Chapter 462

1959 REPLACEMENT PART

Racing

LICENSING OF RACE MEETS, TRAINERS, DRIVERS AND JOCKEYS; BETTING AND BOOKMAKING REGULATIONS

462.010 Definitions for ORS 462.010 to 462.290
462.020 Necessity for license of race meets and officials and persons participating in the conduct of race meets; public training track license; licensees to observe rules and orders
462.030 Qualifications for eligibility of race meet operator
462.040 Race meet licenses, types, limitations on, contents
462.050 Application for race meet license; bond; payment of fees; return of deposit
462.055 Authority of commission to require applicant to have recommendation of local governing body
462.060 Daily average percentage payments and license fees for operators of race meets
462.070 License fees for officials and persons participating in the conduct of race meets and for operators of public training tracks
462.075 Grounds for refusal to issue licenses
462.080 Exclusion of certain persons from race courses
462.090 Revocation of licenses; monetary penalty
462.100 License fee and tax in lieu of all others
462.110 Public liability insurance required; bond of licensee; actions on bond
462.120 Racing season; limitations on number, type and days of racing
462.130 Oregon bred horses to be used exclusively in certain races
462.140 Prohibitions concerning bookmaking and betting; track take; breaks
462.150 Regulation of underpayments; effect of government tax
462.160 When race meet is a nuisance
462.170 Application of license provisions and rules to public training tracks, fairs and expositions; exemption from licensing
462.180 Application of chapter to racing of quarter, saddle and harness horses
462.185 Issuance of licenses to animal owners; conditions; revocation
462.190 Restrictions on minors; selling wagering tickets to minors and drunks
462.195 Written statement of age from purchaser of mutual wagering ticket or receipt
462.200 Tests on animals participating in race meets; costs

THE OREGON RACING COMMISSION; ALLOCATION OF FUNDS TO FAIRS AND PUBLIC SHOWS

462.210 Oregon Racing Commission; appointment of members; tenure
462.220 Compensation and expenses of members
462.230 Vacancies and removal
462.240 Bonds of officers; oath of office
462.250 Organization of commission; employes of commission and appointed officials to conduct race meets, commission to fix compensation; rules and regulations
462.260 Disposition of moneys paid to commission; office, records and annual report of commission
462.265 Commission subject to state budget procedures and laws governing supervision of expenditures
462.270 Duties of the commission
462.272 Power of commission to administer oaths, take depositions, issue subpenas
462.275 Commission activities concerning betterment of racing; establishment of library
462.277 Service and execution of warrants of arrest and search warrants
462.280 Distribution and allocation of sums paid to commission
462.290 Use of moneys received by associations and shows
462.300 Audit of financial records of fairs and other organizations to which racing moneys are distributed; accounting systems

GENERAL REGULATIONS RESPECTING ANIMAL RACING

462.410 Definitions for ORS 462.410 to 462.470
462.420 Stimulating or depressing racing animal with drugs or unauthorized device prohibited
462.430 Attempt to affect race result by unlawfully stimulating or depressing participating animal prohibited
462.440 Entering unlawfully stimulated or depressed animal in race within 48 hours prohibited
462.450 Regulation of possession, transportation or use of local anesthetics or barbituric acid preparations or derivatives within racing enclosure
462.460 Racing animal under name or designation other than registered name or designation prohibited
462.470 Aiding or abetting the racing of an animal under name or designation other than registered name or designation prohibited
462.510 Demand or acceptance of compensation for furnishing racing information as touting
462.520 Penalty for falsely using name of racing official as source of information in commission of touting
462.530 Exclusion of certain persons from race tracks; penalty for refusing to leave

PENALTIES

462.990 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183
Discrimination on account of race, religion, color or national origin in places of public entertainment, 30.670

462.080

Excluding persons from race tracks, 462.530

462.170

Fairs and exhibits, Ch. 565

462.210

General provisions applicable to state boards or commissions, Ch. 182

462.220

Subsistence and mileage allowance for travel by state officers and employes, 292.210 to 292.260

462.240

Deposits and undertakings in lieu of bonds, Ch. 22

462.250

Salary of secretary of Oregon Racing Commission, 292.740
State administrative agencies, Ch. 182

462.270

Commission to make rules pertaining to licensing, 462.020, and to employes' duties, 462.250
Grounds for refusal to issue licenses, 462.075

462.280

Use of part of moneys to finance facilities at State Fair grounds, 565.142

462.300

Report of expenditures from Northwest Turkey Show, 565.300

462.420

Cruelty to animals, 167.740
Poisoning animals, 164.710, 164.720

462.520

False pretenses generally, Ch. 165

462.530

Excluding persons from race tracks, 462.080

LICENSING OF RACE MEETS, TRAINERS, DRIVERS AND JOCKEYS; BETTING AND BOOKMAKING REGULATIONS

462.010 Definitions for ORS 462.010 to 462.290. As used in ORS 462.010 to 462.290, unless the context otherwise requires:

(1) "Commission" means the Oregon Racing Commission.

(2) "Race meet" means and includes any exhibition of thoroughbred and standardbred horse racing, or other animal racing, where the mutual system is used.

(3) "Licensee" means a person holding a license under this chapter.

(4) "Public training track" means any race course the facilities of which are available or open to the public for use in the training or schooling of racing animals.

(5) "Race course" means all the premises used in connection with the conduct of a race meet. [Amended by 1953 c.497 §4; 1955 c.335 §1; 1957 c.313 §1]

462.020 Necessity for license of race meets and officials and persons participating in the conduct of race meets; public training track license; licensees to observe rules and orders. (1) No person shall hold any race meet without having first obtained and having in full force and effect a license therefor issued by the Oregon Racing Commission.

(2) No trainer, driver, jockey, apprentice jockey, horse owner, dog owner, exercise boy, agent, authorized agent, jockey's agent, stable foreman, groom, valet, veterinarian, horseshoer, steward, stable watchman, starter, timer, judge or other person acting as a participant or official at any race meet, including all employes of the parimutuel department, shall participate in race meets without having first obtained and having in full force and effect a license issued by the commission, pursuant to such rules and regulations as the commission shall make.

(3) No person shall operate a public training track without having first obtained and having in full force and effect a license issued by the commission.

(4) Each person holding a license under this chapter shall comply with all rules, regulations and orders of the commission. [Amended by 1955 c.454 §1; 1957 c.313 §2]

462.030 Qualifications for eligibility of race meet operator. No person is eligible to operate a race meet with a license issued under this chapter unless he is the owner or controls the possession of a properly constructed race track suitable for the class of races which are proposed to be conducted at such race track and improved with safe and suitable grandstands, equipped with reasonably sanitary accommodations, adequate stables for livestock together with adequate fire protection equipment, and such other proper improvements as in the judgment of the commission may be required, taking into consideration the location of such race track and the probable capacity requirements to accommodate the crowd and the number of people that will reasonably be expected to occupy the grandstands and attend the race meets. [Amended by 1955 c.336 §1]

462.040 Race meet licenses, types, limitations on, contents. (1) Race meet licenses granted by the commission shall be limited to:

(a) Licenses for horse race meets.

(b) Licenses for race meets of animals other than horses.

(2) No licensee shall be granted licenses of both classes nor shall licenses be issued for more than one type of license on the same race course, track or location, except that a licensee of one classification of animals, after having first qualified itself by five consecutive years of racing operations in one county in Oregon with its respective class of racing, may transfer its type of racing along with the legally allowable days for said class of racing to any existing race course facility in the same county that may be adaptable to its respective class of racing as provided in ORS 462.030.

(3) The license shall specify the number of days the race meet shall continue and the number of races per day. [Amended by 1955 c.639 §1; 1957 c.313 §3]

462.050 Application for race meet license; bond; payment of fees; return of deposit. (1) Every person making application for a license to hold a race meet shall file the application with the commission. It shall set forth the time, place and number of days the applicant desires the meet to continue, together with the applicant's estimate of the daily average percentage payment which the applicant will pay to the state upon the gross amount of money wagered per day and such other information as the commission may require.

(2) The commission may, in its discretion, require a performance bond in an

amount not to exceed $10,000, to insure that the licensee operates a race meet on the license days granted.

(3) The application shall be accompanied by a certified check on a bank maintaining an office and licensed to do business in Oregon in an amount equal to the license fee, exclusive of required percentage payments, required for the number of days for which the license is requested. If the license is not granted, such deposit shall be returned promptly to the applicant. If the license is granted, but for fewer days than applied for, the excess of the deposit shall be returned promptly to the applicant.

462.055 Authority of commission to require applicant to have recommendation of local governing body. (1) The commission may require of every applicant for a license to hold a race meet, except a public nonprofit association, nonprofit corporation or nonprofit fair, including the Oregon State Fair and all county fairs, that has not, within five years prior to July 21, 1953, or within five years prior to making an application for a license to hold a race meet, operated a race meet in the county or the city in which application for a license to hold a race meet is made, a recommendation in writing of the county court or board of county commissioners of said county in the event the race meet is to be held outside of a city, and of the governing body of such city if the race meet is to be held within a city.

(2) The commission may take such recommendation into consideration before granting or refusing such license. The applicant shall pay an investigating fee of $15 to the recommending authority, if any. [1953 c.551 §3]

462.060 Daily average percentage payments and license fees for operators of race meets. Each licensee conducting any licensed race meet shall make percentage and per diem payments to the commission. At the time of filing application in writing under ORS 462.050, the applicant may elect to compute and make percentage and per diem payments in either one of the following ways:

(1) Pay three percent of the gross receipts of all mutual wagering on any one day up to and including $66,000, four percent of the amount wagered on any one day in excess of $66,000 and up to and including $133,000, five percent on any amount wagered on any one day in excess of $133,000 and up to and including $200,000, and six percent on any amount wagered on any one day in excess of $200,000 and in addition thereto pay $425 per day for horse racing and $500 per day for racing with animals other than horses, except that for racing in counties having a population less than 200,000 the license fee shall in the discretion of the commission be not less than $15 per race for racing of animals other than horses and except that the only license fee of a public nonprofit association, nonprofit corporation or nonprofit fair, including the State Fair and all county fairs, shall be $1 for each meet and, in addition thereto, one and one-half percent of the gross receipts of all mutual wagering at such meet.

(2) Pay five percent of the gross receipts of all mutual wagering on any one day up to and including $133,000, six percent of the amount wagered on any one day in excess of $133,000 and up to and including $200,000, and seven percent on any amount wagered on any one day in excess of $200,000, and in addition thereto pay $500 per day for horse racing and $500 per day for racing with animals other than horses except that for racing in counties having a population less than 200,000, the license fee shall, in the discretion of the commission, be not less than $15 per race for racing of animals other than horses and except that the only license fee of a public nonprofit association, nonprofit corporation or nonprofit fair, including the State Fair and all county fairs, shall be $1 for each meet and, in addition thereto, one and one-half percent of the gross receipts of all mutual wagering at such meet. [Amended by 1953 c.551 §2; 1955 c.642 §1]

462.070 License fees for officials and persons participating in the conduct of race meets and for operators of public training tracks. (1) The license fees for the entire racing season in any one year shall be $3 for trainers of all animals, drivers and jockeys and $1 for all other persons required to be licensed under subsection (2) of ORS 462.020.

(2) The license fee for operators of public training tracks required to be licensed under subsection (3) of ORS 462.020 shall be:

(a) For the Oregon State Fair or a county or district fair, $1.

(b) For all other operators of public

training tracks, $25. [Amended by 1953 c.497 §4; 1955 c.353 §1; 1957 c.313 §4]

462.075 Grounds for refusal to issue licenses. (1) The commission may refuse to license any applicant if it has reasonable ground to believe that the applicant:

(a) Has been suspended or ruled off a recognized course in another jurisdiction by the racing board or commission thereof.

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

(c) Does not have, when previously licensed, a good record of compliance with the racing laws of this state or of any other state and with the regulations of the commission or of any other racing commission.

(d) Is not a citizen of the United States, or if the applicant is a corporation, firm or association, is not duly authorized to conduct business within the State of Oregon.

(e) If an individual, has been convicted of a crime involving moral turpitude, or, if a corporation, firm or association, is in whole or in part controlled or operated directly or indirectly by a person who has been convicted of a crime involving moral turpitude.

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

(g) Has been found guilty by the commission of a violation of ORS 462.010 to 462.290 or any rules and regulations of the commission.

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

(2) The commission may refuse to issue a license to conduct a race meet for any ground set forth in subsection (1) of this section or if it has reasonable ground to believe any of the following to be true:

(a) That the applicant is not possessed of or has not demonstrated financial responsibility sufficient to meet adequately the requirements of the enterprise proposed to be licensed.

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

(c) That the granting of a license in the locality set out in the application is not demanded by public interest or convenience.

(d) That the applicant, if a corporation, transferred any of its stock after an application for a license to hold a race meet was filed with the commission.

(3) The commission shall deny a license to any person who has made a false statement of a material fact to the commission.

(4) The commission shall deny a license to any applicant for a race meet license if the applicant has failed to meet any monetary obligation in connection with any race meet held in this state. [1955 c.641 §1; 1957 c.313 §5]

462.080 Exclusion of certain persons from race courses. (1) The commission may exclude from any and all race courses any person whom the commission deems detrimental to the best interest of racing or any person who wilfully violates ORS 462.010 to 462.290 or any rule, regulation or order issued by the commission or any person who violates any law of this state or the United States.

(2) Any person who has been convicted of or who attempts or conspires to commit touting, pool selling, bookmaking, circulating handbooks or wagering by other than the mutual method hereby is deemed to be an undesirable person detrimental to the best interest of racing. Any person who has purchased and owned a federal wagering excise tax stamp during the past five years and who is found upon the licensee's premises during the period of a licensed race meet may be ejected from the premises, and said person may be declared to be an undesirable person detrimental to the best interests of racing.

(3) Any person who has violated a rule or order of the commission may be ejected from the race course. [Amended by 1955 c.538 §1; 1957 c.313 §6]

462.090 Revocation of licenses; monetary penalty. (1) The commission may revoke the license of any licensee upon any of the grounds upon which the commission could refuse to issue a license, as provided in ORS 462.075, or of any licensee who has

been convicted by the commission of a violation of ORS 462.010 to 462.290 or any rule or regulation made pursuant thereto, or who fails to pay to the commission all sums required under ORS 462.010 to 462.290.

(2) The commission may revoke the license to hold a race meet of any licensee, if a corporation, which transfers any of its stock after a license to hold a race meet is issued and before the termination of the license period.

(3) Revocation shall be made only after a summary hearing before the commission of which three days' notice in writing shall be given to the licensee, specifying the grounds for the proposed revocation.

(4) At the hearing, the licensee shall be given an opportunity to be heard in opposition to the proposed revocation.

(5) Revocation of a license shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender.

(6) Any credential or license issued by the Oregon Racing Commission to licensees, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a race track, shall be automatically revoked whether so used on or off a race track.

(7) When grounds exist for the revocation of a license issued pursuant to this chapter, the commission may, in its discretion, impose a monetary penalty, not in excess of $1,000, on the licensee in lieu of or in addition to revoking the license. All sums paid the commission pursuant to this subsection shall be deposited as provided in ORS 462.260. [Subsection (5) enacted as 1953 c.499 §3; 1957 c.313 §7]

462.100 License fee and tax in lieu of all others. The license fee and tax provided in this chapter for a race meet licensed thereunder shall be in lieu of all other licenses and privilege taxes or charges by the state or any county, city, town or other municipality for the privilege of conducting the race meet.

462.110 Public liability insurance required; bond of licensee; actions on bond. (1) For the protection of the public, and all members thereof, the exhibitors and visitors, every person licensed to conduct a race meet under this chapter shall carry public liability insurance in a form of contract and with a company to be approved by the commission.

(2) Every person licensed to conduct a race meet shall provide and deliver to the commission a bond signed by a surety company authorized to do business in Oregon in such form as is required by the commission and in a sum of not less than $5,000, and such further amount as may be required by the commission. The bond shall be conditioned that the licensee will pay to the state all moneys due it under ORS 462.010 to 462.290 and will pay and discharge all obligations to the employes, exhibitors, contestants and persons furnishing labor and material in connection with the race meet, or in connection with the construction, maintenance, repair or operations of the race track, buildings and grounds, and generally that such licensee will conduct the race meet strictly in accordance with ORS 462.010 to 462.290 and the rules and regulations of the commission and will not violate any other law of the state while operating under said license.

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

(4) Any person having any claim against any such licensee for any reasons whatever, except cause of action covered by public liability insurance, may prosecute the same in an action in his own behalf brought in the name of the state for his use and benefit and at the expense of such claimant. Any claimant recovering in any such action, suit or proceeding on any such bond shall be entitled to recover such sum as the court may adjudge reasonable for attorney's fees therein for bringing or prosecuting such action, suit or proceeding. [Amended by 1957 c.313 §8]

462.120 Racing season; limitations on number, type and days of racing. (1) All licensed race meets for horses and animals other than horses shall be licensed and held between May 1 and November 1, both inclusive.

(2) No license shall be granted for racing on Sundays.

(3) The number and kinds of race meets to be held in any one county in any one year shall be determined by the commission.

(4) Not more than 60 days of horse racing shall be held on any one track in any one year, and not more than 60 days

of racing for animals other than horses shall be licensed in any one county in any one year.

(5) Excluding the days of racing permitted at county fairs, no more than 100 days of racing in any year shall be permitted in any one county.

(6) If the combined requests exceed 100 days, the commission shall allot a maximum of 50 days to horse racing and 50 days to racing of animals other than horses.

(7) No more than one race meet shall be conducted in any one county at the same time or on any one or number of days unless specifically licensed and authorized so to do by the commission.

(8) No other race meet shall be licensed within a 75 mile radius of Salem during the period of the Oregon State Fair.

(9) No license shall be granted for any race meet to be held under this chapter for a date which will conflict with the date of the Oregon State Fair or the county fair held in the county where such race meet is to be held. [Amended by 1955 c.468 §1]

462.130 Oregon bred horses to be used exclusively in certain races. For the purpose of encouraging the breeding, within the state, of valuable thoroughbred race horses, at least one race of each day's meet shall consist exclusively of Oregon bred horses.

462.140 Prohibitions concerning bookmaking and betting; track take; breaks. (1) No person shall conduct or commit, attempt or conspire to conduct or commit pool selling, bookmaking, or circulate handbooks, or bet or wager on any licensed race meet, other than by the mutual method.

(2) No race meet licensee shall take more than twelve and one-half percent of the gross receipts of any mutual wagering system, except that any licensee who elects to compute and pay percentage and per diem payments as provided by subsection (2) of ORS 462.060 may take not in excess of 15 percent of the gross receipts of any mutual wagering system.

(3) No race meet licensee shall compute breaks in the mutual system otherwise than at five cents. [Amended by 1955 c.456 §1; 1957 c.313 §9]

462.150 Regulation of underpayments; effect of government tax. (1) If during any race meet conducted under this chapter, there is an underpayment of the amount actually due to any wagerer, the amount of such underpayment shall revert and belong to the state and be paid to the Oregon Racing Commission and become a part of its fund and shall not be retained by the licensee under whose license such race is held.

(2) However, if any government or governmental agency imposes a levy on the licensee, by a tax on the money so wagered and upon or against its receipts, the licensee may collect in addition to the percent and the breaks allowed under subsection (2) of ORS 462.140, the amount of the tax so levied.

462.160 When race meet is a nuisance. Every race meet held in this state contrary to ORS 462.010 to 462.290 is declared to be a public nuisance and may be summarily abated.

462.170 Application of license provisions and rules to public training tracks, fairs and expositions; exemption from licensing. (1) The license provisions of ORS 462.010 to 462.290 apply only to public training tracks licensed under subsection (3) of ORS 462.020 and to races where wagering is permitted, including the Oregon State Fair, the Pacific International Exposition, the Pendleton Roundup, the Eastern Oregon Livestock Fair, any state fair, county or other public or nonprofit fair association.

(2) None of the fairs and shows listed in subsection (1) of this section shall hold more than one race meet annually and for a period of not to exceed 10 days.

(3) The rules of the commission shall apply to all race meets held by county fair associations and shall be enforced by the officers of each association as to race meets held on its grounds. [Amended by 1955 c.468 §2; 1957 c.313 §10]

462.180 Application of chapter to racing of quarter, saddle and harness horses. (1) If application is made to conduct a meet for horses, the commission may allow the racing of running horses, harness horses or quarter horses at such meet.

(2) Licensed race meets with quarter and saddle horses may be conducted in this state.

(3) Horse races with horses other than thoroughbreds shall be deemed race meets and shall be subject to and governed by ORS 462.010 to 462.290 and all other laws relating to horse races and race meets.

462.185 Issuance of licenses to animal owners; conditions; revocation. (1) The commission may require as a condition for the

issuance of a license to an animal owner that the owner establish to the satisfaction of the commission that he:

(a) Is contributing to the State Industrial Accident Fund and is complying with the provisions of ORS chapter 656 with respect to his occupation as an animal owner; or

(b) Has purchased and has in force a policy of insurance affording his employes in his occupation as an animal owner substantially the same protection and benefits as are available under ORS chapter 656.

(2) If the commission requires contribution to the State Industrial Accident Fund or insurance, as provided in subsection (1) of this section, failure of the licensee to continue contribution or to keep such insurance in force is ground for revocation of his license. [1957 c.313 §16]

462.190 Restrictions on minors; selling wagering tickets to minors or drunks. (1) No person under 21 years of age shall after 6 p.m. enter upon a race course where races are being conducted in which wagering is permitted, except:

(a) When accompanied by a person 21 years of age or older who is his parent, guardian or spouse; or

(b) When in the performance of a duty incident to his employment.

(2) No person under 21 years of age shall, except when in the performance of a duty incident to his employment, loiter in the wagering area of a race course. The commission shall designate and require the marking of the wagering area at each race course.

(3) No licensee conducting a race meet shall sell a mutual wagering ticket or receipt to a person under 21 years of age or to a person who is visibly intoxicated.

(4) No person shall purchase a mutual wagering ticket or receipt for or on behalf of a person under 21 years of age. [1957 c.313 §17]

462.195 Written statement of age from purchaser of mutual wagering ticket or receipt. (1) A licensee conducting a race meet, before selling a mutual wagering ticket or receipt to any person about whom there is any reasonable doubt of his having reached the age of 21 years, shall require such person to make a written statement of age and furnish evidence of his true age and identity. The written statement of age shall be on a form furnished by the commission, substantially as follows:

Date_____

I am 21 years of age or over.

_____
Signature

Evidence in support of age and identity:

Driver's License #_____ (_____)
State

Military Record #_____

Liquor Permit #_____

Other _____

_____

_____

(Fill in license or card number of any one or more of above)

---

(2) A licensee who, in good faith and with reasonable cause to believe in its truth, accepts a written statement of age, as provided in subsection (1) of this section, may rely on the truth of the statement as conclusive evidence of the age of the person by whom it is signed.

(3) No person shall make a statement of age, as provided in subsection (1) and (2) of this section, that is false in whole or in part, or produce any evidence that would falsely indicate his or her age. [1957 c.313 §§18, 19]

462.200 Tests on animals participating in race meets; costs. The commission by rule or regulation may require that chemical analysis be made of the urine, saliva, blood or other body substances of animals participating in race meets. The cost of such a test shall be paid by the commission, except that a licensee conducting a race meet in a county having a population of 100,000 or more who is required to make a test shall pay the cost thereof himself. [1957 c.313 §20]

THE OREGON RACING COMMISSION; ALLOCATION OF FUNDS TO FAIRS AND PUBLIC SHOWS

462.210 Oregon Racing Commission; appointment of members; tenure. (1) There is created the Oregon Racing Commission to consist of five commissioners who shall be citizens, residents and qualified electors of this state.

(2) On the Thursday following the second Monday in January of each odd year, the Governor shall appoint new members as follows:

(a) One member in 1953.
(b) Two members in 1955.
(c) Two members in 1957.

(3) Upon the expiration of the term of any member the Governor shall appoint a successor for a term of six years and until his successor is appointed and qualified.

462.220 Compensation and expenses of members. The members of the commission shall receive no compensation for their services but they shall be reimbursed for all actual and necessary traveling and other expenses incurred by them in the performance of their duties.

462.230 Vacancies and removal. (1) Vacancies in the office of commissioner shall be filled by appointment to be made by the Governor for the unexpired term.

(2) Any commissioner may be removed by the Governor for cause after a public hearing. Notice of the hearing shall fix the time and place for the hearing and shall specify the charges. Copy of the notice shall be served on the commissioner by mailing it to the commissioner at his last-known address at least 10 days before the date fixed for the hearing.

462.240 Bonds of officers; oath of office. (1) Before entering upon the duties of their respective offices, the chairman, the vice chairman and the secretary of the commission shall each separately enter into a surety company bond, to be approved by the Governor and the Attorney General, payable to the state, in the penal sum of $10,000, conditioned upon the faithful performance of their duties and the correct accounting and payment of all sums received and within their control under ORS 462.010 to 462.290.

(2) Each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for the elective state offices.

462.250 Organization of commission; employes of commission and appointed officials to conduct race meets; commission to fix compensation; rules and regulations. (1) The commission shall organize by electing one of its members chairman and one vice chairman.

(2) The commission shall appoint a secretary, who may be a member of the commission or an employe of the commission in another capacity, a chief state steward and such other employes as are necessary in the performance of the commission's duties. The commission shall fix, within the limits provided by law, and pay the compensation of the secretary and shall fix and pay the compensation of the chief state steward and other employes of the commission.

(3) The commission shall appoint for each race meet stewards, deputy stewards, stewards' reporters, auditors, judges, inspectors, security personnel, chemists, veterinarians, plate inspectors and such other officials as are necessary for the proper conduct of the race meet. The duties and compensation of such officials shall be fixed by the commission, at no greater amount than is customarily paid like officials at race meets of a similar type, and the compensation shall be paid by the commission or the race meet licensee, as the commission may prescribe by regulation. The officials appointed by the commission under this subsection shall not be subject to the State Civil Service Law.

(4) The commission may combine in a single person the duties of one or more employes or officials, as efficiency and economy may require.

(5) The commission shall appoint a board of stewards for each race meet.

(a) The board shall consist of the chief state steward, ex officio, and not more than four other persons. For any race meet, the commission may appoint a deputy state steward to act in behalf or as assistant to the chief state steward. The compensation of all the stewards shall be fixed by the commission; the compensation of the chief state steward and deputy state stewards shall be paid by the commission; the compensation of the other stewards shall be paid by the race meet licensee.

(b) The chief state steward, or in his absence the deputy state steward, shall preside over the board of stewards. The board of stewards shall, under the supervision and direction of the commission, enforce the provisions of this chapter, the rules and regulations of the commission and the customs of the course at the race meet for which it is appointed, and in such enforcement may exercise such power and authority of the commission as the commission may by regulation prescribe.

(6) The commission shall prescribe rules and regulations not inconsistent with the provisions of this chapter. [Amended by 1955 c.640 §1; 1957 c.313 §11]

462.260 Disposition of moneys paid to commission; office, records and annual report of commission. (1) All money payable to the commission shall be paid to the secretary and deposited in a bank selected by the commission and in an account to the credit of the commission subject only to the checks signed by the chairman, vice chairman and secretary, or any two of them.

(2) The commission may maintain an office and shall keep detailed records of all meetings and of all business transacted, and of all the collections and disbursements, reports of which shall be embodied in an annual report which the commission shall prepare, publish and submit to the Governor and members of the legislature on or before December 31 of each year. This report shall cover the activities of the commission for the preceding year.

462.265 Commission subject to state budget procedures and laws governing supervision of expenditures. (1) The Oregon Racing Commission is subject to the provisions of ORS 291.202 to 291.222, including but not limited to the provisions of those sections relating to changes and revisions by the Governor in budget estimates and requests.

(2) The Oregon Racing Commission and its officers and employes are subject to the provisions of ORS 291.232 to 291.260 and to subsection (1) of ORS 291.990. [1959 c.284 §§1, 2]

462.270 Duties of the commission. (1) The commission shall license, regulate and supervise all race meets held in this state and cause the various places where race meets are to be held to be visited and inspected at least once a year.

(2) The commission shall be the sole judge of whether or not a race meet shall be licensed and shall specify the days and dates and number of days the meet shall continue and the number of races per day.

(3) The commission shall prepare and promulgate a complete set of rules and regulations to govern the race meets in every phase of operation consistent with the provisions of this chapter, public safety, health, welfare and any other matter pertaining to the good conduct of racing and shall make rules and regulations to govern public training tracks consistent with this chapter and with public health, safety, welfare, humane practices, and any other matter pertaining to the good conduct of racing. The commission shall also prepare and promulgate rules for the conduct of hearings held and shall establish the procedure to be followed.

(4) The commission shall determine and announce the place, time and duration of race meets for which license fees shall be exacted. [Amended by 1953 c.497 §4; 1955 c.455 §1]

462.272 Power of commission to administer oaths, take depositions, issue subpenas. (1) In administering the provisions of this chapter, any member of the commission, or an agent authorized by the commission, has power on behalf of the commission to:

(a) Issue subpenas for the attendance of witnesses and the production of books, records and documents relating to matters before the commission.

(b) Administer oaths.

(c) Take or cause to be taken depositions within or without this state, as provided by law.

(2) The commission, upon request of any person interested in a matter before the commission, shall issue subpenas for the attendance of witnesses or the production of books, records or documents on behalf of such person.

(3) The commission's subpenas may be served by any person appointed by the commission. They shall be served, and witness fees and mileage shall be paid, as in civil cases in the circuit court.

(4) If a person refuses to attend to give testimony or to produce books, records or documents, pursuant to a subpena issued by the commission, the circuit court of the county where attendance is required, upon application of the commission, shall compel obedience to the subpena and shall punish refusal to obey or to testify in the same manner as is punished a refusal to obey a subpena or to testify pursuant to a subpena issued from the circuit court. [1957 c.313 §13]

462.275 Commission activities concerning betterment of racing; establishment of library. The commission may:

(1) Cooperate with the racing commissions or boards of other jurisdictions and with racing organizations in enforcing laws regulating racing, in exchanging information relating to racing, in studying and detecting drugs and in carrying out programs for the betterment of racing.

(2) Establish a library of materials relating to racing, and for that purpose accept gifts of books, periodicals and library equipment. [1957 c.313 §15]

462.277 Service and execution of warrants of arrest and search warrants. Enforcement agents, designated as such by the commission, shall have the same authority with respect to service and execution of warrants of arrest and search warrants as is conferred upon peace officers of this state. [1957 c.313 §14]

462.280 Distribution and allocation of sums paid to commission. All sums paid to the commission shall be distributed by the commission as follows:

(1) Of the percentage of the gross receipts of the mutual wagering collected by the commission under this chapter:

(a) Two-fifths shall be paid into the State Treasury and shall be credited to the General Fund.

(b) The commission shall reserve and keep on hand a revolving fund necessary for payment of the current expenses of the commission not at any time in excess of $25,000.

(c) The remainder of said money shall be paid at least weekly into the State Treasury where it shall be distributed and divided as follows:

(A) Not more than $35,000 in any one year, for the Oregon State Fair.

(B) Not more than $35,000 in any one year, for the Pacific International Livestock Exposition held in North Portland.

(C) Not more than $7,500 in any one year, for the Eastern Oregon Livestock Show, held at Union.

(D) Not more than $5,000 in any one year, for the Mid-Columbia Livestock Show, held at The Dalles.

(E) Not more than $7,500 in any one year, for the Pendleton Roundup, held at Pendleton.

(F) Not more than $2,400 in any one year for the Northwestern Turkey Show, held in Douglas County.

(G) Not more than $1,000 in any one year for the Merrill Potato Festival held at Merrill, and not more than $4,000 in any one year for the Klamath Basin Roundup Association held in Klamath County.

(H) Not more than $2,500 in any one year for the Spring Lamb and Dairy Show held at Canby.

(I) Not more than $2,400 in any one year for the Pacific Coast Turkey Exhibit, held in Yamhill County.

(J) Not more than $2,500 in any one year for the Oregon State Corn Show to be held under the direction of the director of the Department of Agriculture of Oregon State College.

(2) Of per diem licensee payments of $500 per day for horse racing and $500 per day for racing with animals other than horses, collected by the commission under this chapter:

(a) $400 of each such per diem for horse racing and $200 of each such per diem for racing with animals other than horses shall be paid into and credited to the account established by ORS 462.260 to the credit of the commission for reimbursement to the commission for salaries, wages or fees paid by the commission for help employed by it at licensed race meets.

(3) Out of the remainder of all sums paid to the commission, $250 per racing day for all horse racing or for racing with animals other than horses at the Oregon State Fair or at the various county fairs, shall be paid into and credited to the account established by ORS 462.260 to the credit of the commission for reimbursement to the commission for salaries, wages or fees paid by the commission for help employed by it at such state or county fair racing meets.

(4) The remainder hereby is appropriated and shall be paid to the several counties in equal parts for the benefit of their county fairs. However, in the event there are not sufficient sums paid to the commission to be distributed to the beneficiaries named in this section, the commission shall prorate the sums to be paid to the named beneficiaries. [Amended by 1955 c.20 §1; 1955 c.642 §2; 1959 c.279 §1]

462.290 Use of moneys received by associations and shows. (1) The moneys distributed under ORS 462.280 shall constitute appropriations for the support, benefit and maintenance of the beneficiaries designated therein and shall be paid to them on warrants drawn and paid as other public funds of the state are paid.

(2) Any accumulation of funds so distributed which may remain as unexpended balance or surplus held by, or for the benefit of, the fairs, expositions, shows and organizations named in ORS 462.280, may be used

for the purchase, construction and maintenance of buildings, grounds and equipment for the fairs, expositions, shows or organizations by or for which such accumulation, balance or surplus is held.

462.300 Audit of financial records of fairs and other organizations to which racing moneys are distributed; accounting systems. (1) The Secretary of State of Oregon shall cause an annual audit to be made, covering each fiscal year ending June 30, of the financial records of all fairs, shows, expositions, organizations and associations which are beneficiaries of funds allocated pursuant to ORS chapter 462. The Secretary of State shall use the facilities of the Division of Audits of his office in making such audits unless the beneficiaries of those funds shall have submitted to the Division of Audits not later than September 30 of each year an audit report prepared by competent accountants and satisfactory to the said Division of Audits as to form, completeness and authenticity.

(2) The Secretary of State shall prepare a summarization of the reports of audits and shall mail a copy of such summarization to every member of the incoming Legislative Assembly not less than 30 days before it convenes.

(3) Upon request of the county fair board or the county court or board of county commissioners of any county, the Secretary of State shall prepare, prescribe and install systems of accounting for use by the county fair of that county at such times and in such manner as will, in his judgment, be most effective in securing uniformity of classification and accounting practices for county fairs. Each county fair, its officers and employes shall cooperate and assist the Secretary of State in every way possible in expediting the installation and maintenance of such accounting systems.

(4) The costs and expenses of the Division of Audits in conducting the audits, preparation of audit reports, and the summarization of audit reports and their distribution as provided for by subsection (2) of this section shall be borne on a distributed cost basis by the fair, show, exposition, organization or association audited. All costs and expenses pertaining to the installing of accounting systems for county fairs shall be borne by the county fair for which the installation is made. Such costs shall be deducted from the funds allocated by ORS 462.280 and 462.290, prior to their distribution. The amount of such deductions shall be transferred and credited to the Division of Audits Account. [1955 c.328 §§1, 2, 3; 1957 c.475 §1]

462.310 to 462.400 [Reserved for expansion]

GENERAL REGULATIONS RESPECTING ANIMAL RACING

462.410 Definitions for ORS 462.410 to 462.470. (1) As used in ORS 462.410 to 462.470, "drugs" shall mean and shall include, but not be limited to, all barbituric acid preparations and derivatives, opium and all its alkaloids, salts, preparations and derivatives and cocaine and all its salts, preparations, derivatives and substitutes.

(2) "Race" shall mean any race conducted in a race meet.

(3) "Race meet" shall have the meaning defined and set forth in ORS 462.010.

(4) "Racing enclosure" shall mean and shall include, but not be limited to, the race track, paddock, stables, kennels and all other buildings and grounds adjacent to or appurtenant to the physical limits of the race track. [1953 c.498 §1]

462.420 Stimulating or depressing racing animal with drugs or unauthorized device prohibited. No person shall stimulate or depress any animal involved in any race by the administration of drugs or by the use of any electrical device or equipment or by any mechanical or other device not sanctioned by the commission. [1953 c.498 §3]

462.430 Attempt to affect race result by unlawfully stimulating or depressing participating animal prohibited. No person shall influence or conspire or attempt to influence or conspire with any other person to affect the result of any race in which an animal participates by stimulating or depressing any animal involved in such race through the administration of any drug to such animal, or by the use of any electrical device or equipment or by any mechanical or other device not sanctioned by the commission. [1953 c.498 §2]

462.440 Entering unlawfully stimulated or depressed animal in race within 48 hours prohibited. No person shall knowingly enter

any animal in any race within a period of 48 hours after any drug has been administered to such animal or within 48 hours after such animal has been stimulated or depressed by the use of any electrical or mechanical device not sanctioned by the commission. [1953 c.498 §4]

462.450 Regulation of possession, transportation or use of local anesthetics or barbituric acid preparations or derivatives within racing enclosure. (1) No person shall possess, transport or use any local anesthetics or any barbituric acid preparation or derivative within the racing enclosure, except upon a bona fide veterinarian's prescription with a complete statement of the uses and purposes of such prescription upon the container of such prescription.

(2) A copy of such prescription shall be filed with the presiding steward of the race meet, and such prescription shall be used only with approval of the said presiding steward and under the direct supervision of a veterinarian representing the commission. [1953 c.498 §7]

462.460 Racing animal under name or designation other than registered name or designation prohibited. No person shall knowingly enter or race any animal in any race under any name or designation other than that name or designation assigned to such animal by and registered with such club or association or other governing body recognized by the commission for such purpose. [1953 c.498 §5]

462.470 Aiding or abetting the racing of an animal under name or designation other than registered name or designation prohibited. No person shall aid, abet, counsel, instigate, engage or in any way further any act by which any animal is entered or raced in any race under any name or designation other than that name or designation assigned to such animal by and registered with such club or association or other governing body recognized by the commission for such purpose. [1953 c.498 §6]

462.480 to 462.500 [Reserved for expansion]

462.510 Demand or acceptance of compensation for furnishing racing information as touting. Any person who attempts to, or does persuade, procure or cause another person to wager on an animal participating in a race, and upon which money is wagered, and who asks or demands, or accepts compensation as a reward for information or purported information given in such case is a tout, and is guilty of touting. [1953 c.499 §1]

462.520 Penalty for falsely using name of racing official as source of information in commission of touting. Any person who in the commission of touting falsely uses the name of any official of the Oregon Racing Commission, its inspectors or attaches, or of any official of any race track association, or the names of any owner, trainer, jockey or other person licensed by the Oregon Racing Commission as the source of any information or purported information is guilty of a misdemeanor. [1953 c.499 §2]

462.530 Exclusion of certain persons from race tracks; penalty for refusing to leave. (1) Any person who has been convicted of touting, and the record of whose conviction on such charge is on file in the office of the Oregon Racing Commission, or any person who has been ejected from any race track of this or any other state for touting or practices inimical to the public interest shall be excluded from all race tracks in this state.

(2) Any such person who refuses to leave such track when ordered to do so by inspectors or stewards of the Oregon Racing Commission, or by any peace officer, is guilty of a misdemeanor. [1953 c.499 §4]

462.540 to 462.980 [Reserved for expansion]

PENALTIES

462.990 Penalties. (1) Violation of any provision of ORS 462.010 to 462.260 or 462.270 to 462.290 is a misdemeanor.

(2) Any person violating the provisions of ORS 462.420, 462.430, 462.440, 462.450, 462.460 or 462.470 shall, upon conviction, be guilty of a felony and punished by imprisonment in the Oregon State Penitentiary for not more than two years or by a fine of not more than $5,000, or by both.

(3) Any person who conspires or attempts to commit or commits any act of

touting as defined in ORS 462.510 shall, upon conviction, be fined not more than $500 or be imprisoned for not more than six months, or both. [Part of subsection (1) derived from 1957 c.313 §22; subsection (2) enacted as 1953 c.498 §8; subsection (3) enacted as 1953 c.499 §5; amended by 1955 c.538 §2]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel