

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 555

By: Hobson of the Senate

and

Glover of the House

AS INTRODUCED

An Act relating to amusements and sports; amending 3A O.S. 1991, Section 208.3, as last amended by Section 1, Chapter 409, O.S.L. 1998 (3A O.S. Supp. 2000, Section 208.3), which relates to horse breeding development; designating breed associations as official registering agencies administering the Oklahoma Breeding Development Program and the Oklahoma Breeding Development Fund Special Account; apportioning revenue to registering agency administrators equally; and providing an effective date.

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

SECTION 1. AMENDATORY 3A O.S. 1991, Section 208.3, as last amended by Section 1, Chapter 409, O.S.L. 1998 (3A O.S. Supp. 2000, Section 208.3), is amended to read as follows:

Section 208.3 A. There is hereby created in the State Treasury an agency special account for the Oklahoma Horse Racing Commission, to be designated the "Oklahoma Breeding Development Fund Special Account". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission for deposit in the fund pursuant to Section 205.6 of this title and from revenue received as breakage and from unclaimed pari-mutuel tickets. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commission for the purposes specified in subsection B of this section. Expenditures from said fund shall be made upon vouchers prescribed by the State Treasurer and issued by the Commission

against the Oklahoma Breeding Development Fund Special Account. Any person entitled to monies from the Oklahoma Breeding Development Fund Special Account as a purse supplement, stake, reward, or award, prior to receiving said monies, shall sign an affidavit stating that the horse involved complies with the requirements for the purse supplement, stake, reward, or award. Any person entitled to monies from the Oklahoma Breeding Development Fund Special Account as a purse supplement, stake, reward, or award ("awards"), will forfeit such monies if that person fails to comply with all requirements necessary for earning the awards. Further, any such person will forfeit such monies if, within one (1) year from the date of the race in which such award was earned, that person does not submit the state voucher for payment or for replacement in the event of an expired voucher, or if that person fails to submit all documentation required by the Oklahoma Horse Racing Commission. In such event, monies accrued from forfeiture will be returned to the Oklahoma Breeding Development Fund for expenditure by the Commission for the purposes specified in subsection B of this section.

B. No monies shall be expended by the Commission from the Oklahoma Breeding Development Fund Special Account except ~~for any of the following purposes~~ to provide:

1. ~~To provide purse~~ Purse supplements to owners of Oklahoma-bred horses;

2. ~~To provide stakes~~ Stakes and rewards to be paid to the owners of the winning Oklahoma-bred horses in certain horse races;

3. ~~To provide stallion~~ Stallion awards to the owner of the Oklahoma stallion which is the sire of an Oklahoma-bred horse if such a horse wins any race conducted at a race meeting;

4. ~~To provide breeders~~ Breeders awards to the owner of the Oklahoma-registered mare which is the dam of an Oklahoma-bred horse if such a horse wins any race conducted at a race meeting;

5. ~~To provide monies~~ Monies for equine research through state institutions accredited for the same;

6. ~~To provide monies~~ Monies for use in marketing, promoting and advertising the Oklahoma-Bred Program and the Oklahoma horse racing industry to the people of Oklahoma, the United States and abroad; and

7. ~~To provide~~ Monies for the administration of the Oklahoma Breeding Development Program. ~~The cost of administration of this subsection,~~ including payment for audits performed pursuant to subsection E of this section. Such monies shall be distributed monthly and shall not exceed five percent (5%) of the ~~prior year's receipts~~ total monies accruing to the fund for the preceding month. All expenses reimbursed as administrative pursuant to this subsection shall be itemized and audited pursuant to subsection E of this section. Any monies transferred from the Oklahoma Breeding Development Fund Special Account to the Oklahoma Breeding Development Revolving Fund for administrative reimbursement found to be unsubstantiated, excessive or ineligible for reimbursement by said audit shall be returned to the Oklahoma Breeding Development Fund Special Account within thirty (30) days of the conclusion of the audit.

C. By rule the Commission shall:

1. Define the term Oklahoma-bred horse;

2. Qualify stallions for participation in Oklahoma-bred stallion awards;

3. Provide for the registration of Oklahoma-domiciled mares and stallions and Oklahoma-bred horses. No such horse shall compete in the races limited to Oklahoma-bred horses unless registered with the Commission. The Commission may prescribe such forms as are necessary to determine the eligibility of such horses; provided, breeding stallions shall be eligible for registration in the Oklahoma-bred breeding program until July 1 of the breeding year.

No person shall knowingly prepare or cause preparation of an application for registration of such foals which contains false information;

4. Establish a schedule of fees for the registration of Oklahoma-domiciled mares and stallions and Oklahoma-bred horses sufficient to provide for all expenses incurred in the administration of the Oklahoma Breeding Development Fund Special Account; and

5. Allow a mare registered as Oklahoma-bred racing stock which has not been registered as an Oklahoma broodmare prior to foaling to be registered as an Oklahoma broodmare upon payment of the registration fee and a late fee not to exceed Two Hundred Dollars (\$200.00), which action shall entitle the foals of the mare to be registered as Oklahoma-bred horses provided all other qualifications of the Commission are met.

D. ~~The Commission may contract with and designate an official registering agency to implement the registration of horses and the payment of awards from~~ agencies designated to administer the Oklahoma Breeding Development Program and the Oklahoma Breeding Development Fund Special Account shall be the Oklahoma Thoroughbred Association for Thoroughbred horses and the Oklahoma Quarter Horse Racing Association for Quarter Horses, Appaloosa horses, and Paint horses. The official registering ~~agency~~ agencies shall ~~operate under the supervision of the Commission and be subject to the rules and regulations of the Commission. The official registering agency shall receive no compensation except fees received for registration of horses. In the event the Commission elects to perform as the official registering agency rather than contracting for such services, the Commission shall deposit all registration~~ receive monthly the monies paid pursuant to paragraph 7 of subsection B of this section and fees from the registration of Oklahoma-bred horses into the Oklahoma Breeding Development Fund Special Account.

E. The State Auditor and Inspector shall audit the Oklahoma Breeding Development Fund Special Account on an annual basis. The expense of the audit shall be paid from said Special Account.

SECTION 2. This act shall become effective November 1, 2001.

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