

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1042

By: Milacek of the Senate
and
Reese of the House

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Horse Racing

Commission; amending 3A O.S. 1991, Section 201, as amended by Section 3, Chapter 364, O.S.L. 1992 (3A O.S. Supp. 1997, Section 201), and 203.1, which relate to the Oklahoma Horse Racing Commission; requiring certain investigation and review prior to Senate approval of appointment; providing for confidentiality and disposition of report; prohibiting certain persons from receiving certain purse supplements, stakes, rewards, awards, or monies; defining term; amending 74 O.S. 1991, Section 150.5, as amended by Section 5, Chapter 227, O.S.L. 1994 (74 O.S. Supp. 1997, Section 150.5), which relates to investigations; making certain investigation mandatory; updating language relating to expiration of terms of appointment; deleting obsolete language; eliminating gender distinction; and providing an effective date.

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

SECTION 1. AMENDATORY 3A O.S. 1991, Section 201, as amended by Section 3, Chapter 364, O.S.L. 1992 (3A O.S. Supp. 1997, Section 201), is amended to read as follows:

Section 201. A. There is hereby created the Oklahoma Horse Racing Commission, which shall consist of seven (7) members appointed by the Governor with the advice and consent of the Senate. One member shall be appointed from each congressional district, and one member who shall be experienced in the horse industry shall be appointed at large.

B. To be eligible for appointment to the Commission, a person shall:

1. ~~be~~ Be a citizen of the United States; ~~and~~
2. ~~have~~ Have been a resident of this state for five (5) years immediately preceding the appointment; and
3. ~~not~~ Not have been convicted of a felony pursuant to the laws of this state, the laws of any other state, or the laws of the United States.

C. ~~The initial terms of office of:~~

- ~~1. three members shall expire on June 30, 1985; and~~
- ~~2. two members shall expire on June 30, 1987; and~~
- ~~3. two members shall expire on June 30, 1989.~~

~~Thereafter,~~ the term of office of a member of the Commission shall be for six (6) years and until a successor is appointed and qualified.

1. Three members shall be appointed to terms expiring June 30, 1997, and each six (6) years thereafter;
2. Two members shall be appointed to terms expiring June 30, 1994, and each six (6) years thereafter; and
3. Two members shall be appointed to terms expiring June 30, 1995, and each six (6) years thereafter.

D. The Governor may remove any member of the Commission for incompetence, neglect of duty, or malfeasance in office upon first giving the member a copy of the charges and an opportunity to be heard. A vacancy on the Commission shall be filled for the unexpired term by appointment made by the Governor.

E. No appointee to a full term or appointee to fill a vacancy shall be approved by the Senate unless the appointee has been investigated as provided by Section 150.5 of Title 74 of the Oklahoma Statutes and unless the chair of the Senate committee charged with consideration of the appointment has reviewed a copy of the report of the investigation, together with such other members of the committee as the chair, in the chair's discretion, may designate to review the copy of the report. The copy of the report being reviewed shall at all times be treated as confidential, and the copy shall be returned to the Oklahoma State Bureau of Investigation not later than the date the appointee is approved or at the end of the legislative session during which the appointment is under consideration, whichever occurs first.

SECTION 2. AMENDATORY 3A O.S. 1991, Section 203.1, is amended to read as follows:

Section 203.1 A. A member of the Oklahoma Horse Racing Commission shall not accept any compensation, gift, loan, entertainment, favor, or service from any occupation or organization licensee, except such suitable facilities and services within the enclosure of an organization licensee as may be required by the member to facilitate the proper performance of his or her duties.

B. No member of the Commission or ~~any member of the Commission~~ staff employee shall place any wagers on any horse race over which the Commission has jurisdiction.

C. Members of the Commission and members of their immediate families, and Commission employees and members of their immediate families are prohibited from receiving purse supplements, stakes,

rewards, stallion awards, broodmare awards, or breeders awards of any kind, or marketing, promotion, or advertising monies of any kind from the Oklahoma Breeding Development Fund Special Account administered by the Commission pursuant to Section 208.3 of this title. "Immediate family" has the meaning provided by Rule 257: 1-1-2 of the Rules of the Ethics Commission, 74 O.S. Supp. 1997, Chapter 62 App.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 150.5, as amended by Section 5, Chapter 227, O.S.L. 1994 (74 O.S. Supp. 1997, Section 150.5), is amended to read as follows:

Section 150.5 A. Oklahoma State Bureau of Investigation investigations not covered under Section 150.2 of this title shall be initiated at the request of the following persons:

1. The Governor;
2. The Attorney General;
3. The Council on Judicial Complaints upon a vote by a majority of said Council; or
4. The ~~chairman~~ chair of any ~~Legislative Investigating Committee~~ legislative investigating committee which has been granted subpoena powers by resolution, upon authorization by a vote of the majority of said ~~Committee~~ committee.

Such requests for investigations shall be submitted in writing and shall contain specific allegations of wrongdoing under the laws of the State of Oklahoma.

B. The Governor may initiate special background investigations with the written consent of the person who is the subject of the investigation.

C. The ~~chairman~~ chair of any Senate committee which is fulfilling the statutory responsibility for approving nominations made by the Governor ~~may, upon a vote by a majority of the committee and shall,~~ with the written consent of the person who is to be the subject of the investigation, initiate a full, level three, special

background investigation of any nominee for the Oklahoma Horse Racing Commission as ~~established by Provision No. 1, State Question No. 553, Initiative Petition No. 315 (3A O.S. Supp. 1982, Section 201)~~ required for a person to be confirmed by the Senate as a member of the Commission pursuant to Section 201 of Title 3A of the Oklahoma Statutes. The Bureau shall submit a copy of its investigative report to the chair of the committee within thirty (30) days of the receipt of the request. ~~Any consideration by the committee of a report from the Bureau shall be for the exclusive use of the committee and~~ The copy of the report shall be considered only in executive session as provided by Section 201 of Title 3A of the Oklahoma Statutes.

D. All records relating to any investigation being conducted by the Bureau shall be confidential and shall not be open to the public or to the Commission except as provided in Section 150.4 of this title; provided, however, officers and agents of the Bureau may disclose, at the discretion of the Director, such investigative information to officers and agents of federal, state, county, or municipal law enforcement agencies and to district attorneys, in the furtherance of criminal investigations within their respective jurisdictions. Any unauthorized disclosure of any information contained in the confidential files of the Bureau shall be a misdemeanor. The person or entity authorized to initiate investigations in this section shall receive a report of the results of the requested investigation. The person or entity requesting the investigation may give that information only to the appropriate prosecutorial officer or agency having statutory authority in the matter if that action appears proper from the information contained in the report, and shall not reveal or give such information to any other person or agency. Violation hereof shall be deemed willful neglect of duty and shall be grounds for removal from office.

~~E. The State Treasurer must initiate a complete background investigation of the positions with the written consent of the persons who are the subject of the investigation pursuant to subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes. The Bureau shall advise the State Treasurer and the Cash Management and Investment Oversight Commission in writing of the results of the investigation.~~

SECTION 4. This act shall become effective November 1, 1998.

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