

B-Engrossed
Senate Bill 198

Ordered by the House May 22
Including Senate Amendments dated March 3 and House Amendments
dated May 22

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Oregon Racing Commission)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes Oregon Racing Commission, without prior hearing **and, in specified circumstance, without notice**, to suspend or refuse to renew licenses issued to Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs or hub officers or employees for certain violations of law or commission rules.

A BILL FOR AN ACT

1
2 Relating to Oregon Racing Commission licensing actions.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 462.700 to**
5 **462.740.**

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

11 **(2) Notwithstanding ORS 183.430 (1), the Oregon Racing Commission may, with at least**
12 **14 days' notice, suspend or refuse to renew a license authorized under ORS 462.725 without**
13 **hearing if the commission finds that the licensee has committed an intentional violation of**
14 **federal or Oregon law or commission rules.**

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

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

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

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

23 **(4) The commission order suspending or refusing to renew the license under subsection**
24 **(1) or (2) of this section must set forth the facts that the commission found to support the**
25 **suspension or refusal of renewal. Except as provided in subsection (6) of this section, if the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 licensee demands a hearing within 90 days after the date on the notice informing the licensee
2 of the suspension or refusal to renew the license, the commission shall grant the licensee a
3 hearing as soon as practicable, but no later than 15 days after receipt of the demand.

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

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

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

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

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

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

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