

# Enrolled Senate Bill 198

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CHAPTER .....

AN ACT

Relating to Oregon Racing Commission licensing actions.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 462.700 to 462.740.**

**SECTION 2. (1) Notwithstanding ORS 183.430 (1), the Oregon Racing Commission may, without prior notice, suspend or refuse to renew a license authorized under ORS 462.725 without hearing if the commission finds that the licensee has committed a violation of federal or Oregon law or commission rules, that has placed moneys belonging to members of the public at risk.**

**(2) Notwithstanding ORS 183.430 (1), the Oregon Racing Commission may, with at least 14 days' notice, suspend or refuse to renew a license authorized under ORS 462.725 without hearing if the commission finds that the licensee has committed an intentional violation of federal or Oregon law or commission rules.**

**(3)(a) If the licensee demands a hearing prior to the date an order to suspend or refuse renewal of a license becomes effective, the commission:**

**(A) May stay the order; and**

**(B) Shall grant the licensee a hearing as soon as practicable, but no later than 15 days after receipt of the demand.**

**(b) If the commission stays the order pending the hearing, and the licensee demonstrates that the licensee was not in violation of or has come into compliance with the applicable law or rule, the proposed suspension or refusal to renew the license may not become effective.**

**(4) The commission order suspending or refusing to renew the license under subsection (1) or (2) of this section must set forth the facts that the commission found to support the suspension or refusal of renewal. Except as provided in subsection (6) of this section, if the licensee demands a hearing within 90 days after the date on the notice informing the licensee of the suspension or refusal to renew the license, the commission shall grant the licensee a hearing as soon as practicable, but no later than 15 days after receipt of the demand.**

**(5) The Office of Administrative Hearings shall issue a proposed order no later than 15 days after the hearing record closes. Notwithstanding ORS 183.464, the commission shall issue a final order no later than 15 days after issuance of the proposed order or, if exceptions are filed, no later than 15 days after all exceptions are filed.**

(6) The commission and the licensee may mutually agree to extend any time allowed under subsection (4) or (5) of this section for granting a hearing or issuing an order. The commission is not required to provide a hearing under subsection (4) of this section if the order suspending or refusing to renew the license:

(a) Is accompanied by, or pursuant to, a citation for violation that is subject to judicial determination in a court of this state; and

(b) Will, by the terms of the order, terminate if the court issues a final judgment on the citation in favor of the licensee.

(7) The commission shall adopt rules that require licensees to meet specific financial obligations.

**SECTION 3.** Section 2 of this 2009 Act applies to Oregon Racing Commission orders or notices that are based upon law or commission rule violations committed on or after the effective date of this 2009 Act.

Passed by Senate March 5, 2009

Received by Governor:

Repassed by Senate June 5, 2009

.....M.,....., 2009

Approved:

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Secretary of Senate

.....M.,....., 2009

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President of Senate

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Governor

Passed by House June 2, 2009

Filed in Office of Secretary of State:

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Speaker of House

.....M.,....., 2009

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Secretary of State