



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

03/07/2023 4:44 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends 462-200-0340 to add new address for the commission.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/25/2023 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

to provide licensee applicants with commission address

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Electronically stored and available upon request.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No Affect

FISCAL AND ECONOMIC IMPACT:

No impact

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No cost to comply

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

AMEND: 462-200-0340

RULE SUMMARY: Amends 462-200-0340 to add new address for the commission.

CHANGES TO RULE:

462-200-0340

Application and Approval of Off-Track Wagering Facilities ¶¶

Any race meet licensee desiring to simulcast its racing program including races in Oregon, out-of-state races, or any combination thereof, to an off-track wagering facility(ies) shall file an application for approval for each facility with the commission at the following address: Oregon Racing Commission, P.O. Box 366, Gresham, OR 97030; or faxed to: (971) 673-0213; or emailed to: orc.info@orc.oregon.gov. The application shall describe a plan of operation for the facility which includes, but is not limited to, the following information:¶¶

- (1) The name, address, and date of birth of the applicant and owner(s) of the facility and any other information which may be required by the commission to perform a criminal history and financial background investigation. The commission may also require an applicant/owner to provide fingerprints and a written consent in order to perform a nationwide criminal record check. In carrying out this subsection, the commission may require the applicant/owner to pay the cost of performing a criminal record check. The application will be denied if the applicant, or in the case of a partnership or corporation, a general partner, officer, director, major stockholder (over 5%) or employee has engaged in any unlawful activity determined to be conduct detrimental to the best interests of racing, or has failed, refused or neglected to comply with any rule, regulation, condition of license or order of any state or federal regulatory agency, including the Oregon Racing Commission or its representatives reasonably related to its conduct as a simulcast operator, or who has engaged in any activity which is grounds for denial, suspension, or revocation of license pursuant to the statutes or rules of racing in the State of Oregon.¶¶
- (2) A description of the management groups responsible for the operation of the facility, including a description of any subcontractors who will be substantially involved in the operation of the facility.¶¶
- (3) The location of the facility and a written confirmation from appropriate local officials that the location of such facility and the number of patrons expected to occupy such facility are in compliance with all applicable local ordinances.¶¶
- (4) A scale drawing of the facility, including its public accommodations, equipment, concessions, and office space.¶¶
- (5) A security plan approved by the executive director outlining the security measures to be employed to protect the facility, to control crowds, to protect the public and employees, to safeguard the transmission of the simulcast signals and to control the transmission of wagering data to effectuate common wagering pools.¶¶
- (6) The type of data processing, communication and transmission equipment to be utilized.¶¶
- (7) The system of accounts to maintain a separate record of revenues collected by the simulcast facility, the distribution of such revenues and the accounting of costs relative to the simulcast operation.¶¶
- (8) An agreement that has been executed with the simulcast operator for the conduct of simulcast wagering at the facility¶¶
- (9) An agreement that has been executed with the owner of the facility allowing its use as an off-track wagering facility.¶¶
- (10) An agreement that has been executed with the totalizator company for the equipment and system necessary for the conduct of simulcast wagering at the facility.¶¶
- (11) Financial reports in sufficient detail for the commission to determine the applicant's ability to adequately perform the duties of a simulcast operator.¶¶
- (12) A posted surety bond or other suitable instrument as approved by the Oregon Racing Commission, in an amount sufficient to ensure payment of distributable amounts of pari-mutuel pools held by the race meet licensee pursuant to statute and the faithful performance of the duties of a simulcast operator. The bond may be the same as the one posted by the race meet licensee for the conduct of the race meet.

Statutory/Other Authority: ORS 462.700

Statutes/Other Implemented: ORS 462.700