

1 ENGROSSED SENATE  
2 BILL NO. 1319

By: Fields of the Senate

3 and

4 Park of the House

5  
6 [ horse racing - Oklahoma Horse Racing Act -  
7 supervisory requirements - testing - effective date ]  
8

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

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

12 Section 204. A. The Oklahoma Horse Racing Commission shall:

13 1. Have supervision of:

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

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

23 c. all persons on the property of an organization  
24 licensee; ~~provided, for non-pari-mutuel race meetings~~

1           ~~and training races held at non-pari-mutuel tracks~~  
2           ~~supervision of such persons shall be limited to the~~  
3           ~~period set out in subparagraph a of this paragraph;~~

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

6           3. Administer and enforce the provisions of the Oklahoma Horse  
7 Racing Act and the rules of the Commission;

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

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

14           6. Promulgate rules for the granting or refusing and the  
15 suspension or revoking of licenses;

16           7. Promulgate rules for the holding, conducting, and operating  
17 of all race meetings held in this state; provided, the rules of the  
18 American Quarter Horse Association for regulation of the holding,  
19 conducting and operating of non-pari-mutuel race meetings and  
20 training races held at non-pari-mutuel tracks shall serve as the  
21 rules for the holding, conducting and operating of non-pari-mutuel  
22 race meetings and training races held at non-pari-mutuel tracks,  
23 except that appeals from decisions of the stewards shall be to the  
24 Commission, until such time as the Commission has promulgated

1 substantially similar rules for regulation of the holding,  
2 conducting and operating of non-pari-mutuel race meetings and  
3 training races held at non-pari-mutuel tracks;

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

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

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

11 b. reimburse the Office of the State Auditor and  
12 Inspector for the cost of these services;

13 10. Promulgate rules governing:

14 a. bids on leases,

15 b. the rate charged by an organization licensee for  
16 admission to races, and

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

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

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

- 1 a. any person who violates the provisions of any rule or  
2 order of the Commission or any law of this state, any  
3 other state, or the United States,  
4 b. any person who has been previously convicted of  
5 violating any law of this state, any other state, the  
6 United States, or  
7 c. any other person, licensed or unlicensed, whose  
8 conduct or reputation is such that his or her presence  
9 at the race meeting may, in the opinion of the  
10 Commission reflect on the honesty and integrity of  
11 horse racing or interfere with the orderly conduct of  
12 the race meeting. No person shall be excluded or  
13 ejected from a race meeting solely on the grounds of  
14 race, color, creed, sex, national origin, or ancestry;

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

21 14. Have authority to acquire or contract with, or establish,  
22 maintain, and operate testing laboratories and related facilities  
23 for the purpose of conducting:  
24

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

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

1 specifications that were in the request for bid for  
2 the contract;

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

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

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

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

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

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

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

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

22 3. Any decision pertaining to the finish of a race, as used for  
23 purposes of pari-mutuel pool distribution to winning ticket holders,  
24 may not be overruled. Any decision pertaining to the distribution

