

SB 984

Senate Bill No. 984
As Amended

SENATE BILL NO. 984 - By: SPARKS of the Senate and ARMES of the House.

[amusements and sports - creating a compact committee - providing for construction of the compact - codification - 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 240 of Title 3A, unless there is created a duplication in numbering, reads as follows:

The Interstate Compact on Licensure of Participants in Live Horse Racing with Pari-mutuel Wagering is hereby entered into on behalf of the State of Oklahoma. The Compact provides as follows:

INTERSTATE COMPACT ON LICENSURE OF PARTICIPANTS IN LIVE HORSE RACING
WITH PARI-MUTUEL WAGERING

ARTICLE I. PURPOSES

The purposes of this compact are to:

1. Establish uniform requirements among the party states for the licensing of participants in live horse racing with pari-mutuel wagering, and ensure that all such participants who are licensed pursuant to this compact meet a uniform minimum standard of honesty and integrity;

1 equivalent thereof in a party state who represents that party state
2 as a member of the compact committee;

3 3. "Participants in live racing" means participants in live
4 horse racing with pari-mutuel wagering in the party states;

5 4. "Party state" means each state that has entered this
6 compact; and

7 5. "State" means each of the several states of the United
8 States, the District of Columbia, the Commonwealth of Puerto Rico,
9 and each territory or possession of the United States.

10 ARTICLE III. ENTRY INTO FORCE, ELIGIBLE PARTIES, AND WITHDRAWAL

11 A. This compact shall come into force when enacted by any four
12 states. Thereafter, this compact shall become effective as to any
13 other state upon the enactment of this compact by the state and the
14 affirmative vote of a majority of the officials on the compact
15 committee.

16 B. Any state that has adopted or authorized horse racing with
17 pari-mutuel wagering shall be eligible to become party to this
18 compact.

19 C. Any party state may withdraw from this compact by enacting a
20 statute repealing this compact, but no such withdrawal shall become
21 effective until the head of the executive branch of the withdrawing
22 state has given notice in writing of such withdrawal to the head of
23 the executive branch of all other party states. If as a result of

1 withdrawals participation in this compact decreases to less than
2 three party states, this compact no longer shall be in force and
3 effect unless and until there are at least three or more party
4 states again participating in this compact.

5 ARTICLE IV. COMPACT COMMITTEE

6 A. There is hereby created an interstate governmental entity to
7 be known as the "compact committee", which shall be comprised of one
8 official from the racing commission or its equivalent in each party
9 state who shall be appointed, serve, and be subject to removal in
10 accordance with the laws of the party state the official represents.
11 Pursuant to the laws of the party state, each official shall have
12 the assistance of the racing commission of the state or the
13 equivalent thereof in considering issues related to licensing of
14 participants in live racing and in fulfilling the responsibilities
15 as the representative from the state of the official to the compact
16 committee. If an official is unable to perform any duty in
17 connection with the powers and duties of the compact committee, the
18 racing commission or equivalent thereof from the state shall
19 designate another of its members as an alternate who shall serve and
20 represent the party state as its official on the compact committee
21 until that racing commission or equivalent thereof determines that
22 the original representative official is able once again to perform
23 the duties as that party state's representative official on the

1 compact committee. The designation of an alternate shall be
2 communicated by the affected state's racing commission or equivalent
3 thereof to the compact committee as the committee's bylaws may
4 provide.

5 B. In order to carry out the purposes of this compact, the
6 compact committee is hereby granted the power and duty to:

7 1. Determine which categories of participants in live racing,
8 including but not limited to owners, trainers, jockeys, grooms,
9 mutuel clerks, racing officials, veterinarians, and farriers, should
10 be licensed by the committee, and establish the requirements for the
11 initial licensure of applicants in each such category, the term of
12 the license for each category, and the requirements for renewal of
13 licenses in each category. However, with regard to requests for
14 criminal history record information on each applicant for a license,
15 and with regard to the effect of a criminal record on the issuance
16 or renewal of a license, the compact committee shall determine for
17 each category of participants in live racing which licensure
18 requirements for that category are, in its judgment, the most
19 restrictive licensure requirements of any party state for that
20 category and shall adopt licensure requirements for that category
21 that are, in its judgment, comparable to those most restrictive
22 requirements;

1 2. Investigate applicants for a license from the compact
2 committee and, as permitted by federal and state law, gather
3 information on such applicants, including criminal history record
4 information from the Federal Bureau of Investigation and relevant
5 state and local law enforcement agencies, and, where appropriate,
6 from the Royal Canadian Mounted Police and law enforcement agencies
7 of other countries, necessary to determine whether a license should
8 be issued under the licensure requirements established by the
9 committee as provided in paragraph 1 of this subsection. Only
10 officials on, and employees of, the compact committee may receive
11 and review such criminal history record information, and those
12 officials and employees may use that information only for the
13 purposes of this compact. No such official or employee may disclose
14 or disseminate such information to any person or entity other than
15 another official on or employee of the compact committee. The
16 fingerprints of each applicant for a license from the compact
17 committee shall be taken by the compact committee, its employees, or
18 its designee and, pursuant to Public Law 92-544 or Public Law 100-
19 413, shall be forwarded to a state identification bureau, or to the
20 Association of Racing Commissioners, International, an association
21 of state officials regulating pari-mutuel wagering designated by the
22 attorney general of the United States, for submission to the Federal
23 Bureau of Investigation for a criminal history record check. Such

1 fingerprints may be submitted on a fingerprint card or by electronic
2 or other means authorized by the Federal Bureau of Investigation or
3 other receiving law enforcement agency;

4 3. Issue licenses to, and renew the licenses of, participants
5 in live racing listed in paragraph 1 of this subsection who are
6 found by the committee to have met the licensure and renewal
7 requirements established by the committee. The compact committee
8 shall not have the power or authority to deny a license. If it
9 determines that an applicant will not be eligible for the issuance
10 or renewal of a compact committee license, the compact committee
11 shall notify the applicant that it will not be able to process the
12 application further. Such notification does not constitute and
13 shall not be considered to be the denial of a license. Any such
14 applicant shall have the right to present additional evidence to,
15 and to be heard by, the compact committee, but the final decision on
16 issuance or renewal of the license shall be made by the compact
17 committee using the requirements established pursuant to paragraph 1
18 of this subsection;

19 4. Enter into contracts or agreements with governmental
20 agencies and with nongovernmental persons to provide personal
21 services for its activities and such other services as may be
22 necessary to effectuate the purposes of this compact;

1 5. Create, appoint, and abolish those offices, employments, and
2 positions, including an executive director, as it deems necessary
3 for the purposes of this compact, prescribe their powers, duties,
4 and qualifications, hire persons to fill those offices, employments,
5 and positions, and provide for the removal, term, tenure,
6 compensation, fringe benefits, retirement benefits, and other
7 conditions of employment of its officers, employees, and other
8 positions;

9 6. Borrow, accept, or contract for the services of personnel
10 from any state, the United States, or any other governmental agency,
11 or from any person, firm, association, corporation, or other entity;

12 7. Acquire, hold, and dispose of real and personal property by
13 gift, purchase, lease, license, or in other similar manner, in
14 furtherance of the purposes of this compact;

15 8. Charge a fee to each applicant for an initial license or
16 renewal of a license; and

17 9. Receive other funds through gifts, grants, and
18 appropriations.

19 C. Each official shall be entitled to one vote on the compact
20 committee.

21 D. All action taken by the compact committee with regard to the
22 addition of party states, the licensure of participants in live
23 racing, and the receipt and disbursement of funds shall require a

1 majority vote of the total number of officials or their alternates
2 on the committee. All other action by the compact committee shall
3 require a majority vote of those officials or their alternates
4 present and voting.

5 E. No action of the compact committee may be taken unless a
6 quorum is present. A majority of the officials or their alternates
7 on the compact committee shall constitute a quorum.

8 F. The compact committee shall elect annually from among its
9 members a chair, a vice-chair, and a secretary/treasurer.

10 G. The compact committee shall adopt bylaws for the conduct of
11 its business by a two-thirds vote of the total number of officials
12 or their alternates on the committee at that time and shall have the
13 power by the same vote to amend and rescind these bylaws. The
14 committee shall publish its bylaws in convenient form and shall file
15 a copy thereof and a copy of any amendments thereto with the
16 secretary of state or equivalent agency of each of the party states.

17 H. The compact committee may delegate the day-to-day management
18 and administration of its duties and responsibilities to an
19 executive director and support staff.

20 I. Employees of the compact committee shall be considered
21 governmental employees.

22 J. No official of a party state or employee of the compact
23 committee shall be held personally liable for any good faith act or

1 omission that occurs during the performance and within the scope of
2 responsibilities and duties under this compact.

3 ARTICLE V. RIGHTS AND RESPONSIBILITIES

4 OF EACH PARTY STATE

5 A. By enacting this compact, each party state:

6 1. Agrees to accept the decisions of the compact committee
7 regarding the issuance of compact committee licenses to participants
8 in live racing pursuant to the committee's licensure requirements,
9 and agrees to reimburse or otherwise pay the expenses of its
10 official representative on the compact committee or an alternate.

11 2. Agrees not to treat a notification to an applicant by the
12 compact committee that the compact committee will not be able to
13 process the application further as the denial of a license, or to
14 penalize such an applicant in any other way based solely on such a
15 decision by the compact committee; and

16 3. Reserves the right to charge a fee for the use of a compact
17 committee license in that state, to apply its own standards in
18 determining whether, on the facts of a particular case, a compact
19 committee license should be suspended or revoked, to apply its own
20 standards in determining licensure eligibility, under the laws of
21 that party state, for categories of participants in live racing that
22 the compact committee determines not to license and for individual
23 participants in live racing who do not meet the licensure

1 requirements of the compact committee, and to establish its own
2 licensure standards for the licensure of nonracing employees at
3 horse racetracks and employees at separate satellite wagering
4 facilities. Any party state that suspends or revokes a compact
5 committee license shall, through its racing commission or the
6 equivalent thereof or otherwise, promptly notify the compact
7 committee of that suspension or revocation.

8 B. No party state shall be held liable for the debts or other
9 financial obligations incurred by the compact committee.

10 ARTICLE VI. CONSTRUCTION AND SEVERABILITY

11 This compact shall be liberally construed so as to effectuate
12 its purposes. The provisions of this compact shall be severable,
13 and, if any phrase, clause, sentence, or provision of this compact
14 is declared to be contrary to the Constitution of the United States
15 or of any party state, or the applicability of this compact to any
16 government, agency, person, or circumstance is held invalid, the
17 validity of the remainder of this compact and the applicability
18 thereof to any government, agency, person, or circumstance shall not
19 be affected thereby. If all or some portion of this compact is held
20 to be contrary to the constitution of any party state, the compact
21 shall remain in full force and effect as to the remaining party
22 states and in full force and effect as to the state affected as to
23 all severable matters

1 SECTION 2. This act shall become effective November 1, 2007.
2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-19-07 -
3 DO PASS, As Amended and Coauthored.