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February 15, 2018

AS AMENDED

SENATE BILL NO. 1319

By: Fields of the Senate

and

Park of the House

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[ horse racing - Oklahoma Horse Racing Act -
supervisory requirements - testing - effective date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 3A O.S. 2011, Section 204, is amended to read as follows:

A. The Oklahoma Horse Racing Commission shall:

1. Have supervision of:

a. ~~all race meetings held in this state; provided, for non-pari-mutuel race meetings and training races held at non-pari-mutuel tracks jurisdiction of the Commission shall be limited to a period of time beginning twelve (12) hours before the commencement of the first race on a race day and ending four (4) hours after the finish of the last race on a race day,~~

b. all occupation and organization licensees in this state, and

1 c. all persons on the property of an organization
2 licensee; ~~provided, for non-pari-mutuel race meetings~~
3 ~~and training races held at non-pari-mutuel tracks~~
4 ~~supervision of such persons shall be limited to the~~
5 ~~period set out in subparagraph a of this paragraph;~~

6 2. Have the authority to promulgate rules for the purpose of
7 administering the provisions of the Oklahoma Horse Racing Act;

8 3. Administer and enforce the provisions of the Oklahoma Horse
9 Racing Act and the rules of the Commission;

10 4. Adjudicate controversies arising from the enforcement of the
11 provisions of the Oklahoma Horse Racing Act and the rules of the
12 Commission;

13 5. Allocate racing days of not to exceed six (6) days per
14 calendar week, dates, and hours which are in the best interests of
15 the people of this state to organization licensees;

16 6. Promulgate rules for the granting or refusing and the
17 suspension or revoking of licenses;

18 7. Promulgate rules for the holding, conducting, and operating
19 of all race meetings held in this state; provided, the rules of the
20 American Quarter Horse Association for regulation of the holding,
21 conducting and operating of non-pari-mutuel race meetings and
22 training races held at non-pari-mutuel tracks shall serve as the
23 rules for the holding, conducting and operating of non-pari-mutuel
24 race meetings and training races held at non-pari-mutuel tracks,

1 except that appeals from decisions of the stewards shall be to the
2 Commission, until such time as the Commission has promulgated
3 substantially similar rules for regulation of the holding,
4 conducting and operating of non-pari-mutuel race meetings and
5 training races held at non-pari-mutuel tracks;

6 8. Have supervision and control of the pari-mutuel machines and
7 all other equipment at all race meetings held in this state;

8 9. Check the making of pari-mutuel pools and the distribution
9 of such pools and shall:

10 a. contract with the Office of the State Auditor and
11 Inspector to conduct an annual audit and inspection of
12 live race meets in this state, and

13 b. reimburse the Office of the State Auditor and
14 Inspector for the cost of these services;

15 10. Promulgate rules governing:

16 a. bids on leases,

17 b. the rate charged by an organization licensee for
18 admission to races, and

19 c. the rate charged for the performance of any service or
20 for the sale of any article on the premises of an
21 organization licensee;

22 11. Approve all contracts and agreements for the payment of
23 money and all salaries, fees, and compensations by any organization
24 licensee;

1 12. Have the authority to exclude, or compel the exclusion,
2 from any race meeting:

3 a. any person who violates the provisions of any rule or
4 order of the Commission or any law of this state, any
5 other state, or the United States,

6 b. any person who has been previously convicted of
7 violating any law of this state, any other state, the
8 United States, or

9 c. any other person, licensed or unlicensed, whose
10 conduct or reputation is such that his or her presence
11 at the race meeting may, in the opinion of the
12 Commission reflect on the honesty and integrity of
13 horse racing or interfere with the orderly conduct of
14 the race meeting. No person shall be excluded or
15 ejected from a race meeting solely on the grounds of
16 race, color, creed, sex, national origin, or ancestry;

17 13. Have investigatory powers and authority to place attendants
18 and such other persons as may be deemed necessary by the Commission
19 in the offices, on the tracks, or in places of business of any
20 organization licensee for the purpose of determining whether an
21 organization or occupation licensee is complying with the provisions
22 of the Oklahoma Horse Racing Act and the rules of the Commission;

1 14. Have authority to acquire or contract with, or establish,
2 maintain, and operate testing laboratories and related facilities
3 for the purpose of conducting:

4 a. human substance abuse testing on occupation licensees
5 who may affect the outcome of race results. Human
6 substance abuse tests and the laboratories performing
7 such tests must meet the nationally recognized
8 standards specified in the Mandatory Guidelines for
9 Federal Workplace Drug Testing Programs adopted by the
10 United States Department of Health and Human Services.
11 The Commission may require any occupation licensee to
12 submit to a human substance abuse test if the
13 Commission has probable cause to believe that such
14 licensee is possessing or using any controlled
15 dangerous substance or any other drug in violation of
16 any federal or state law. ~~Provided, on and after July~~
17 ~~1, 1994, such testing shall be in compliance with the~~
18 ~~provisions of the Standards for Workplace Drug and~~
19 ~~Alcohol Testing Act, and~~

20 b. a saliva test, a blood test, a urine test, a hair
21 test, or other tests or combinations of tests on the
22 horses run or to be run in any race meeting. Prior to
23 the Commission entering into any contract pursuant to
24 this paragraph, the Attorney General shall review and

1 approve the contract. Any contract entered into
2 pursuant to this paragraph shall contain the
3 specifications that were in the request for bid for
4 the contract;

5 15. Approve of all proposed construction on property owned or
6 leased by an organization licensee;

7 16. Have authority to require that all financial, employment,
8 or other records of an organization licensee shall be kept in such
9 manner as prescribed by the Commission and shall be subject to
10 inspection by the Commission. The organization licensee shall
11 submit to the Commission an annual balance sheet, profit-and-loss
12 statement, and any other information the Commission deems necessary
13 in order to administer the provisions of the Oklahoma Horse Racing
14 Act;

15 17. Have the authority to suspend or revoke a license or impose
16 fines in amounts not to exceed Ten Thousand Dollars (\$10,000.00)
17 against individuals for each violation and in amounts not to exceed
18 Twenty Thousand Dollars (\$20,000.00) against organization licensees
19 for each violation of any provision of the Oklahoma Horse Racing
20 Act, any rules adopted by the Commission, or any order of the
21 Commission, or for any other action which, in the discretion of the
22 Commission, is a detriment or impediment to horse racing or both
23 such suspension or revocation and fine. Each day upon which such
24

1 violation or other action by the organization licensee occurs shall
2 constitute a separate offense;

3 18. Have authority to suspend a horse from participating in
4 races if the horse has been involved in any violation of the rules
5 promulgated by the Commission or the provisions of the Oklahoma
6 Horse Racing Act; and

7 19. Prepare and submit an annual report to the Governor, the
8 Speaker of the House of Representatives, and the President Pro
9 Tempore of the Senate. The report shall include an account of the
10 operations, actions, and orders of the Commission, and an accounting
11 of all revenue received by the Commission.

12 B. 1. The Commission may delegate to stewards or the Executive
13 Director, those of its powers and duties as it deems necessary to
14 fully implement and effectuate the purposes of the Oklahoma Horse
15 Racing Act.

16 2. The Commission, upon appeal or due consideration, may
17 overrule any decision of a steward except decisions regarding
18 disqualifications for interference during the running of a race if a
19 preponderance of evidence indicates:

- 20 a. the stewards mistakenly interpreted the law,
21 b. new evidence of a convincing nature is produced, or
22 c. the best interests of racing and the state may be
23 better served.

24

1 3. Any decision pertaining to the finish of a race, as used for
2 purposes of pari-mutuel pool distribution to winning ticket holders,
3 may not be overruled. Any decision pertaining to the distribution
4 of purses may be changed only if a claim is made in writing to the
5 Commission by one of the involved owners or trainers, and a
6 preponderance of evidence clearly indicates to the Commission that
7 one or more of the grounds for protest, as provided for in the rules
8 prepared by the Commission, has been substantiated.

9 SECTION 2. This act shall become effective November 1, 2018.

10 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
11 February 15, 2018 - DO PASS AS AMENDED
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