

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2531

By: Floyd of the House

and

Griffin of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Oklahoma Horse Racing
12 Commission; amending 3A O.S. 2011, Section 203.3,
13 which relates to the Oklahoma Horse Racing Act;
14 authorizing the executive director of the Oklahoma
15 Horse Racing Commission to purchase motor vehicles,
16 uniforms and equipment; amending 47 O.S. 2011,
17 Section 156, which relates to purchasing motor
18 vehicles with public funds; authorizing the Horse
19 Racing Commission to purchase certain motor vehicles;
20 and providing an effective date.

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

22 SECTION 1. AMENDATORY 3A O.S. 2011, Section 203.3, is
23 amended to read as follows:

24 Section 203.3 A. The Oklahoma Horse Racing Commission shall
appoint an executive director who shall have the same qualifications
as a member of the Commission. The qualification regarding the

1 residency requirement for Commission members shall not apply to the
2 executive director. The executive director shall have experience in
3 the horse racing industry of a character and for a length of time
4 sufficient, in the opinion of the Commission, to fulfill the duties
5 required of the executive director. The Commission shall determine
6 the duties and compensation of the executive director.

7 B. The executive director shall recommend to the Commission the
8 administrative organization and the number and qualifications of
9 employees necessary without regard to race, color, gender, creed or
10 national origin, to implement the provisions of the Oklahoma Horse
11 Racing Act. A written equal opportunity plan will be developed for
12 the Commission, by the executive director as part of the
13 organizational plan. Upon approval of the organizational plan by
14 the Commission, the executive director may employ such persons as
15 are deemed necessary to implement the provisions of the Oklahoma
16 Horse Racing Act.

17 C. 1. The organizational plan adopted by the Commission shall
18 provide for a law enforcement division which shall have the
19 responsibility for conducting investigations relating to the proper
20 conduct of horse racing and the pari-mutuel system of wagering
21 including but not limited to barring undesirables from horse racing,
22 undercover investigations, fingerprinting persons licensed by the
23 Commission, and reviewing license applications. The person in
24 charge of the law enforcement division shall be a professional law

1 enforcement officer with a minimum of five (5) years of experience
2 in the field of law enforcement and a graduate of a four-year
3 college with a degree in law enforcement administration, law,
4 criminology or a related science, or in lieu thereof a minimum of
5 ten (10) years of experience in the field of law enforcement.

6 2. The officers and agents of the law enforcement division of
7 the Commission, and such other employees as the person in charge of
8 said division shall designate to perform duties in the investigation
9 and prevention of crime and the enforcement of the criminal laws of
10 the state, shall have and exercise all the powers and authority of
11 peace officers, including the right and power of search and seizure.

12 3. The Oklahoma State Bureau of Investigation shall provide
13 such information within its possession as is requested by the law
14 enforcement division of the Commission for the purpose of reviewing
15 license applications.

16 4. If upon investigation by the Commission there is substantial
17 evidence indicating that the security at any track is not
18 satisfactory, the Commission may order the organization licensee to
19 remedy the deficiency. If after ten (10) days following the order
20 the organization licensee has not remedied the deficiency, the
21 Commission may institute its own security personnel program until
22 the deficiency in security is remedied, and may charge the
23 organization licensee the actual costs incurred for said security.
24 The organization licensee may petition the Commission for a hearing

1 at any time to review the necessity of the Commission further
2 maintaining its own security personnel.

3 5. The provisions of this subsection shall not be construed to
4 restrict or prohibit any federal, state, or local law enforcement
5 officer from performing any duties imposed upon the law enforcement
6 officer by law.

7 6. The executive director is authorized to purchase and
8 maintain motor vehicles, to authorize the purchase and issuance of
9 uniforms for all law enforcement officers within the law enforcement
10 division of the Oklahoma Horse Racing Commission and to purchase and
11 issue necessary equipment for all employees of the Commission. All
12 uniforms and equipment shall be used only in the performance of the
13 official duties of the law enforcement officers and other personnel
14 of the Oklahoma Horse Racing Commission as designated by the
15 executive director and shall remain the property of the Oklahoma
16 Horse Racing Commission.

17 D. The executive director shall obtain a surety bond in the
18 amount of One Hundred Thousand Dollars (\$100,000.00) before entering
19 into the duties of the office. The surety bond shall be conditioned
20 upon the faithful performance of the duties of the executive
21 director and the proper accounting of all moneys and property
22 received by the executive director by virtue of the office. The
23 cost of the surety bond shall be paid by the Commission.

1 SECTION 2. AMENDATORY 47 O.S. 2011, Section 156, is
2 amended to read as follows:

3 Section 156. A. Unless otherwise provided for by law, no state
4 board, commission, department, institution, official, or employee,
5 except the following, shall purchase any passenger automobile or bus
6 with public funds:

- 7 1. The Department of Public Safety;
- 8 2. The Department of Human Services;
- 9 3. The State Department of Rehabilitation Services;
- 10 4. The Department of Wildlife Conservation;
- 11 5. The Department of Corrections;
- 12 6. The State Department of Education;
- 13 7. The Oklahoma School of Science and Mathematics;
- 14 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
15 Control;
- 16 9. The Oklahoma State Bureau of Investigation;
- 17 10. The Transportation Commission;
- 18 11. The Oklahoma Department of Agriculture, Food, and Forestry;
- 19 12. The State Department of Health;
- 20 13. The Department of Mental Health and Substance Abuse
21 Services;
- 22 14. The J.D. McCarty Center for Children with Developmental
23 Disabilities;
- 24 15. The Military Department of the State of Oklahoma;

- 1 16. The Oklahoma Tourism and Recreation Department;
- 2 17. The Oklahoma Conservation Commission;
- 3 18. The Oklahoma Water Resources Board;
- 4 19. The Department of Mines;
- 5 20. The Office of Juvenile Affairs;
- 6 21. The Oklahoma Department of Veteran Affairs;
- 7 22. The Oklahoma Supreme Court;
- 8 23. The District Attorneys Council and Oklahoma district
- 9 attorneys, provided adequate funding exists; ~~and~~

- 10 24. The Oklahoma Boll Weevil Eradication Organization; and
- 11 25. The Oklahoma Horse Racing Commission.

12 B. 1. The Oklahoma School for the Deaf at Sulphur, the
13 Oklahoma School for the Blind at Muskogee, and any state institution
14 of higher education may purchase, own, or keep if now owned, or
15 acquire by lease or gift, and use and maintain such station wagons,
16 automobiles, trucks, or buses as are reasonably necessary for the
17 implementation of the educational programs of said institutions.

18 2. No bus operated, owned, or used by such educational
19 institutions shall be permitted to carry any person other than
20 students, faculty members, employees, or volunteers of such
21 institutions. The provisions of this section shall not be construed
22 to prohibit:

- 23 a. the operation of intracampus buses or buses routed
- 24 directly between portions of the campus of any

1 institution not adjacent to each other, nor to
2 prohibit the collection of fares from such students,
3 faculty members, or employees of such institutions,
4 sufficient in amount to cover the reasonable cost of
5 such transportation, or

6 b. the Oklahoma School for the Blind or the Oklahoma
7 School for the Deaf from entering into agreements with
8 local public school districts pursuant to the
9 Interlocal Cooperation Act for the mutual use of the
10 schools' and the districts' vehicles. Such use may
11 include, but is not limited to, the transportation of
12 students from local school districts with students
13 from the Oklahoma School for the Blind or the Oklahoma
14 School for the Deaf in vehicles owned by the Oklahoma
15 School for the Blind or the Oklahoma School for the
16 Deaf when traveling to school-related activities.

17 C. The J.D. McCarty Center for Children with Developmental
18 Disabilities, the Oklahoma Department of Libraries, the Oklahoma
19 Department of Veterans Affairs, and the Oklahoma Veterans Centers
20 may own and maintain such passenger vehicles as those institutions
21 have acquired prior to May 1, 1981.

22 D. The use of station wagons, automobiles, and buses, other
23 than as provided for in this section, shall be permitted only upon
24 written request for such use by heads of departments of the

1 institution, approved in writing by the president of said
2 institution or by some administrative official of said institution
3 authorized by the president to grant said approval. Such use shall
4 be permitted only for official institutional business or activities
5 connected therewith. Such use shall be subject to the provisions of
6 Section 156.1 of this title forbidding personal use of such
7 vehicles, and to the penalties therein declared.

8 E. Any person convicted of violating the provisions of this
9 section shall be guilty of a misdemeanor and shall be punished by
10 fine or imprisonment, or both, as provided for in Section 156.1 of
11 this title.

12 F. For the purpose of this section and Section 156.3 of this
13 title, a station wagon is classified as a passenger automobile and
14 may not be purchased solely for the use of transporting property.
15 Such vehicles shall include, but not be limited to, all vehicles
16 which have no separate luggage compartment or trunk but which do not
17 have open beds, whether the same are called station wagons, vans,
18 suburbans, town and country, blazers, or any other names. All state
19 boards, commissions, departments, and institutions may own and
20 maintain station wagons purchased solely for the purpose of
21 transporting property if acquired prior to July 1, 1985.

22 G. The provisions of this section and Section 156.1 of this
23 title shall not apply to public officials who are statewide elected
24 commissioners.

1 SECTION 3. This act shall become effective November 1, 2014.

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3 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL
4 SERVICES, dated 02/27/2014 - DO PASS, As Amended and Coauthored.
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