

ENROLLED SENATE
BILL NO. 738

By: Hobson, Bass and Garrison
of the Senate

and

Hastings, Denney, Nations
and Sweeden of the House

An Act relating to horse racing; amending 3A O.S. 2001, Sections 201, as last amended by Section 1, Chapter 204, O.S.L. 2003, 202 and 203.1 (3A O.S. Supp. 2004, Section 201), which relate to the Oklahoma Horse Racing Commission; expanding membership of the Commission; deleting obsolete language; removing restrictions on service for certain members of the Commission; removing prohibition on certain Commission members receiving certain monies or services; prohibiting Commission members from participating in official actions of the Commission under certain circumstances; and declaring an emergency.

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

SECTION 1. AMENDATORY 3A O.S. 2001, Section 201, as last amended by Section 1, Chapter 204, O.S.L. 2003 (3A O.S. Supp. 2004, 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)~~ nine (9) members appointed by the Governor with the advice and consent of the Senate. ~~One~~ At least one member shall be appointed from each congressional district, and at least ~~one~~ three of the remaining members shall be experienced in the horse industry and shall be appointed from the state at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district.

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

1. Be a citizen of the United States; and
2. Have been a resident of this state for five (5) years immediately preceding the appointment; and
3. 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 as established by a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

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.

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.

SECTION 2. AMENDATORY 3A O.S. 2001, Section 202, is amended to read as follows:

Section 202. No individual shall be a member of the Commission if the individual or a member of the family of the individual:

- ~~1. has a financial interest in any organization licensee; or~~
- ~~2. and no individual other than an individual required by the provisions of Section 201 of this title to be experienced in the horse industry shall be a member of the Commission if the individual or a member of the family of the individual has a financial interest in any business entity which does business with any organization licensee; or~~
- ~~3. owns an interest in any racehorse which participates in any race meeting supervised by the Commission.~~

SECTION 3. AMENDATORY 3A O.S. 2001, 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, ~~or~~ 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. A member of the Oklahoma Horse Racing Commission, other than a member required by the provisions of Section 201 of this title to be experienced in the horse industry, shall not accept any compensation 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 Commission 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, Chapter 62, App. of Title 74 of the Oklahoma Statutes.

D. Nothing in this section shall prohibit members of the Commission, who are required by the provisions of Section 201 of this title to be experienced in the horse industry, from receiving purses for participating horses from an organization licensee.

E. Provided, any member of the Commission who has an ownership interest in any horse shall be prohibited from participating in the discussion on, voting on, influencing or attempting to influence the official action of the Commission in any matter affecting the eligibility of such horse to participate in any race or which determines the amount or receipt of any purse by the Commission member or any member of the family of the Commission member. A commissioner shall be eligible to participate in the discussion on, vote on, influence or attempt to influence the official action of the Commission if the only benefit to accrue to the Commissioner or any member of the Commissioner's family is a benefit which accrues to the Commissioner or a member of the Commissioner's family as a result of being a member of a large class to no greater extent than could reasonably be foreseen to accrue to all other members of the large class.

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.

Passed the Senate the 17th day of May, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of April, 2005.

Presiding Officer of the House
of Representatives