money wagered; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 754

By: Long (Lewis)

AS INTRODUCED

An Act relating to horse racing; amending Section 1, Chapter 125, O.S.L. 1995, 3A O.S. 1991, Section 205.7, as last amended by Section 2, Chapter 125, O.S.L. 1995, and Section 3, Chapter 125, O.S.L. 1995 (3A O.S. Supp. 1995, Sections 205.6a, 205.7 and 205.7a), which relate to offtrack wagering and simulcast races; correcting statutory references; providing for additional disbursement from money wagered; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, Chapter 125, O.S.L. 1995 (3A O.S. Supp. 1995, Section 205.6a), is amended to read as follows:

Section 205.6a A. Any organization licensee shall file with the Oklahoma Horse Racing Commission its plan to conduct pari-mutuel wagering on the organization licensee's race program at a facility or facilities located outside the organization licensee's racing enclosure. Such pari-mutuel wagering shall be conducted only during the organization licensee's approved race meeting or meetings and shall be conducted simultaneous to all pari-mutuel wagering at the organization licensee's racing facility in this state. The

conducting of pari-mutuel wagering at a facility outside the organization licensee's enclosure is subject to the following:

1. Pari-mutuel wagering shall be permitted only in a county which approves or has approved the conducting of pari-mutuel horse racing in that county pursuant to the provisions of Section 209 of ~~Title 3A of the Oklahoma Statutes~~ this title;

2. Pari-mutuel wagering conducted by an organization licensee shall not be permitted within thirty (30) miles of another organization licensee's racing enclosure without the express permission granted by the other organization licensee;

3. All pari-mutuel wagering facilities located outside any organization licensee's racing enclosure shall be operated in accordance with all applicable rules of the Oklahoma Horse Racing Commission Rules of Racing (Pari-Mutuel Edition);

4. The organization licensee sending its racing signal to a facility or facilities outside its racing enclosure may combine the pari-mutuel pools of all facilities with those of the organization licensee for the purpose of determining odds and computing payoffs. The amount of money to be retained and distributed by the organization licensee and to be remitted to the Oklahoma Tax Commission from money wagered pursuant to the provisions of this section shall be the same as set forth in paragraph 1 of subsection B, ~~paragraph 1 of~~ in subsection D, ~~and paragraph 1 of~~ in subsection E of Section 205.6 of Title 3A of the Oklahoma Statutes and Section 208.2 of ~~Title 3A of the Oklahoma Statutes~~ this title;

5. One percent (1%) of the total monies wagered at a facility other than an organization licensee's racing enclosure shall be distributed from the amount retained pursuant to paragraph 4 of this subsection as follows:

- a. ten percent (10%) to the State Auditor and Inspector for the purpose of auditing such facilities, and

- b. forty-five percent (45%) to the county in which the facility is located, and
- c. forty-five percent (45%) to the city in which the facility is located, or
- d. if the facility is not located within the corporate limits of any city, ninety percent (90%) to the county in which the facility is located;

6. The distribution for purses at facilities other than an organization licensee's racing enclosures shall be:

- a. six and one-half percent (6.5%) of total handle during the first thirty-six (36) months after the opening of a facility in a county, and
- b. seven and one-half percent (7.5%) of total handle thereafter.

Upon completion of three hundred sixty-five (365) calendar days since the opening of a facility in a county, the thirty-six-month period commences retroactive to the opening of that facility. If the facility does not operate for three hundred sixty-five (365) calendar days, a new facility may be opened and operated, with the thirty-six-month period commencing consistent with this paragraph. If a facility terminates operation after the three-hundred-sixty-fifth calendar day, all days shall be allotted to subsequent facilities not to exceed one thousand ninety-five (1,095) calendar days per facility; and

7. The organization licensee, after the distribution to the Oklahoma Tax Commission pursuant to the provisions of paragraph 4 of this subsection and distributions pursuant to paragraphs 5 and 6 of this subsection, shall retain the balance of the monies wagered.

B. Notification by an organization licensee to conduct pari-mutuel wagering at a facility or facilities outside of the organization licensee's racing enclosure shall be made annually to the Oklahoma Horse Racing Commission. An organization licensee may

make an original notification to conduct pari-mutuel wagering at a facility or facilities outside of the organization licensee's racing enclosure at any time.

C. All persons employed in the actual conduct of pari-mutuel wagering at a facility outside an organization licensee's racing enclosure shall be licensed by the Commission, consistent with Section 204.2 of this title.

D. Breakage and unclaimed ticket proceeds shall be distributed in the manner applicable to the races of the racing program of the organization licensee sending the racing program.

SECTION 2. AMENDATORY 3A O.S. 1991, Section 205.7, as last amended by Section 2, Chapter 125, O.S.L. 1995 (3A O.S. Supp. 1995, Section 205.7), is amended to read as follows:

Section 205.7 A. The Oklahoma Horse Racing Commission may authorize an organization licensee during the period it is conducting a race meeting or accepting pari-mutuel wagers on races run at any racetrack licensed by the Commission, to accept wagers on the results of out-of-state races having a gross purse of Fifty Thousand Dollars (\$50,000.00) or more. Any organization licensee may be exempt from the minimum gross purse requirements of this section if authorized by the Oklahoma Horse Racing Commission. The authorization may be granted by the Oklahoma Horse Racing Commission only if:

1. The out-of-state races are part of a national pari-mutuel wagering promotion; or

2. The out-of-state races under Fifty Thousand Dollars (\$50,000.00) constitute no more than twenty-five percent (25%) of the total number of out-of-state races simulcast at the organization licensee's racing enclosure during any race meeting. For purposes of such computation all races under paragraph 1 of this subsection shall be excluded. No out-of-state races exceeding the limits specified in this paragraph shall be allowed.

The authorization must comply with federal laws including but not limited to Chapter 57 of Title 15 of the United States Code.

B. Wagers on out-of-state races conducted pursuant to the provisions of this section shall be placed in a separate pari-mutuel pool or pools.

C. Each organization licensee accepting wagers on an out-of-state race shall deduct a percentage of the amount handled which is equal to the percentage deducted from the amount handled by the organization licensee in pari-mutuel pools at the race meeting held by the organization licensee.

D. Each organization licensee shall pay the state share of the organization licensee at the rate applicable to the races of the racing program of the organization licensee for the day on which the out-of-state race is offered.

E. Breakage and unclaimed ticket proceeds shall be distributed in the manner applicable to the races of the racing program of the organization licensee for the day on which the out-of-state race is offered.

F. Except as otherwise provided by law, the amount remaining from the deduction pursuant to the provisions of subsection C of this section after payment of the state share ~~and~~, the contractual payment to the out-of-state host racing organization and one-tenth of one percent (1/10 of 1%) of the total monies wagered on such races to the State Auditor and Inspector for the purpose of auditing racing facilities, shall be distributed as follows:

1. Fifty percent (50%) to the organization licensee; and
2. Fifty percent (50%) to the organization licensee to be distributed as purses.

SECTION 3. AMENDATORY Section 3, Chapter 125, O.S.L. 1995 (3A O.S. Supp. 1995, Section 205.7a), is amended to read as follows:

Section 205.7a A. 1. Any race run at any racetrack licensed by the Oklahoma Horse Racing Commission may be televised to another racetrack licensed by the Oklahoma Horse Racing Commission or may be televised out of state. Pari-mutuel wagering may be permitted on such race at any other licensed track within this state, or at any racetrack or other entity in another state or country. Money wagered on such races may be placed in separate or common pools as determined by rules of the Oklahoma Horse Racing Commission. A written application to televise a race shall contain the details of such race, its agreements and contracts, and shall be submitted to the Oklahoma Horse Racing Commission for its approval prior to the racing event. Such agreement shall comply with all applicable laws of the United States and the laws of this state. ~~The~~

2. Except as provided in paragraph 3 of this subsection, the proceeds of the agreement shall be distributed in the same manner as money wagered pursuant to the provisions of paragraph 1 of ~~subsectio~~ subsections B, paragraph 1 of subsection D and paragraph 1 of ~~subsection E of Section 205.6 of Title 3A of the Oklahoma Statutes~~ this title and Section 208.2 of ~~Title 3A of the Oklahoma Statutes~~ this title.

3. One-tenth of one percent (1/10 of 1%) of the total monies wagered shall be distributed to the State Auditor and Inspector for the purpose of auditing racing facilities.

B. For the days on which a licensed track within this state conducts pari-mutuel wagering only on races televised from another licensed track within this state, the conducting of pari-mutuel wagering shall not be considered racing days for the purposes of Section 205.2 of ~~Title 3A of the Oklahoma Statutes~~ this title.

C. When any licensed track within this state conducts pari-mutuel wagering on races televised from another licensed track within this state, the receiving licensee shall not retransmit the

sending licensee's signal without the express permission of the sending licensee.

D. Breakage and unclaimed ticket proceeds shall be distributed in the manner applicable to the races of the racing program of the organization licensees who are sending and receiving the racing program.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-1554

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