

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 984

By: Sparks

4
5 AS INTRODUCED

6 An Act relating to amusements and sports; enacting
7 the Interstate Compact on Licensure of Participants
8 in Live Horse Racing with Pari-mutuel Wagering;
9 stating purpose; defining terms; specifying process
10 for compact to become effective; specifying
11 eligibility requirements; providing procedure for
12 withdrawal from the compact; creating a compact
13 committee; specifying duties of the committee;
14 providing for organization and voting requirements of
15 the committee; clarifying scope of liability of
16 members of the committee; specifying the rights and
17 responsibilities of each party state to the compact;
18 providing for construction of the compact; providing
19 for severability; providing for codification; and
20 providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 240 of Title 3A, unless there is
24 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

1 The purposes of this compact are to:

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

7 2. Facilitate the growth of the horse racing industry in each
8 party state and nationwide by simplifying the process for licensing
9 participants in live racing, and reduce the duplicative and costly
10 process of separate licensing by the regulatory agency in each state
11 that conducts live horse racing and pari-mutuel wagering;

12 3. Authorize the Oklahoma Horse Racing Commission to
13 participate in this compact;

14 4. Provide for participation in this compact by officials of
15 the party states, and permit those officials, through the compact
16 committee established by this compact, to enter into contracts with
17 governmental agencies and nongovernmental persons to carry out the
18 purposes of this compact; and

19 5. Establish the compact committee created by this compact as
20 an interstate governmental entity duly authorized to request and
21 receive criminal history record information from the Federal Bureau
22 of Investigation and other state and local law enforcement agencies.

23 ARTICLE II. DEFINITIONS

24 As used in this compact:

1 1. "Compact committee" means the organization of officials from
2 the party states that is authorized and empowered by this compact to
3 carry out the purposes of this compact;

4 2. "Official" means the appointed, elected, designated, or
5 otherwise duly selected member of a racing commission or the
6 equivalent thereof in a party state who represents that party state
7 as a member of the compact committee;

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

10 4. "Party state" means each state that has entered this
11 compact; and

12 5. "State" means each of the several states of the United
13 States, the District of Columbia, the Commonwealth of Puerto Rico,
14 and each territory or possession of the United States.

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

16 A. This compact shall come into force when enacted by any four
17 states. Thereafter, this compact shall become effective as to any
18 other state upon the enactment of this compact by the state and the
19 affirmative vote of a majority of the officials on the compact
20 committee.

21 B. Any state that has adopted or authorized horse racing with
22 pari-mutuel wagering shall be eligible to become party to this
23 compact.
24

1 C. Any party state may withdraw from this compact by enacting a
2 statute repealing this compact, but no such withdrawal shall become
3 effective until the head of the executive branch of the withdrawing
4 state has given notice in writing of such withdrawal to the head of
5 the executive branch of all other party states. If as a result of
6 withdrawals participation in this compact decreases to less than
7 three party states, this compact no longer shall be in force and
8 effect unless and until there are at least three or more party
9 states again participating in this compact.

10 ARTICLE IV. COMPACT COMMITTEE

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

1 represent the party state as its official on the compact committee
2 until that racing commission or equivalent thereof determines that
3 the original representative official is able once again to perform
4 the duties as that party state's representative official on the
5 compact committee. The designation of an alternate shall be
6 communicated by the affected state's racing commission or equivalent
7 thereof to the compact committee as the committee's bylaws may
8 provide.

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

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

1 that are, in its judgment, comparable to those most restrictive
2 requirements;

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

1 Bureau of Investigation for a criminal history record check. Such
2 fingerprints may be submitted on a fingerprint card or by electronic
3 or other means authorized by the Federal Bureau of Investigation or
4 other receiving law enforcement agency;

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

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

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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
24 majority vote of the total number of officials or their alternates

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

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

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

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

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

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

21 J. No official of a party state or employee of the compact
22 committee shall be held personally liable for any good faith act or
23 omission that occurs during the performance and within the scope of
24 responsibilities and duties under this compact.

1 ARTICLE V. RIGHTS AND RESPONSIBILITIES

2 OF EACH PARTY STATE

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

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

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

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

1 facilities. Any party state that suspends or revokes a compact
2 committee license shall, through its racing commission or the
3 equivalent thereof or otherwise, promptly notify the compact
4 committee of that suspension or revocation.

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

7 ARTICLE VI. CONSTRUCTION AND SEVERABILITY

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

21 SECTION 2. This act shall become effective November 1, 2007.

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