

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1319

By: Fields

AS INTRODUCED

An Act relating to horse racing; amending 3A O.S. 2011, Section 204, which relates to the Oklahoma Horse Racing Act; modifying supervisory requirements; modifying requirements for certain testing; and providing an effective date.

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,~~

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

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

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

10 3. Administer and enforce the provisions of the Oklahoma Horse
11 Racing Act and the rules of the Commission;

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

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

18 6. Promulgate rules for the granting or refusing and the
19 suspension or revoking of licenses;

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

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

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

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

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

15 b. reimburse the Office of the State Auditor and
16 Inspector for the cost of these services;

17 10. Promulgate rules governing:

18 a. bids on leases,

19 b. the rate charged by an organization licensee for
20 admission to races, and

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

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1 11. Approve all contracts and agreements for the payment of
2 money and all salaries, fees, and compensations by any organization
3 licensee;

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

6 a. any person who violates the provisions of any rule or
7 order of the Commission or any law of this state, any
8 other state, or the United States,

9 b. any person who has been previously convicted of
10 violating any law of this state, any other state, the
11 United States, or

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

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

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

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

22 b. a saliva test, a blood test, a urine test, a hair
23 test, or other tests or combinations of tests on the
24 horses run or to be run in any race meeting. Prior to

1 the Commission entering into any contract pursuant to
2 this paragraph, the Attorney General shall review and
3 approve the contract. Any contract entered into
4 pursuant to this paragraph shall contain the
5 specifications that were in the request for bid for
6 the contract;

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

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

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

1 such suspension or revocation and fine. Each day upon which such
2 violation or other action by the organization licensee occurs shall
3 constitute a separate offense;

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

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

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

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

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

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.

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