

Enrolled Senate Bill 165

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 Senate Interim Committee on Finance and Revenue)

CHAPTER

AN ACT

Relating to racing; creating new provisions; and amending ORS 462.155 and 462.725.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 462.

SECTION 2. (1) A licensee that conducts mutuel wagering pursuant to ORS 462.155 at the licensee's race course on horse races previously held shall make annual payments as follows:

(a) \$200,000, as modified by subsection (2) of this section, to the Oregon Racing Commission.

(b) \$20,000, as modified by subsection (2) of this section, to a purse account that may be used only to supplement purses of races consisting exclusively of Oregon bred horses. However, subject to prior approval of the commission, a portion of the moneys described in this paragraph may be paid to one or more associations of horsemen for operating expenses and other benefits for horsemen.

(c) \$150,000, as modified by subsection (2) of this section, to the Oregon Thoroughbred Owners and Breeders Association, Incorporated, for purse supplements for owners or breeders of Oregon bred thoroughbred horses.

(d) \$50,000, as modified by subsection (2) of this section, to the Oregon Quarter Horse Racing Association, Incorporated, for purse supplements for owners or breeders of Oregon bred quarter horses.

(e) \$50,000, as modified by subsection (2) of this section, to a special track fund of the type, and for the uses and purposes, and subject to the conditions set forth in ORS 462.057 (1)(c)(F).

(2) The dollar amounts specified in subsection (1) of this section apply to payments required in 2022. In each subsequent year, the amounts are increased by three percent from the amounts due in the immediately preceding year.

(3) Subject to prior approval of the commission, each horsemen's association designated in subsection (1)(c) and (d) of this section may use a portion of the purse supplements for operating expenses and other benefits for horsemen.

SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS chapter 462.

SECTION 4. (1) As used in this section, "historical animal racing" means animal races that were previously held.

(2) A mutuel wager on historical animal racing may be placed only from a physical race course of a licensee.

(3) A mutuel wager on historical animal racing may not be placed using an electronic device unless the device is owned or leased by the operator of the race course at which the wager is placed.

(4) No person may place a mutuel wager on historical animal racing via a mobile phone, personal computer or other personal electronic device.

(5) No person may accept a mutuel wager on historical animal racing if the wager is placed via a mobile phone, personal computer or other personal electronic device.

(6) Nothing in this section independently authorizes wagering or facilitation of wagering on historical animal racing.

SECTION 5. ORS 462.155 is amended to read:

462.155. (1) The Oregon Racing Commission may allow a race meet operator that holds a Class A license to conduct mutuel wagering at the licensee's race course on horse races previously held if:

- (a) The races were actual events held at race courses during race meets;
- (b) The races were subject to mutuel wagering at the time the races were originally held; and
- (c) The race meets at which the races were originally held were approved by the commission or by an equivalent regulatory body in another state.

(2) Subsection (1) of this section allows mutuel wagering on a horse race displayed as a video or audio recording, or another form of recording approved by the commission, but does not authorize wagering on any animation, computer simulation or other artificial representation of horse racing.

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

(4) Wagers authorized under subsection (1) of this section are subject to the provisions of section 4 of this 2021 Act.

SECTION 6. ORS 462.725 is amended to read:

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

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

(b) Authorize and license Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs to conduct simulcast broadcasting of, and mutuel wagering on, animal races, including previously held races on which mutuel wagering is lawful in Oregon.

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

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

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

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

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

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

(6) Wagers on previously held races authorized under subsection (1) of this section are subject to the provisions of section 4 of this 2021 Act.

Passed by Senate April 1, 2021

Repassed by Senate June 16, 2021

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 9, 2021

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State