

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 755

By: Rader

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7 AS INTRODUCED

8 An Act relating to Horsemen's Bookkeeper; amending 3A
9 O.S. 2011, Section 208.13, as amended by Section 1,
Chapter 27, O.S.L. 2014 (3A O.S. Supp. 2020, Section
10 208.13), which relates to records; providing for
certain records to be audited yearly by a certified
11 public accounting firm; requiring certified public
accounting firm to undertake surprise audits during
12 certain times at track; directing payment on certain
pro-rata basis; providing an effective date; and
13 declaring an emergency.

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

16 SECTION 1. AMENDATORY 3A O.S. 2011, Section 208.13, as
17 amended by Section 1, Chapter 27, O.S.L. 2014 (3A O.S. Supp. 2020,
18 Section 208.13), is amended to read as follows:

19 Section 208.13. A. Each organization licensee shall utilize a
20 Horsemen's Bookkeeper who shall, at a minimum, maintain the records
21 and accounts prescribed in this section or in the rules of the
22 Oklahoma Horse Racing Commission. The Horsemen's Bookkeeper may be
23 an employee of the organization licensee, may be employed jointly by
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1 two or more organization licensees, or may be an entity which
2 contracts with one or more organization licensees.

3 B. The records of the Horsemen's Bookkeeper shall include the
4 following:

5 1. The name, mailing address, social security number or federal
6 tax identification number, and the state or country of residence of
7 each horse owner, trainer, and jockey participating at a race
8 meeting who has funds due or on deposit in a horsemen's account; and

9 2. All statements of partnerships, syndicates, corporations,
10 assignments of interest, lease agreements, and registrations of
11 authorized agents.

12 C. All records of the Horsemen's Bookkeeper shall be kept
13 separate from the records of the organization licensee or licensees.

14 D. All funds on account with the Horsemen's Bookkeeper shall be
15 maintained as follows:

16 1. In one or more trust accounts which are separate from all
17 accounts of the organization licensee with each designated as a
18 "Horsemen's Trust Account"; and

19 2. In trust accounts which are fully insured by the Federal
20 Deposit Insurance Corporation or the Federal Savings and Loan
21 Insurance Corporation.

22 E. 1. The Horsemen's Bookkeeper shall receive, maintain, and
23 disburse the purses of each race and all stakes, entrance money,
24 jockey fees, purchase money in claiming races, along with all

1 applicable taxes and other monies that properly come into the
2 possession of the Horsemen's Bookkeeper.

3 2. All disbursements pursuant to this subsection shall be made
4 within forty-eight (48) hours of approval by the stewards unless a
5 protest or appeal has been filed with the stewards or the
6 Commission, except that minimum jockey mount fees may be disbursed
7 prior to such approval. All disbursements subject to a protest or
8 appeal shall be made within forty-eight (48) hours of receipt of a
9 dismissal or a final non-appealable order disposing of such protest
10 or appeal.

11 3. Except as otherwise provided in this subsection and in the
12 absence of a prior request, all disbursements pursuant to this
13 subsection shall be made within fifteen (15) days after the last
14 race day of the race meeting. Disbursements made by the Horsemen's
15 Bookkeeper for an amount less than Fifty Dollars (\$50.00) and which
16 remain uncashed after a period of not less than three (3) years may
17 be canceled by the Horsemen's Bookkeeper with the approval of the
18 official horsemen's representative organization and the Oklahoma
19 Horse Racing Commission provided the funds are credited back for use
20 as a payment of purses for participating horses of the same breed.

21 F. The Horsemen's Bookkeeper may accept, hold, and pay monies
22 due and belonging to other organizations, licensees, or meetings;
23 provided, prompt payment or return shall be made to the person or
24 entity to which it is due.

1 G. All records of the Horsemen's Bookkeeper shall be subject to
2 inspection and audit by the Commission at any time. The records of
3 the Horsemen's Bookkeeper shall be audited yearly by a certified
4 public accounting firm chosen by the organization's licensees. The
5 certified public accounting firm shall have authority to undertake
6 surprise audits at a track during normal business hours to examine
7 the funds received or disbursed by the Horsemen's Bookkeeper on a
8 given day.

9 H. The Horsemen's Bookkeeper and the organization licensee or
10 licensees employing the Horsemen's Bookkeeper shall be subject to
11 disciplinary action by the Commission.

12 I. The Horsemen's Bookkeeper, each organization licensee
13 employing the Horsemen's Bookkeeper, and the managing officers of
14 each organization licensee employing the Horsemen's Bookkeeper,
15 shall be jointly and severally responsible to ensure that the
16 amounts retained from the pari-mutuel handle are distributed
17 according to the Oklahoma Horse Racing Act and the orders and rules
18 of the Commission.

19 J. The services of the certified public accounting firm
20 provided in subsection G of this section shall be paid by the track
21 and the horsemen's association on a pro-rata basis.

22 SECTION 2. This act shall become effective July 1, 2021.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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