

Requested by Representative GOMBERG

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3514**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest  
2 of the line and insert “creating new provisions; amending ORS 462.010,  
3 462.020, 462.030, 462.040, 462.057, 462.067, 462.070, 462.075, 462.110, 462.125,  
4 462.140, 462.155, 462.510, 462.710 and 462.725 and section 2, chapter 77, Oregon  
5 Laws 2022; and repealing ORS 462.135.”.

6 Delete lines 4 through 29 and delete page 2 and insert:

7 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part**  
8 **of ORS chapter 462.**

9 **“SECTION 2. (1) No person may wager money or any other thing**  
10 **of value on the outcome of a greyhound race.**

11 **“(2) Nothing in this section prohibits a Multi-Jurisdictional**  
12 **Simulcasting and Interactive Wagering Totalizator Hub licensed under**  
13 **ORS 462.725 from accepting or facilitating mutuel wagers on**  
14 **greyhound races from persons outside the state.**

15 **“SECTION 3. ORS 462.725, as amended by section 1, chapter 77, Oregon**  
16 **Laws 2022, is amended to read:**

17 **“462.725. (1) Notwithstanding any other provision of this chapter, the**  
18 **Oregon Racing Commission may adopt rules to:**

19 **“(a) License and regulate all phases of operation of Multi-Jurisdictional**  
20 **Simulcasting and Interactive Wagering Totalizator Hubs located in Oregon;**  
21 **and**

1 “(b) Authorize and license Multi-Jurisdictional Simulcasting and Interac-  
2 tive Wagering Totalizator Hubs to conduct simulcast broadcasting of, and  
3 mutuel wagering on, animal races, including previously held races on which  
4 mutuel wagering is lawful in Oregon, **subject to subsections (7) to (9) of**  
5 **this section.**

6 “(2) In addition to the other rules of operation adopted by the commission,  
7 the commission shall adopt a rule setting the amount that may be taken from  
8 the gross receipts of the multi-jurisdictional mutuel system.

9 “(3) All employees working in Oregon and all officers of any Multi-  
10 Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs lo-  
11 cated and operating in Oregon must obtain a license from the commission  
12 prior to the commencement of business or employment. The commission shall  
13 adopt rules establishing license fees for the employees and officers, not to  
14 exceed \$30 per year.

15 “(4) Payments to be made to the commission include:

16 “(a) Multi-Jurisdictional Simulcasting and Interactive Wagering  
17 Totalizator Hub license fee not more than \$200 per operating day.

18 “(b) Not more than one percent of total gross receipts of mutuel wagering  
19 recorded by the totalizator system.

20 “(5) Of the moneys received by the commission under subsection (4)(b) of  
21 this section, 25 percent shall be paid to the State Treasurer for deposit in  
22 the General Fund and 75 percent shall be retained by the commission. The  
23 commission may adopt rules under which the moneys retained by the com-  
24 mission may be distributed for the benefit of the Oregon pari-mutuel racing  
25 industry.

26 “(6) Wagers on previously held races authorized under subsection (1) of  
27 this section are subject to the provisions of ORS 462.157.

28 “(7) A Multi-Jurisdictional Simulcasting and Interactive Wagering  
29 Totalizator Hub licensee may **not** establish an account for wagering on  
30 greyhound racing for an individual [*unless*] **if** wagering on live greyhound

1 racing is unlawful in the jurisdiction of the individual’s principal residence.

2 “(8) **A Multi-Jurisdictional Simulcasting and Interactive Wagering**  
3 **Totalizator Hub licensee may not accept or facilitate mutuel wagers**  
4 **on greyhound races held at race courses in Mexico.**

5 “(9) **After July 1, 2029, a Multi-Jurisdictional Simulcasting and**  
6 **Interactive Wagering Totalizator Hub licensee may not accept or fa-**  
7 **cilitate mutuel wagers on greyhound racing.**

8 “**SECTION 4.** Section 2, chapter 77, Oregon Laws 2022, is amended to  
9 read:

10 “**Sec. 2.** (1) On or before February 1 of each year, the Oregon Racing  
11 Commission shall provide a report to the Legislative Assembly in the form  
12 required under ORS 192.245 on greyhound race wagers made in Oregon.

13 “(2) The report must include:

14 “(a) **The number of full-time equivalent employees engaged in the**  
15 **regulation of wagering on greyhound racing;**

16 “(b) **An itemized list of expenditures, including human resources**  
17 **and operational costs, made for the purpose of regulating wagering on**  
18 **greyhound racing;**

19 “[a] *The amount wagered on greyhound races in Oregon in the last cal-*  
20 *endar year;*]

21 “(c) **The total amount of wagers on greyhound races that were ac-**  
22 **cepted or facilitated by Multi-Jurisdictional Simulcasting and Inter-**  
23 **active Wagering Totalizator Hub licensees in the last calendar year;**

24 “[b] (d) The total amount of state revenue derived from greyhound rac-  
25 ing in the last calendar year;

26 “[c] (e) The race courses that hosted greyhound races on which wagers  
27 were accepted **or facilitated** [*in Oregon*] **by Multi-Jurisdictional**  
28 **Simulcasting and Interactive Wagering Totalizator Hub licensees** in the  
29 last calendar year; [*and*]

30 “[d] (f) Any regulatory rulings relating to race courses described in

1 paragraph [(c)] (e) of this subsection, made by the regulatory bodies govern-  
2 ing those race courses[, *of which the commission is aware.*]; **and**

3 **“(g) All available data on the total number of greyhound injuries**  
4 **that occurred in the last calendar year at race courses described in**  
5 **paragraph (e) of this subsection.**

6 **“SECTION 5.** ORS 462.010 is amended to read:

7 “462.010. As used in this chapter, unless the context otherwise requires:

8 “(1) ‘Breaks’ means the odd cents remaining after the payoff prices have  
9 been computed in accordance with ORS 462.140 (3).

10 “(2) ‘Calendar year’ means a 12-month year, January 1 through December  
11 31.

12 “(3) ‘Commission’ means the Oregon Racing Commission.

13 “(4) ‘Continuous race meet’ includes any exhibition of animal racing  
14 continuously at the same race course by two or more licensees where the  
15 mutuel system is used in conjunction with any race.

16 “(5) ‘Drug’ means any narcotic, sedative, anesthetic, analgesic, drug or  
17 other medication of any kind or description intended for use in any manner,  
18 directly or indirectly, internally or externally, in the diagnosis, treatment,  
19 mitigation or cure of injury or disease or for use in the prevention of disease  
20 that could affect, in any manner, the racing condition or performance of an  
21 animal as a depressant, stimulant, local anesthetic, analgesic, sedative or  
22 otherwise. ‘Drug’ includes:

23 “(a) Substances, other than foods, intended to affect the structure or any  
24 function of the body of the animal and all substances affecting the central  
25 nervous system, respiratory system or blood pressure of any animal other  
26 than vitamins or supplemental feeds; and

27 “(b) Any identified substance that can affect or interfere with the true  
28 and accurate testing and analysis of blood, saliva, urine or other samples  
29 taken from racing animals.

30 “(6) ‘Fiscal year’ means a 12-month year, as described in ORS 293.605.

1 “(7) ‘Gross mutuel wagering’ means all mutuel wagering that is made in  
2 person:

3 “(a) At the race course of a race meet licensee;

4 “(b) At an off-race course mutuel wagering location approved by the  
5 commission; or

6 “(c) Through account wagering authorized under ORS 462.142.

7 “(8) ‘Licensee’ means a person, partnership, corporation, political subdi-  
8 vision, municipal corporation or any other body holding a license under this  
9 chapter.

10 “(9) ‘Mutuel’ means a system whereby:

11 “(a) Wagers with respect to the outcome of a race are placed with a  
12 wagering pool in which the participants are not wagering against the oper-  
13 ator; and

14 “(b) The operator distributes to one or more winning participants the  
15 total amount in the wagering pool, less amounts deducted by the operator  
16 as approved by the commission.

17 “(10) ‘Public training track’ means any race course or other facility that  
18 is available or open to the public for use in the training or schooling of  
19 racing animals.

20 “(11) ‘Race’ means any race conducted in a race meet. ‘Race’ includes  
21 races conducted without wagering, provided one or more races in the meet  
22 are conducted with wagering.

23 “(12) ‘Race course’ means all the premises used in connection with the  
24 conduct of a race meet, including but not limited to, the race track, grand-  
25 stands, paddock, stables[, kennels] and all other buildings and grounds adja-  
26 cent to or appurtenant to the physical limits of the race track.

27 “(13) ‘Race meet’ means any exhibition of animal racing where the mutuel  
28 system is used in conjunction with any race.

29 **“SECTION 6.** ORS 462.020 is amended to read:

30 “462.020. (1) A person may not hold a race meet without having first ob-

1 tained and having in full force and effect a license therefor issued by the  
2 Oregon Racing Commission.

3 “(2) A trainer, driver, jockey, apprentice jockey, horse owner, [*dog*  
4 *owner,*] exercise person, agent, authorized agent, jockey’s agent, stable fore-  
5 man, groom, valet, veterinarian, horseshoer, steward, stable guard, starter,  
6 timer, judge or other person acting as a participant or official at any race  
7 meet, including all employees of the pari-mutuel department, may not par-  
8 ticipate in race meets without having first obtained and having in full force  
9 and effect a license issued by the commission, pursuant to such rules as the  
10 commission shall make. The commission by rule may require other employees  
11 of a race meet licensee who are engaged in or performing duties at the race  
12 course to obtain a license issued by the commission prior to engaging or  
13 performing such duties. The commission by rule may also require persons,  
14 including corporations, who are not employees of a race meet licensee, but  
15 who are authorized to do business at the race course, to obtain a license is-  
16 sued by the commission prior to conducting such business.

17 “(3) A person may not operate a public training track [*or public kennel*  
18 *for greyhounds participating in a race meet*] without having first obtained and  
19 having in full force and effect a license issued by the commission.

20 “(4) The commission may require each applicant for a license to be pho-  
21 tographed and shall require each applicant to be fingerprinted as part of the  
22 licensing procedure for the purpose of requesting a state or nationwide  
23 criminal records check under ORS 181A.195.

24 “(5) Each person holding a license under this chapter shall comply with  
25 all rules and orders of the commission.

26 “(6) Notwithstanding the requirements of subsection (2) of this section,  
27 the commission, upon receipt of a written application for a license on forms  
28 provided by the commission, may in its sound discretion issue a temporary  
29 license valid for a period not to exceed 10 days pending final approval or  
30 disapproval of the written application for a license.

1       **SECTION 7.** ORS 462.030 is amended to read:

2       “462.030. No person is eligible to operate a race meet with a license issued  
3 under this chapter unless the person is the owner or controls the possession  
4 of a properly constructed race track suitable for the [*class of*] races which  
5 are proposed to be conducted at such race track and improved with safe and  
6 suitable grandstands, equipped with reasonably sanitary accommodations,  
7 adequate stables for livestock together with adequate fire protection equip-  
8 ment, and such other proper improvements as in the judgment of the Oregon  
9 Racing Commission may be required, taking into consideration the location  
10 of such race track and the probable capacity requirements to accommodate  
11 the crowd and the number of people that will reasonably be expected to oc-  
12 cupy the grandstands and attend the race meets.

13       **SECTION 8.** ORS 462.040, as amended by section 3, chapter 77, Oregon  
14 Laws 2022, is amended to read:

15       “462.040. (1) Race meet licenses granted by the Oregon Racing Commis-  
16 sion shall be limited to[:]

17       “[(a)] licenses for horse and mule race meets [(Class A)].

18       “[(b)] *Licenses for greyhound race meets (Class B).*]

19       “[(2)(a)] *Except as the commission otherwise may provide by rule, no licensee*  
20 *shall be granted licenses of both classes nor shall licenses be issued for more*  
21 *than one class of racing on the same race course, track or location.*]

22       “[(b)] *In adopting rules to carry out the provisions of this subsection, the*  
23 *commission shall consider, among other matters, the impact on existing race*  
24 *meet licensees in the county in which application for a license referred to in*  
25 *paragraph (a) of this subsection is made.*]

26       “[(3)] *The commission may not grant any license for greyhound race meets*  
27 *after July 1, 2022.*]

28       “[(4)] **(2)** The license shall specify the number of days the race meet shall  
29 continue and the number of races per day.

30       **SECTION 9.** ORS 462.057 is amended to read:

1       “462.057. (1) A race meet licensee designated in subsection (2) of this  
2 section shall make payments as follows:

3       “(a) License fee — \$25 per fiscal year payable to the Oregon Racing  
4 Commission.

5       “*[(b) A percentage of gross mutuel wagering shall be paid to the commis-*  
6 *sion as follows:]*

7       “*[(A) If the race meet is for horses or mules — one percent.]*

8       “*[(B) If the race meet is for greyhounds — 1.6 percent.]*

9       “**(b) One percent of gross mutual wagering payable to the commis-**  
10 **sion.**

11       “(c) If [*the race meet is for horses or mules and*] the average daily gross  
12 mutuel wagering during the preceding fiscal year exceeded \$150,000, a per-  
13 centage of the gross mutuel wagering shall be paid as follows:

14       “(A) To purses — such amount, subject to prior approval by the commis-  
15 sion, as the race meet licensee and the horse owners, or mule owners if the  
16 race is for mules, may agree upon, plus an additional 0.1 percent. The addi-  
17 tional 0.1 percent shall not become part of the regular purse account but  
18 shall be used only to supplement purses of races consisting exclusively of  
19 Oregon bred horses or mules;

20       “(B) To the Oregon Thoroughbred Owners and Breeders Association, In-  
21 corporated, purse supplements for owners of Oregon bred thoroughbred  
22 horses — one percent of gross mutuel wagering on thoroughbred horse races,  
23 to be apportioned among the owners in the same ratio that each owner’s  
24 purses for Oregon bred thoroughbred horses for the race meet bears to the  
25 total purses for Oregon bred thoroughbred horses for the race meet;

26       “(C) To the Oregon Quarter Horse Racing Association, Incorporated,  
27 purse supplements for owners of Oregon bred quarter horses — one percent  
28 of gross mutuel wagering on quarter horse races, to be apportioned among  
29 the owners in the same ratio that each owner’s purses for Oregon bred  
30 quarter horses for the race meet bears to the total purses for Oregon bred



1 quarter horses for the race meet;

2 “(D) To each association of horse or mule owners, trainers or breeders  
3 recognized by the commission as representing the other breeds of horses or  
4 mules not designated in subparagraphs (B) and (C) of this paragraph, purse  
5 supplements for owners of other Oregon bred horses or mules, not designated  
6 in subparagraphs (B) and (C) of this paragraph, one percent of gross mutuel  
7 wagering for races of other horses or mules, to be apportioned among the  
8 owners in the same ratio that each owner’s purses for other Oregon bred  
9 horses or mules for the race meet bears to the total purses for other Oregon  
10 bred horses or mules for the race meet;

11 “(E) Subject to prior approval of the commission, each horse or mule  
12 owners, trainers or breeders association designated in subparagraphs (B), (C)  
13 and (D) of this paragraph may use a portion of the purse supplements as  
14 operating expenses only for receipt, handling and payment of these funds;  
15 and

16 “(F) To a special track fund to be used primarily for improving the race  
17 track facilities benefiting the horse and mule owners, trainers or breeders  
18 in the barn area — 0.2 percent. All such funds shall be retained by the  
19 licensee in a separate account from all other funds and no disbursements or  
20 transfers shall be made therefrom without prior approval of the commission.  
21 All physical improvements paid from such funds shall satisfy reasonable fire,  
22 health, quality and construction standards established or approved by the  
23 commission. Unless the commission provides otherwise, such improvements  
24 shall be made on the race course where the race meet which created the fund  
25 was held.

26 “[*d*] If the race meet is for greyhounds, a percentage of the gross mutuel  
27 wagering shall be paid as follows:]

28 “[*A*] To a special fund to be used primarily for the development and op-  
29 eration of a training track and related facilities upon which to train  
30 greyhounds — 0.1 percent. All such funds shall be retained by the licensee in

1 a separate account from all other funds and no disbursements or transfers  
2 shall be made therefrom without prior approval of the commission. All physical  
3 improvements paid from such funds shall satisfy reasonable fire, health, qual-  
4 ity and construction standards established or approved by the commission.  
5 Unless the commission provides otherwise, such improvements shall be made  
6 on the race course of the race meet licensee; and]

7 “[B) To the Oregon Greyhound Breeders Association, Incorporated, purse  
8 supplements for owners of Oregon bred greyhounds — 0.5 percent of gross  
9 mutuel wagering, to be apportioned among the owners, in accordance with the  
10 rules of the commission and subject to approval by the commission, in the same  
11 ratio that each owner’s purses for Oregon bred greyhounds for the race meet  
12 bears to the total purses for Oregon bred greyhounds for the race meet.]

13 “(2) Licensees subject to the provisions of this section are:

14 “(a) The Pendleton Roundup.

15 “(b) The Eastern Oregon Livestock Fair.

16 “(c) The Pacific International Livestock Exposition.

17 “(d) Any county fair.

18 “(e) All other nonprofit, fair-type associations which conducted a licensed  
19 race meet in calendar year 1968 or 1969.

20 “(f) The Pine Valley Fair Association.

21 **“SECTION 10.** ORS 462.067 is amended to read:

22 “462.067. All licensees of race meets except those subject to ORS 462.057  
23 and 462.062 shall make payments as follows:

24 “(1) License fee — \$100 per racing day, payable to the Oregon Racing  
25 Commission.

26 “(2) Percentage of gross mutuel wagering payable to the commission —  
27 1.6 percent.

28 “[3) Percentage of gross mutuel wagering on greyhound races payable to  
29 the Oregon Greyhound Breeders Association, Incorporated — 0.5 percent for  
30 purse supplements for owners of Oregon bred greyhounds, to be apportioned

1 among the owners, in accordance with the rules of the commission and subject  
2 to approval by the commission, in the same ratio that each owner's purses for  
3 Oregon bred greyhounds for the race meet bears to the total purses for Oregon  
4 bred greyhounds for the race meet. Subject to the prior written approval of the  
5 commission, the Oregon Greyhound Breeders Association, Incorporated, may  
6 use a portion of the funds received pursuant to this section and ORS 462.057  
7 (1)(d)(B) to offset expenses for receipt, accounting, handling and payment of  
8 those funds.]

9 “[4] To a special fund to be used primarily for the development and oper-  
10 ation of a training track and related facilities upon which to train greyhounds  
11 — 0.1 percent. All such funds shall be retained by the licensee in a separate  
12 account from all other funds and no disbursements or transfers shall be made  
13 therefrom without prior approval of the commission. All physical improvements  
14 paid from such funds shall satisfy reasonable fire, health, quality and con-  
15 struction standards established or approved by the commission. Unless the  
16 commission provides otherwise, such improvements shall be made on the race  
17 course of the race meet licensee.]

18 **“SECTION 11.** ORS 462.070 is amended to read:

19 “462.070. (1) The Oregon Racing Commission may adopt rules establishing  
20 license fees for persons described in ORS 462.020 (2), not to exceed \$30 per  
21 year. Prior to adopting a rule that establishes a fee for a license, the com-  
22 mission shall review the fees charged for similar licenses in other states. The  
23 commission also may charge a reasonable fee for claiming certificates in an  
24 amount not to exceed \$10.

25 “(2) The license fee per fiscal year for operators of public training tracks  
26 [or kennels] required to be licensed under ORS 462.020 (3) shall be:

27 “(a) For the Oregon State Fair or a county or district fair, \$10.

28 “(b) For all other operators of public training tracks [or kennels], \$25.

29 “(3) The commission may by rule provide for a license that is issued to  
30 a person described in ORS 462.020 (2) to be valid for one, two or three years

1 from date of issuance. The commission may fix the expiration date of the li-  
2 cense and may prorate the fee established for the license.

3 **“SECTION 12.** ORS 462.075 is amended to read:

4 “462.075. (1) The Oregon Racing Commission may refuse to issue to or  
5 renew the license of any applicant if it has reasonable ground to believe that  
6 the applicant:

7 “(a) Has been suspended or ruled off a recognized course in another ju-  
8 risdiction by the racing board or commission thereof.

9 “(b) Is not of good repute and moral character.

10 “(c) Does not have, when previously licensed, a good record of compliance  
11 with the racing or gaming laws of this state or of any other state and with  
12 the rules of the commission or of any other racing or gaming commission.

13 “(d) If the applicant is a corporation, firm or association, is not duly au-  
14 thorized to conduct business within the State of Oregon.

15 “(e) If an individual, has been convicted of a crime involving moral  
16 turpitude or of any gambling or gambling-related offense, or, if a corporation,  
17 firm or association, is in whole or in part controlled or operated directly or  
18 indirectly by a person who has been convicted of a crime involving moral  
19 turpitude or of any gambling or gambling-related offense.

20 “(f) If an individual, is engaged in wagering by other than the mutuel  
21 method or in pool selling or bookmaking in any state of the United States  
22 or foreign country or, if a corporation, firm or association, is in whole or in  
23 part controlled or operated directly or indirectly by a person who is engaged  
24 in wagering by other than the mutuel method or in pool selling or  
25 bookmaking in any state of the United States or foreign country.

26 “(g) Has been found guilty by the commission of a violation of this  
27 chapter or any rules of the commission.

28 “(h) Should not, in the best interest of the safety, welfare, health, peace  
29 and morals of the people of the state, be granted a license.

30 “(2) The commission may refuse to issue or renew a license to conduct a

1 race meet for any ground set forth in subsection (1) of this section or if it  
2 has reasonable ground to believe any of the following to be true:

3 “(a) That the applicant is not possessed of or has not demonstrated fi-  
4 nancial responsibility sufficient to meet adequately the requirements of the  
5 enterprise proposed to be licensed.

6 “(b) That the applicant is not the true owner of the enterprise proposed  
7 to be licensed, that other persons have ownership in the enterprise which  
8 has not been disclosed or, if the applicant is a corporation, that any of the  
9 stock of such corporation is subject to a contract or option to purchase at  
10 any time during the period for which the license is issued.

11 “(c) That the granting of a license in the locality set out in the applica-  
12 tion is not demanded by public interest or convenience.

13 “(d) That the applicant, if a corporation, transferred any of its stock after  
14 an application for a license to hold a race meet was filed with the commis-  
15 sion without prior commission approval. The provisions of this paragraph  
16 shall not apply to day-to-day transfers of stock of a publicly held corporation  
17 whose shares are publicly quoted and regularly traded in the marketplace  
18 unless the transfer, or a combination of transfers, involves a controlling in-  
19 terest in or affects the operational control of the corporation, or involves 10  
20 percent or more of any class of stock of the corporation.

21 “(e) That the applicant lacks, or if the applicant is a corporation, its of-  
22 ficers, managerial employees, directors and principal stockholders lack, the  
23 requisite character, reputation, general business and managerial competence  
24 and ability, and experience in the business of racing so as to justify or  
25 command public confidence.

26 “(f) That the granting of the application would adversely and unreason-  
27 ably affect the economy of the State of Oregon and its people and the reve-  
28 nues of this state and of other beneficiaries of racing funds designated in this  
29 chapter.

30 “(3) The commission may refuse to issue or renew a license to any person

1 who has made a false statement of a material fact to the commission.

2 “(4) The commission may refuse to issue or renew a license to any appli-  
3 cant for a race meet license if the applicant has failed to meet any monetary  
4 obligation in connection with any race meet held in this state.

5 “[~~(5)~~ *The commission may deny a license to any applicant for a race meet*  
6 *license under ORS 462.067 unless the applicant for the license and the*  
7 *greyhound kennel owners, or their representative association, have previously*  
8 *agreed upon a purse schedule.*]

9 “[~~(6)~~] **(5)** Before refusing to license any applicant for a race meet license,  
10 the commission shall afford the applicant an opportunity for hearing after  
11 reasonable notice as provided in ORS chapter 183. When the commission re-  
12 fuses to license an applicant on the basis of grounds provided in subsection  
13 (1)(b), (c) or (h) of this section, the commission shall specify the particular  
14 activities that constitute the grounds for refusal and shall give the applicant  
15 written notice thereof.

16 **“SECTION 13.** ORS 462.110 is amended to read:

17 “462.110. (1) For the protection of the public, and all members thereof, the  
18 exhibitors and visitors, every race meet licensee shall carry public liability  
19 insurance written on an approved form by a company licensed to do business  
20 in Oregon and in an amount approved by the Oregon Racing Commission.

21 “(2) Every person licensed to conduct a race meet shall provide and de-  
22 liver to the commission a bond signed by a surety company authorized to do  
23 business in Oregon in such form as is required by the commission and in an  
24 amount determined by the commission. The bond shall be conditioned that  
25 the licensee will pay to the state all moneys due it under this chapter, in-  
26 cluding moneys which escheat pursuant to ORS 462.073 and any fines im-  
27 posed by any court or by any state agency; to horsemen [*or greyhound*  
28 *owners*], all moneys owing and all moneys required to be paid for breakage,  
29 purses and Oregon-bred purse supplements; to persons presenting valid win-  
30 ning tickets, the amounts owing to them; and to the special track fund or

1 training track fund, all moneys required to be paid to those funds by statute  
2 or rule. In lieu of a surety bond the commission may accept a certificate of  
3 deposit, an irrevocable letter of credit, or equivalent which will assure that  
4 the obligations described above are paid, up to the designated amount.

5 “(3) The Attorney General or the district attorney of the county wherein  
6 the race meet is held shall prosecute all actions on such bonds on behalf of  
7 the state.

8 “(4) Any person having a claim against the licensee for any obligation  
9 covered by the bond or bond substitute, except cause of action covered by  
10 public liability insurance, may prosecute the same in an action in behalf of  
11 the claimant brought in the name of the state for the use and benefit and  
12 at the expense of such claimant. The court may award reasonable attorney  
13 fees to the prevailing party in an action under this subsection. If the amount  
14 of the bond or bond substitute is insufficient to cover all obligations,  
15 amounts owing to and for the benefit of the state pursuant to ORS 462.073  
16 (3) shall have priority over any other claims. No action may be brought for  
17 recovery on the bond or bond substitute unless written notice of the claim  
18 is made to the commission and to the race meet licensee within 120 days  
19 after the last day of the race meet or continuous race meet in which the  
20 obligation arose. The notice must be by registered mail, certified mail with  
21 return receipt or personal service to the licensee or to the licensee’s regis-  
22 tered agent. Any action for recovery on the bond or bond substitute must  
23 be brought no earlier than 60 days and no later than 180 days after service  
24 of the written notice on the race meet licensee or on the licensee’s registered  
25 agent. These limitations shall not apply to claims for valid winning tickets  
26 if the claimant has made a timely claim pursuant to ORS 462.073 (2).

27 “(5) Every person licensed to conduct a race meet for horses shall carry  
28 insurance to protect jockeys and, if appropriate, drivers. The type, form and  
29 amount of insurance, and the carrier, must be approved by the commission.

30 **“SECTION 14.** ORS 462.125 is amended to read:

1       “462.125. (1) The Oregon Racing Commission shall determine the number  
2 [and classes] of race meets to be held in any fiscal year, and the total number  
3 of racing dates to be granted to a licensee subject to provisions of ORS  
4 462.062 and 462.067. Not more than 350 days of racing, exclusive of racing  
5 days authorized to designated licensees pursuant to subsection (5) of this  
6 section, shall be held in any metropolitan area in any fiscal year. A licensee  
7 shall conduct at least 720 live races under the license during each fiscal year  
8 race meets are held under the license. The commission may reduce the  
9 number of races required under this section upon application by a horsemen’s  
10 association that negotiates with the race meet licensee.

11       “(2) If a licensee under ORS 462.062 or 462.067 fails, for good cause, to  
12 complete all of the allocated days in a licensed race meet or if the commis-  
13 sion does not receive and approve license applications for all of the days  
14 allocated to [either class of] racing, the commission may add the unused or  
15 unallocated days no later than June 30 of the following fiscal year, to the  
16 racing days allocated to and available to the licensee or, in the discretion  
17 of the commission, to any other licensee [of either class of racing] in the  
18 metropolitan area. Additional race days allocated under this subsection are  
19 exempt from the limit of 350 days of racing in a fiscal year imposed by sub-  
20 section (1) of this section. The additional racing days granted by the com-  
21 mission to any eligible licensee may not exceed the total of the unused or  
22 unallocated racing days in any one fiscal year.

23       “(3) If an emergency occurs on the day of racing, and a night racing  
24 program runs past the hour of midnight, such time after midnight is not  
25 considered an additional racing day.

26       “(4) As used in subsections (1) and (2) of this section, ‘metropolitan  
27 area’ means:

28       “(a) Multnomah, Clackamas and Washington Counties.

29       “(b) Marion and Polk Counties.

30       “(c) Linn and Benton Counties.



1       “(d) A county other than those designated in paragraphs (a), (b) and (c)  
2 of this subsection.

3       “(5) Each licensee designated in ORS 462.057 may be granted up to 12 days  
4 of horse[,] **or** mule [*or greyhound*] racing to be held within the county in  
5 which the licensee holds its fair or show or at a race course owned by a  
6 governmental agency or a nonprofit corporation in an adjoining county. If  
7 a licensee does not use all of the licensee’s allocated race days during the  
8 fiscal year, the commission, in the commission’s discretion, may allow that  
9 licensee to use the leftover days in the next fiscal year. If a licensee referred  
10 to in this subsection wishes to make application to the commission to  
11 schedule racing days that conflict with racing days previously scheduled by  
12 another such licensee, at least 30 days prior to the date of a meeting of the  
13 commission, the governing bodies of the applicant and the previous licensee  
14 shall meet at a time and place prescribed by the previous licensee to discuss  
15 the applicant’s proposed racing day schedule. The conclusion of the parties  
16 regarding the proposals for conflicting racing days and the matters upon  
17 which the parties agree or disagree shall be reduced to writing signed by the  
18 parties and submitted to the commission not later than 14 days prior to a  
19 meeting of the commission. The commission may approve or disapprove pro-  
20 posals for conflicting racing days upon such terms and conditions as the  
21 commission considers appropriate.

22       “(6) The commission may not grant a license for any race meet within a  
23 county for dates that conflict with racing dates granted to the county fair  
24 of such county.

25       “(7) The commission may not grant a licensee that is subject to ORS  
26 462.062 a license for a race meet for a date that conflicts with a race meet  
27 date granted to a licensee that is subject to ORS 462.057, unless the com-  
28 mission has the consent of the licensee that is subject to ORS 462.057. This  
29 subsection applies only if the licensee that is subject to ORS 462.057 held a  
30 race meet during the 2002 calendar year on a date substantially similar to

1 the date that is the subject of the conflict. A licensee that is subject to ORS  
2 462.057 may not unreasonably withhold consent under this subsection.

3 **“SECTION 15. ORS 462.135 is repealed.**

4 **“SECTION 16.** ORS 462.140 is amended to read:

5 “462.140. (1) A person may not conduct or commit, attempt or conspire to  
6 conduct or commit pool selling, bookmaking, or circulate handbooks, or bet  
7 or wager on any licensed race meet, other than by the mutuel method. All  
8 moneys wagered in Oregon must be accounted for through a computerized  
9 mutuel wagering system in use by an operating race meet in this state and  
10 approved by the Oregon Racing Commission. Wagering into pools outside of  
11 Oregon via telephone or other device is prohibited unless the wagering in-  
12 formation is transmitted by a licensee that conducts off-race course mutuel  
13 wagering pursuant to ORS 462.700 to 462.740.

14 “(2) A race meet licensee may not take more than 22 percent of the gross  
15 receipts of any mutuel wagering system subject to approval by the commis-  
16 sion.

17 “(3) A race meet licensee shall compute breaks in the mutuel system at  
18 10 cents for each dollar wagered in a specific mutuel pool except, when the  
19 breaks in the mutuel system compute to less than 10 cents total for each  
20 dollar wagered, the race meet licensee shall compute the breaks on that  
21 specific mutuel pool at five cents. When the breaks in the mutuel system  
22 compute at 10 cents or more for each dollar wagered, the race meet licensee  
23 shall pay in increments of 10 cents for each dollar wagered. When the breaks  
24 in the mutuel system compute to less than 10 cents for each dollar wagered,  
25 the race meet licensee shall pay five cents for each dollar wagered. For  
26 horses, 45 percent of the breaks shall be retained by the licensee. [*For*  
27 *greyhounds, 33-1/3 percent shall be retained by the licensee.*] The other 55  
28 percent [*for horses and 66-2/3 percent for greyhounds*] shall be paid as follows:

29 “(a) For thoroughbred horse races, to the Oregon Thoroughbred Owners  
30 and Breeders Association, Incorporated, to be used by that association sub-

1 ject to prior approval of the commission, in such amounts and for such of  
2 the following purposes as the association deems desirable:

3 “(A) For breeders awards;

4 “(B) For stallion awards;

5 “(C) For education of the members of the association and other horsemen  
6 regarding the breeding and racing of thoroughbred horses; or

7 “(D) For the promotion and development of thoroughbred horse breeding  
8 and racing in Oregon.

9 “(b) For quarter horse races, to the Oregon Quarter Horse Racing Asso-  
10 ciation, Incorporated, to be used by that association subject to prior approval  
11 of the commission, in such amounts and for such of the following purposes  
12 as the association deems desirable:

13 “(A) For breeders awards;

14 “(B) For stallion awards;

15 “(C) For education of the members of the association and other horsemen  
16 regarding the breeding and racing of quarter horses; or

17 “(D) For the promotion and development of quarter horse breeding and  
18 racing in Oregon.

19 “(c) For races for any other horses not designated in paragraphs (a) and  
20 (b) of this subsection, to each association of horsemen recognized by the  
21 commission as representing the other breeds of horses, to be used by that  
22 association subject to prior approval of the commission, in such amounts and  
23 for such of the following purposes as each recognized association deems de-  
24 sirable:

25 “(A) For breeders awards;

26 “(B) For stallion awards;

27 “(C) For education of the members of the association and other horsemen  
28 regarding the breeding and racing of horses; or

29 “(D) For the promotion and development of horse breeding and racing in  
30 Oregon.

1       “(d) *By a licensee of a race meet for greyhounds:*]

2       “(A) *One-half thereof to augment purses subject to reasonable regulations*  
3 *prescribed by the commission.*]

4       “(B) *The other one-half thereof for benefit and improvement of the breed-*  
5 *ing, ownership, training and racing of greyhounds in Oregon, subject to rea-*  
6 *sonable regulations prescribed by the commission. Included, but not by way*  
7 *of limitation, would be payment of purses for maiden graduation or special*  
8 *schooling races without wagering, and construction and operation of one or*  
9 *more appropriate public training facilities within the state. All such funds*  
10 *shall be retained by the licensee in an account separate from all other funds,*  
11 *and no disbursements or transfers shall be made therefrom without prior ap-*  
12 *proval of the commission.*]

13       **“SECTION 17. ORS 462.155 is amended to read:**

14       “462.155. (1) The Oregon Racing Commission may allow a race meet op-  
15 erator [*that holds a Class A license*] to conduct mutuel wagering at the  
16 licensee’s race course on horse races previously held if:

17       “(a) The races were actual events held at race courses during race meets;

18       “(b) The races were subject to mutuel wagering at the time the races were  
19 originally held; and

20       “(c) The race meets at which the races were originally held were approved  
21 by the commission or by an equivalent regulatory body in another state.

22       “(2) Subsection (1) of this section allows mutuel wagering on a horse race  
23 displayed as a video or audio recording, or another form of recording ap-  
24 proved by the commission, but does not authorize wagering on any ani-  
25 mation, computer simulation or other artificial representation of horse  
26 racing.

27       “(3) Subsection (1) of this section does not apply to a race meet operator  
28 described in ORS 462.057 (2). Subsection (1) of this section does not authorize  
29 off-race course wagering or multi-jurisdictional simulcasting for horse races  
30 previously held.

1 “(4) Wagers authorized under subsection (1) of this section are subject to  
2 the provisions of ORS 462.157.

3 **“SECTION 18.** ORS 462.510 is amended to read:

4 “462.510. (1) Any person who attempts to, or does persuade, procure or  
5 cause another person to wager on an animal participating in a race, and  
6 upon which money is wagered, and who asks or demands, or accepts com-  
7 pensation as a reward for information or purported information given in such  
8 case is a tout, and is guilty of touting.

9 “(2) Predictions on the outcome of horse races [*and greyhound races*] may  
10 be sold on the licensee’s premises in accordance with rules promulgated by  
11 the Oregon Racing Commission.

12 **“SECTION 19.** ORS 462.710 is amended to read:

13 “462.710. (1) Any race meet licensee may make written application to the  
14 Oregon Racing Commission to conduct off-race course mutuel wagering:

15 “(a) On races held at the licensee’s race course; or

16 “(b) On races held at race courses outside this state.

17 “(2) The application shall be in such form, shall contain such information  
18 and shall be submitted at such time and in such manner as the commission  
19 may require. Information required by the commission may include, but is not  
20 limited to, a description of the facilities, equipment and method of operation  
21 whereby the applicant proposes to conduct off-race course mutuel wagering  
22 activities.

23 “(3) The commission shall authorize off-race course mutuel wagering upon  
24 such terms and conditions regarding the time, location and manner of oper-  
25 ation as the commission considers appropriate. The commission may not au-  
26 thorize more than 20 locations for off-race course mutuel wagering to be in  
27 operation at any one time and shall permit off-race course mutuel wagering  
28 only at an authorized location. The commission may not authorize the con-  
29 duct of off-race course mutuel wagering at any time or place or in any  
30 manner that the commission determines would have substantial adverse im-

1 pact upon mutuel wagering on races held at a race course in this state. The  
2 commission may not authorize a race meet licensee to conduct off-race course  
3 mutuel wagering within the boundaries of any city or county that has  
4 adopted an ordinance prohibiting the conduct of that activity within the city  
5 or county. The commission may not authorize a race meet licensee to conduct  
6 off-race course mutuel wagering in any county with a population of less than  
7 250,000 at a location that is within 40 miles of any other location where  
8 another race meet licensee is conducting a live race meet without written  
9 consent of the live race meet licensee.

10 “(4) In addition to other grounds provided in this chapter, the commission  
11 may refuse to issue or renew or may revoke or suspend the license of any  
12 race meet licensee, or any employee thereof, for failure to comply with ORS  
13 462.700 to 462.740 or commission rules.

14 “(5) If a race meet licensee proposes to conduct off-race course mutuel  
15 wagering at a physical facility separate from the race course:

16 “(a) Individuals working at the separate facility must obtain a license for  
17 such employment from the commission if the individuals are performing du-  
18 ties for which a license would be required if the duties were performed at a  
19 race course. The fee for any such license shall be the same as the fee for the  
20 license required if the individual were working at a race course.

21 “(b) ORS 462.080, 462.190 and 462.195 apply to the race meet licensee and  
22 to individuals at the facility in the same manner as if the mutuel wagering  
23 activity were being conducted at a race course.

24 “(6) In addition to other requirements of ORS 462.700 to 462.740, the  
25 commission may authorize a race meet licensee to conduct off-race course  
26 mutuel wagering on a particular race that is held at a race course outside  
27 this state subject to the following [*conditions*] **provisions**:

28 “(a) The commission may authorize only one race meet licensee, that is  
29 the holder of a license under ORS 462.062 or 462.067, to conduct off-race  
30 course mutuel wagering on the race.

1       “(b) The commission may authorize such off-race course mutuel wagering  
2 to be conducted at the licensee’s race course and any off-race course  
3 wagering site approved by the commission.

4       “(c) The commission may authorize a race meet licensee to conduct off-  
5 race course mutuel wagering on either horse races or greyhound races[, *ex-*  
6 *cept that:*].

7       “[(A) *A horse race meet licensee may conduct off-race course mutuel*  
8 *wagering on greyhound races only if there is no active greyhound race meet*  
9 *licensee; and]*

10       “[(B) *A greyhound race meet licensee may conduct off-race course mutuel*  
11 *wagering on horse races only if there is no active horse race meet licensee.]*

12       “(d) If a licensee applies for authority to conduct mutuel wagering on  
13 horse races held at race courses outside this state, the commission may re-  
14 quire that the licensee provide such evidence as the commission considers  
15 appropriate regarding the ability of the licensee to comply with the Inter-  
16 state Horseracing Act of 1978, 15 U.S.C. 3001 to 3007, as amended.”.

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