STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1542 By: Long

AS INTRODUCED

An Act relating to horse racing; requiring registration of horse industry organizations and simulcast facilitators by Oklahoma Horse Racing Commission; directing adoption and promulgation of rules for registration procedures; authorizing fees not to exceed certain limits; providing State Auditor and Inspector access to certain books and records and requiring certain audits; providing for removal of certain persons from enclosures of organizational licensees; providing for administrative fines; declaring certain actions felonies; providing for imprisonment, fines, or both; amending 3A O.S. 1991, Section 205.7, as last amended by Section 2, Chapter 176, O.S.L. 1996 (3A O.S. Supp. 1999, Section 205.7), which relates to wagering on televised races; increasing number of televised races on which wagers may be accepted; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 204.4 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Every organization which represents or purports to represent or collects any dues or other compensation for representing any occupational licensee in this state in any matter relating to the business of any organizational licensee or for representing any occupational licensee or organizational licensee in any matter before the Oklahoma Horse Racing Commission shall be registered with the Commission as a horse industry organization.

B. The Commission shall adopt and promulgate rules as necessary to establish registration procedures. The Commission may charge each horse industry organization an annual registration fee of not

more than One Hundred Dollars ($100.00). The Commission shall maintain for public inspection a current list of registered horse industry organizations together with the addresses of their principal places of business and the names, titles, and addresses of all officers of each organization. Fees shall be used for registration administration, investigation, and enforcement of the provisions of this section.

C. The State Auditor and Inspector shall have access to all books and records of any registered horse industry organization. The State Auditor and Inspector shall perform a compliance and financial audit of each horse industry organization at least once every three (3) years and whenever requested to do so by the Commission.

D. The Commission shall, by adoption and promulgation of rules, provide for barring and removal from the enclosure of any organizational licensee of any person representing or seeking to represent an unregistered horse industry organization and for assessing against such persons administrative fines of not to exceed One Hundred Dollars ($100.00) per occurrence.

SECTION 2. AMENDATORY 3A O.S. 1991, Section 205.7, as last amended by Section 2, Chapter 176, O.S.L. 1996 (3A O.S. Supp. 1999, Section 205.7), is amended to read as follows:

Section 205.7 A. The Oklahoma Horse Racing Commission may authorize an organization licensee to accept wagers on the results of out-of-state full racing programs for simulcast races as follows:

1. On days when the organization licensee is conducting live racing, the licensee may accept wagers on not more than ~~two~~ <u>four</u> out-of-state full racing programs during the hours when it is conducting live racing, and may accept wagers on the results of not more than ~~four~~ <u>ten</u> out-of-state full racing programs during the hours it is not conducting live racing; and

2. a. On days when the organization licensee is not conducting live racing, the licensee may accept wagers on the results of not more than six out-of-state full racing programs, provided that the number of days, not included in its race meeting, which an organization licensee may be authorized to accept wagering pursuant to this paragraph is limited to fifty percent (50%) of the number of days the licensee conducts live racing;

b. notwithstanding the limitations contained in subparagraph a of this paragraph, an organization licensee may accept wagers on races run at any racetrack licensed by the Oklahoma Horse Racing Commission, and may accept wagers on the out-of-state full racing programs received by said racetrack;

3. On days when the licensee is conducting live racing, the Oklahoma Horse Racing Commission may authorize the organization licensee to accept wagers on individual out-of-state simulcast races in addition to the out-of-state full racing programs.

B. For purposes of this section, fifty percent (50%) or more of the races being run at an out-of-state track constitutes a full racing program. The authorization provided in subsection A of this section must comply with federal laws including, but not limited to, Chapter 57 of Title 15 of the United States Code.

C. Wagers on out-of-state races conducted pursuant to the provisions of this section may be placed in a separate pari-mutuel pool or pools, or may be combined with the pari-mutuel pool or pools of the track where the race is run, or may be combined with other organization licensees licensed by the Oklahoma Horse Racing Commission and their wagering facilities located within this state.

D. 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 or meetings held by the organization licensee if the wagers on the out-of-state races are not being combined with the pari-mutuel pool or pools where the race or races are being run.

E. For the day on which the out-of-state race is offered, 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.

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

G. Except as otherwise provided by law, the amount remaining from the deduction pursuant to the provisions of subsection D of this section after payment of the state share and the contractual payment to the out-of-state host racing organization, 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.

H. An organization licensee accepting wagers on out-of-state full racing programs pursuant to subsection A of this section shall, for any year in which it intends to accept such out-of-state full racing programs, make application to the Commission for not less than eighty percent (80%) of the number of live racing days awarded for each race meeting to that licensee in 1996.

I. Notwithstanding subsection H of this section, any organization licensee may apply for less than the eighty percent (80%) of the number of live race days for a designated race meeting awarded to the licensee in 1996 if such application is approved by the organization licensee's official horsemen's representative at that designated race meeting.

J. One-tenth of one percent (1/10 of 1%) of the total monies wagered at the racing enclosure on out-of-state simulcast races shall be remitted by the organization licensee from the amount retained pursuant to this section to the State Auditor and Inspector for the purpose of auditing racing facilities.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.7b of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Every organization licensee, wagering facility, or other entity in this state that transmits, re-transmits, or receives a horse race by television or other means of telecommunication, hereinafter simulcasting, whether the transmission originates or is received within this state or without this state, shall be registered as a simulcast facilitator with the Oklahoma Horse Racing Commission.

B. The Commission shall adopt and promulgate rules as necessary to establish registration procedures. The Commission may charge an annual registration fee of not more than One Hundred Dollars ($100.00) per transmission, re-transmission, or reception site in this state. The Commission shall maintain for public inspection a current list of registered simulcast facilitators together with the address of their principal places of business, the names, titles, and addresses of all officers of each facilitator, the location of every site in this state where simulcasting takes place, and, for each site, the number of races simulcast. Fees shall be used for registration administration, investigation, and enforcement of the provisions of this section.

C. The State Auditor and Inspector shall have access to all books and records of any registered simulcast facilitator that relate to simulcasting. The State Auditor and Inspector shall perform a compliance and financial audit of each simulcast

facilitator at least once every three (3) years and whenever requested to do so by the Commission.

D. Every person who causes, aids or abets, or conspires with any person to transmit, retransmit, or receive any simulcasting signal in this state on behalf of or for the benefit of any unregistered simulcast facilitator shall be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than five (5) years or by a fine of not more than Ten Thousand Dollars ($10,000.00) or by both such imprisonment and fine.

SECTION 4. Sections 1 and 3 of this act shall become effective September 1, 2000.

SECTION 5. 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.

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