

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1005

By: Mitchell and Bonny of the
House

and

Morgan and Robinson of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Horse Racing Commission; authorizing assessment of fees; establishing assessment methodology; establishing payment methodology; creating a revolving fund; establishing a limit on fees assessed; amending Sections 2 and 3 of Enrolled House Bill No. 2062 of the 2nd Session of the 49th Oklahoma Legislature, which relate to the Oklahoma Horse Racing Commission; modifying budgeting categories and amounts; increasing number of authorized FTE; providing for codification; and providing conditional effective date.

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 282 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Horse Racing Commission is authorized to charge an application fee of Fifty Thousand Dollars (\$50,000.00) to each organization licensee which desires to conduct gaming pursuant to the State-Tribal Gaming Act or which receives any funds as a "recipient licensee" as that term is defined by the State Tribal Gaming Act and desires to conduct parimutuel wagering in this state. Such fee must be paid prior to any organization licensee being authorized by the Oklahoma Horse Racing Commission to conduct gaming pursuant to the State-Tribal Gaming Act.

B. In addition to the application fee authorized in subsection A of this section, the Oklahoma Horse Racing Commission is hereby authorized to assess a fee upon each organization licensee authorized by the State-Tribal Gaming Act to conduct gaming authorized by the State-Tribal Gaming Act to provide adequate funding to the Oklahoma Horse Racing Commission for the regulation of such gaming in this state.

C. The assessment authorized by subsection B shall be proportional to the number of player terminals an organization licensee is licensed to operate pursuant to the State-Tribal Gaming Act.

D. The Commission may provide that each licensee shall pay any assessment levied pursuant to subsection B of this section on a quarterly or annual basis. Notice of the assessment shall be sent by certified mail, return receipt requested, to each licensee. Each licensee shall pay the amount assessed to the Commission for deposit to the Oklahoma Horse Racing Commission Gaming Regulation Revolving Fund created in subsection E of this section. The Commission shall establish the dates by which such assessment shall be due.

E. The application fee authorized in subsection A of this section and any assessment authorized in subsection B of this section collected by the Commission shall be deposited in the Oklahoma Horse Racing Commission Gaming Regulation Revolving Fund hereby created. The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of the monies received by the Commission from any assessment levied pursuant to the provisions of this section and any other monies designated for deposit thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission to pay the costs, both direct and indirect, of the Commission incurred to regulate gaming conducted by an organization licensee pursuant to the State-Tribal Gaming Act. Expenditures from said fund shall be

made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

F. The Legislature shall establish budgetary limits for the regulation of such gaming by the Commission. For the fiscal year ending June 30, 2005, the total of all assessments levied pursuant to subsection B of this section shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00). For subsequent fiscal years, the total of all assessments levied pursuant to this section shall not exceed the amount of the total budgetary limits minus the amount of any monies appropriated by the Legislature for such purpose.

SECTION 2. AMENDATORY Section 2 of Enrolled House Bill No. 2062 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 2. For the fiscal year ending June 30, 2005, the Oklahoma Horse Racing Commission shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
General Operations	\$ 493,172.00	\$2,093,172.00
<u>Gaming Regulation</u>		<u>350,000.00</u>
Race Day Expenses	1,110,911.00	1,726,911.00
Law Enforcement	232,087.00	1,832,087.00
Oklahoma Bred Program	<u>22,012.00</u>	<u>262,012.00</u>
TOTAL	\$1,858,182.00	\$5,914,182.00 <u>\$6,264,182.00</u>

The agency shall develop outcome-based performance measures for each budget category.

SECTION 3. AMENDATORY Section 3 of Enrolled House Bill No. 2062 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 3. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed

upon the Oklahoma Horse Racing Commission by law shall be set by the Director. The Oklahoma Horse Racing Commission for the fiscal year ending June 30, 2005, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures from the Oklahoma Breeding Development Revolving Fund, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	43.0
	<u>47.0</u>
Lease-Purchase Agreements	\$0.00

SECTION 4. This act shall become effective upon certification of election returns favoring passage of the legislative referendum proposed in Senate Bill No. 1252 of the 2nd Session of the 49th Oklahoma Legislature.

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