

1 ENGROSSED SENATE AMENDMENTS  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2965

By: Culver of the House

and

Coleman of the Senate

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7 An Act relating to horse racing; amending 3A O.S.  
2021, Sections 205.6, 205.6a, and 205.7a, which  
8 relate to the Oklahoma Horse Racing Act; providing  
exception; permitting certain races to be televised  
9 at certain racetracks, out of state, or out of  
country; and providing an effective date.  
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12 AMENDMENT NO. 1. Page 1, line 15, through page 8, line 8, delete  
Section 1

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14 AMENDMENT NO. 2. Page 8, line 8 1/2, insert new Section 1 to read:

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16 "SECTION 1. AMENDATORY 3A O.S. 2021, Section 205.2, is  
amended to read as follows:

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18 Section 205.2. A. Applications for organization licenses must  
be filed with the Commission at a time and place prescribed by the  
19 rules and regulations of the Commission. Beginning with  
20 organization license applications for the 1994 calendar year, the  
Commission shall develop and use separate application forms for  
21 applicants requesting an organization license to conduct horse  
22 racing with the pari-mutuel system of wagering and applicants  
23 requesting an organization license to conduct horse racing without  
24

1 the pari-mutuel system of wagering. For use for the 1993 calendar  
2 year organization licenses, an applicant requesting to conduct horse  
3 racing without the pari-mutuel system of wagering shall make  
4 application with the Commission on American Quarter Horse  
5 Association application forms. Applications for an organization  
6 license to conduct horse racing without the pari-mutuel system of  
7 wagering for the 1993 calendar year shall be filed with the  
8 Commission on or before the 1st day of August, 1992. Each applicant  
9 requesting an organization license to conduct horse racing with the  
10 pari-mutuel system of wagering shall include with each application a  
11 nonrefundable license fee equal to the sum of Five Thousand Dollars  
12 (\$5,000.00) for each race meeting and Two Hundred Dollars (\$200.00)  
13 for each racing day requested. Provided, the fee for Five Thousand  
14 Dollars (\$5,000.00) shall be waived for applicants applying pursuant  
15 to the provisions of Section 208.2 of this title. Each applicant  
16 requesting an organization license to conduct horse racing without  
17 the pari-mutuel system of wagering or to conduct accredited work or  
18 training races shall include with each application a nonrefundable  
19 license fee of Five Hundred Dollars (\$500.00) for each race meeting.  
20 Such fee shall be in the form of a certified check or bank draft  
21 payable to the order of the Commission. Within thirty (30) days  
22 after the date specified for filing, the Commission shall examine  
23 the applications for compliance with the provisions of the Oklahoma  
24 Horse Racing Act and such rules and regulations as may be

1 promulgated by the Commission. If any application does not comply  
2 with the provisions of the Oklahoma Horse Racing Act or the rules  
3 and regulations promulgated by the Commission, the application may  
4 be rejected or the Commission may direct the applicant to comply  
5 with the provisions of the Oklahoma Horse Racing Act or the rules  
6 and regulations of the Commission within a reasonable time as  
7 determined by the Commission. Upon proof by the applicant of  
8 compliance, the Commission may reconsider the application. If it is  
9 found to be in compliance with the provisions of the Oklahoma Horse  
10 Racing Act and the rules and regulations of the Commission, the  
11 Commission may then issue an organization license to the applicant.

12 B. The Commission may exercise discretion in the issuing of  
13 organization licenses to qualified applicants. The Commission may  
14 also determine and grant racing dates different from those requested  
15 by the applicants in their applications.

16 C. The Commission may determine and grant the number of racing  
17 days to be allotted to each applicant. When granting organization  
18 licenses and allocating dates for race meetings which will, in the  
19 judgment of the Commission, be conducive to the best interests of  
20 the public and the sport of horse racing, the Commission shall give  
21 consideration to:

22 1. The character, reputation, experience, and financial  
23 integrity of each applicant and of any other person that:

24 a. directly or indirectly controls such applicant, or

1           b.    is directly or indirectly controlled by such applicant  
2                    or by a person who directly or indirectly controls  
3                    such applicant; and

4           2.    The facilities and accommodations of the applicant for the  
5   conduct of race meetings; and

6           3.    The location of the race meeting of the applicant in  
7   relation to the principal centers of population of this state; and

8           4.    The highest prospective total revenue to be derived by the  
9   state from the conduct of the race meeting.

10          D.    Prior to the issuance of an organization license to conduct  
11   pari-mutuel race meetings, the applicant shall file with the  
12   Commission a bond payable to the State of Oklahoma in an amount  
13   determined by the Commission which is not less than Two Hundred  
14   Thousand Dollars (\$200,000.00) and not more than the total financial  
15   liability of the organization licensee throughout the race meeting  
16   for which the organization license is requested, executed by the  
17   applicant and a surety company or companies authorized to do  
18   business in this state, and conditioned upon the payment by the  
19   organization licensee of all taxes and other monies due and payable  
20   pursuant to the provisions of the Oklahoma Horse Racing Act and all  
21   purses due and payable, and upon the fact that, upon presentation of  
22   winning tickets, the organization licensee will distribute all sums  
23   due to the patrons of pari-mutuel pools. The financial liabilities  
24   incurred by the organization licensee in the form of real estate

1 mortgages shall not be included in the determination of the bond  
2 amount.

3 E. The Commission shall notify each applicant of the racing  
4 dates allotted to such applicant. The notice shall be in writing  
5 and sent by registered mail to the applicant at the address stated  
6 in the application. The notice shall be mailed within two (2)  
7 business days of the date the allotment is made. After the mailing  
8 of such notice of allotment, each applicant shall file with the  
9 Commission within ten (10) days an acceptance of such allotment on a  
10 form prescribed and furnished by the Commission.

11 F. Each organization license shall specify the name of the  
12 person to whom it is issued, the dates upon which horse racing is  
13 permitted, and the location, place, track, or enclosure where the  
14 race meeting is to be held.

15 G. All employees of an organization licensee shall be citizens  
16 of the United States, and not less than ninety percent (90%) of such  
17 employees shall be residents of this state for not less than  
18 eighteen (18) months immediately preceding such employment.

19 H. All horse racing conducted pursuant to the provisions of an  
20 organization license is subject to the provisions of the Oklahoma  
21 Horse Racing Act and of the rules, regulations and directives  
22 promulgated by the Commission, and every organization license issued  
23 by the Commission shall contain a statement to that effect.

24

1 I. Any organization licensee may provide, with prior approval  
2 by the Commission, that at least one horse race a day may be devoted  
3 to the racing of a type of horse which is different from the type of  
4 horse being raced in the other races conducted by the organization  
5 licensee on that day. When scheduled races are trial heats for  
6 futurities or stakes races electronically timed from the starting  
7 gates, no organization licensee shall move the starting gates or  
8 allow the starting gates to be moved until all trial heats are  
9 complete, unless they are using a device approved by the horsemen's  
10 representative and the stewards that will ensure the gates are set  
11 in the same position, except in an emergency as determined by the  
12 stewards.

13 J. Organization licenses may be revoked if the organization  
14 licensee or any person owning an interest in the organization  
15 licensee:

- 16 1. Violates any provision of the Oklahoma Horse Racing Act; or
- 17 2. Violates any provision of the rules and regulations  
18 promulgated pursuant to the provisions of the Oklahoma Horse Racing  
19 Act; or
- 20 3. Has been convicted of a felony; or
- 21 4. Has been convicted of violating any law regarding gambling  
22 or controlled dangerous substances of the United States, this state,  
23 or any other state; or

24

1 5. Has failed to disclose or has stated falsely any information  
2 contained in the application; or

3 6. Has concealed in whole or in part the true ownership of the  
4 organization licensee.

5 Any organization license revocation proceeding shall be  
6 conducted pursuant to the provisions of Sections 302 through 323 of  
7 Title 75 of the Oklahoma Statutes.

8 K. The fees received by the Commission pursuant to the  
9 provisions of this section shall be apportioned to the Oklahoma  
10 Horse Racing Commission Operational Expenses Revolving Fund.

11 L. The provisions of the Oklahoma Horse Racing Act and rules  
12 promulgated by the Commission shall apply to an organization  
13 licensee during the entire calendar year in which the license was  
14 issued."

15 AMENDMENT NO. 3. Page 8, line 9, through page 11, line 24, delete  
16 Section 2

17 and renumber subsequent sections

18 AMENDMENT NO. 4. Page 13, lines 4 through 7, delete all new  
19 language

20 and amend the title to conform

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1 ENGROSSED HOUSE  
2 BILL NO. 2965

By: Culver of the House

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8 An Act relating to horse racing; amending 3A O.S.  
9 2021, Sections 205.6, 205.6a, and 205.7a, which  
10 relate to the Oklahoma Horse Racing Act; providing  
11 exception; permitting certain races to be televised  
12 at certain racetracks, out of state, or out of  
13 country; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 2. AMENDATORY 3A O.S. 2021, Section 205.6, is  
16 amended to read as follows:

17 Section 205.6 A. Any organization licensee conducting a race  
18 meeting may provide places on the race meeting grounds at which it  
19 may conduct and supervise the pari-mutuel system of wagering on the  
20 horse races conducted by the organization licensee at the race  
21 meeting. No other place or method of betting, pool making,  
22 wagering, or gambling shall be used or permitted by the organization  
23 licensee. The pari-mutuel system of wagering shall be permitted  
24 only on horse races conducted at a racetrack where such pari-mutuel

1 system of wagering is authorized pursuant to the provisions of the  
2 Oklahoma Horse Racing Act.

3 B. Each organization licensee that holds a race meeting at  
4 which the pari-mutuel system of wagering is conducted shall retain  
5 an amount equal to eighteen percent (18%) of all money wagered, to  
6 be distributed as follows:

7 1. The first One Hundred Million Dollars (\$100,000,000.00)  
8 wagered per calendar year for each type of racing shall be  
9 distributed as follows provided, that all racing dates exclusively  
10 for Thoroughbred racing in a calendar year shall be combined for the  
11 purpose of computing taxation rates and all racing dates for mixed  
12 racing and all other individual breeds in a calendar year shall be  
13 combined but considered separate from Thoroughbred racing for the  
14 purpose of computing taxation rates:

15 a. one-ninth (1/9) of the eighteen percent (18%) shall be  
16 remitted to the Oklahoma Tax Commission on the first  
17 business day following the close of the racing day on  
18 which it was assessed. One hundred percent (100%) of  
19 the revenue derived pursuant to the provisions of this  
20 paragraph shall be apportioned monthly to the Oklahoma  
21 Horse Racing Commission Operational Expenses Revolving  
22 Fund, and

23 b. five-ninths (5/9) of the eighteen percent (18%) shall  
24 be retained by the organization licensee, and

1           c.    one-third (1/3) of the eighteen percent (18%) shall be  
2                   retained by the organization licensee to be  
3                   distributed as purses for participating horses.

4           2.   All money wagered per calendar year for each type of racing  
5 in excess of One Hundred Million Dollars (\$100,000,000.00) but not  
6 to exceed One Hundred Fifty Million Dollars (\$150,000,000.00) shall  
7 be distributed as follows provided, that all racing dates  
8 exclusively for Thoroughbred racing in a calendar year shall be  
9 combined for the purpose of computing taxation rates and all racing  
10 dates for mixed racing and all other individual breeds in a calendar  
11 year shall be combined but considered separate from Thoroughbred  
12 racing for the purpose of computing taxation rates:

13           a.   one-ninth (1/9) of the eighteen percent (18%) shall be  
14                   remitted to the Oklahoma Tax Commission on the first  
15                   business day following the close of the racing day on  
16                   which it was assessed. One hundred percent (100%) of  
17                   the revenue derived pursuant to the provisions of this  
18                   paragraph shall be apportioned monthly to the Oklahoma  
19                   Horse Racing Commission Operational Expenses Revolving  
20                   Fund, and

21           b.   four-ninths (4/9) of the eighteen percent (18%) shall  
22                   be retained by the organization licensee, and  
23  
24

1 c. one-third (1/3) of the eighteen percent (18%) shall be  
2 retained by the organization licensee to be

3 distributed as purses for participating horses, and

4 d. one-ninth (1/9) of the eighteen percent (18%) shall be  
5 retained by the organization licensee to be

6 distributed as follows:

7 (1) seventy-five percent (75%) as purses for  
8 participating horses, and

9 (2) twenty-five percent (25%) shall be remitted to  
10 the Commission, at such intervals as required by  
11 the Commission, for deposit in the Oklahoma  
12 Breeding Development Fund Special Account.

13 3. All money wagered per calendar year for each type of racing  
14 in excess of One Hundred Fifty Million Dollars (\$150,000,000.00)  
15 shall be distributed as follows provided, that all racing dates  
16 exclusively for Thoroughbred racing in a calendar year shall be  
17 combined for the purpose of computing taxation rates and all racing  
18 dates for mixed racing and all other individual breeds in a calendar  
19 year shall be combined but considered separate from Thoroughbred  
20 racing for the purpose of computing taxation rates:

21 a. one-ninth (1/9) of the eighteen percent (18%) shall be  
22 remitted to the Oklahoma Tax Commission on the first  
23 business day following the close of the racing day on  
24 which it was assessed. One hundred percent (100%) of

1 the revenue derived pursuant to the provisions of this  
2 paragraph shall be apportioned monthly to the Oklahoma  
3 Horse Racing Commission Operational Expenses Revolving  
4 Fund, and

5 b. one-third (1/3) of the eighteen percent (18%) shall be  
6 retained by the organization licensee, and

7 c. one-third (1/3) of the eighteen percent (18%) shall be  
8 retained by the organization licensee to be  
9 distributed as purses for participating horses, and

10 d. two-ninths (2/9) of the eighteen percent (18%) shall  
11 be retained by the organization licensee to be  
12 distributed as follows:

13 (1) seventy-five percent (75%) as purses for  
14 participating horses, and

15 (2) twenty-five percent (25%) shall be remitted to  
16 the Commission, at such intervals as required by  
17 the Commission, for deposit in the Oklahoma  
18 Breeding Development Fund Special Account.

19 C. Notwithstanding any other provisions of this act, the state  
20 shall collect six percent (6%) of the total amount wagered under the  
21 provisions of this act at such time the organization licensee has no  
22 further debt service.

23 D. In addition to the amount required to be retained by the  
24 provisions of subsection B of this section, each organization

1 licensee holding a race meeting at which the pari-mutuel system of  
2 wagering is conducted shall retain an additional amount equal to  
3 three percent (3%) of all money wagered on multiple race wagers  
4 involving not to exceed two races and on multiple horse wagers not  
5 to exceed two horses in the same race.

6 Such amount shall be retained by the organization licensee to be  
7 distributed as follows:

8 1. Two-thirds (2/3) of three percent (3%) shall be distributed:

9 a. seventy-five percent (75%) as purses for participating  
10 horses, and

11 b. twenty-five percent (25%) shall be remitted to the  
12 Commission, at such intervals as required by the  
13 Commission, for deposit in the Oklahoma Breeding  
14 Development Fund Special Account; and

15 2. One-third (1/3) of the three percent (3%) shall be  
16 distributed:

17 a. fifty percent (50%) as purses for participating  
18 horses, and

19 b. fifty percent (50%) to the organization licensee.

20 E. Each organization licensee shall retain an amount not less  
21 than twenty-one percent (21%) nor greater than twenty-five percent  
22 (25%) of all money wagered on multiple race wagers involving more  
23 than two races, and on multiple horse wagers involving more than two  
24 horses such amount shall be distributed as follows:

1        1. Eighteen percent (18%) pursuant to subsection B of this  
2 section;

3        2. Three percent (3%) pursuant to subsection D of this section;  
4 and

5        3. Of the remainder, fifty percent (50%) to be distributed as  
6 purses for participating horses and fifty percent (50%) to the  
7 organization licensee.

8        F. Organization licensees shall keep accurate books and records  
9 of all monies wagered on each day of a race meeting and of the taxes  
10 paid pursuant to the provisions of this section. The Oklahoma Tax  
11 Commission or an authorized representative shall have access at all  
12 reasonable times to such records for the purpose of examining and  
13 checking the records and ascertaining whether the proper amount of  
14 taxes is being paid. The Oklahoma Tax Commission shall require  
15 verified reports and a statement of the total of all monies wagered  
16 daily at a race meeting and may prescribe forms upon which such  
17 reports and statement shall be made. The organization licensee  
18 shall provide the Oklahoma Tax Commission with such space and  
19 accommodations as may be necessary for the Oklahoma Tax Commission  
20 to implement its duties pursuant to the provisions of the Oklahoma  
21 Horse Racing Act.

22        G. No revenue bonds issued by a public trust, as authorized by  
23 the provisions of Title 62 of the Oklahoma Statutes, shall be used  
24 to finance any racetrack or racing facility.

1 H. All monies retained or to be distributed for purses shall be  
2 held in trust by the Horsemen's Bookkeeper pursuant to Section  
3 208.13 of this title for the duly designated horsemen's organization  
4 for purses.

5 I. Notwithstanding any other provisions of this act, this  
6 section shall not apply to any agreements subject to the Interstate  
7 Horse Racing Act of 1978, 15 U.S.C., Section 3004(a) et seq.,  
8 pertaining to the export signal of live races across state lines.

9 SECTION 3. AMENDATORY 3A O.S. 2021, Section 205.6a, is  
10 amended to read as follows:

11 Section 205.6a A. Any organization licensee shall file with  
12 the Oklahoma Horse Racing Commission its plan to conduct pari-mutuel  
13 wagering at a facility or facilities located outside the  
14 organization licensee's racing enclosure. Such pari-mutuel wagering  
15 may be conducted at any time as authorized by the Commission. The  
16 conducting of pari-mutuel wagering at a facility outside the  
17 organization licensee's enclosure is subject to the following:

18 1. Pari-mutuel wagering shall be permitted only in a county  
19 which approves or has approved the conducting of pari-mutuel horse  
20 racing in that county pursuant to the provisions of Section 209 of  
21 this title;

22 2. Pari-mutuel wagering conducted by an organization licensee  
23 shall not be permitted within thirty (30) miles of another  
24



1 organization licensee's racing enclosure without the express  
2 permission granted by the other organization licensee;

3 3. All pari-mutuel wagering facilities located outside any  
4 organization licensee's racing enclosure shall be operated in  
5 accordance with all applicable rules of the Oklahoma Horse Racing  
6 Commission Rules of Racing (Pari-Mutuel Edition);

7 4. The organization licensee sending its racing signal to a  
8 facility or facilities outside its racing enclosure may combine the  
9 pari-mutuel pools of all facilities with those of the organization  
10 licensee for the purpose of determining odds and computing payoffs.  
11 The amount of money to be retained and distributed by the  
12 organization licensee and to be remitted to the Oklahoma Tax  
13 Commission from money wagered pursuant to the provisions of this  
14 section shall be the same as set forth in paragraph 1 of subsection  
15 B, in subsection D, and in subsection E of Section 205.6 of this  
16 title and in Section 208.2 of this title;

17 5. One percent (1%) of the total monies wagered at a facility  
18 other than an organization licensee's racing enclosure shall be  
19 distributed from the amount retained pursuant to paragraph 4 of this  
20 subsection as follows:

- 21 a. ten percent (10%) to the State Auditor and Inspector
- 22 for the purpose of auditing such facilities, and
- 23 b. forty-five percent (45%) to the county in which the
- 24 facility is located, and

- c. forty-five percent (45%) to the city in which the facility is located, or
- d. if the facility is not located within the corporate limits of any city, ninety percent (90%) to the county in which the facility is located;

6. The distribution for purses at facilities other than an organization licensee's racing enclosures shall be:

- a. six and one-half percent (6.5%) of total handle during the first thirty-six (36) months after the opening of a facility in a county, and
- b. seven and one-half percent (7.5%) of total handle thereafter.

Upon completion of three hundred sixty-five (365) calendar days since the opening of a facility in a county, the thirty-six-month period commences retroactive to the opening of that facility. If the facility does not operate for three hundred sixty-five (365) calendar days, a new facility may be opened and operated, with the thirty-six-month period commencing consistent with this paragraph. If a facility terminates operation after the three-hundred-sixty-fifth calendar day, all days shall be allotted to subsequent facilities not to exceed one thousand ninety-five (1,095) calendar days per facility; and

7. The organization licensee, after the distribution to the Oklahoma Tax Commission pursuant to the provisions of paragraph 4 of

1 this subsection and distributions pursuant to paragraphs 5 and 6 of  
2 this subsection, shall retain the balance of the monies wagered.

3 B. Notification by an organization licensee to conduct pari-  
4 mutuel wagering at a facility or facilities outside of the  
5 organization licensee's racing enclosure shall be made annually to  
6 the Oklahoma Horse Racing Commission. An organization licensee may  
7 make an original notification to conduct pari-mutuel wagering at a  
8 facility or facilities outside of the organization licensee's racing  
9 enclosure at any time.

10 C. All persons employed in the actual conduct of pari-mutuel  
11 wagering at a facility outside an organization licensee's racing  
12 enclosure shall be licensed by the Commission, consistent with  
13 Section 204.2 of this title.

14 D. Breakage and unclaimed ticket proceeds shall be distributed  
15 in the manner applicable to the races of the racing program of the  
16 organization licensee sending the racing program.

17 E. All monies retained or to be distributed for purses shall be  
18 held in trust by the Horsemen's Bookkeeper pursuant to Section ~~5~~  
19 208.13 of this ~~act~~ title for the duly designated horsemen's  
20 organization for purses.

21 F. Notwithstanding any other provisions of this act, this  
22 section shall not apply to any agreements subject to the Interstate  
23 Horse Racing Act of 1978, 15 U.S.C., Section 3004(a) et seq.,  
24 pertaining to the export signal of live races across state lines.

1 SECTION 4. AMENDATORY 3A O.S. 2021, Section 205.7a, is  
2 amended to read as follows:

3 Section 205.7a A. Any race run at any racetrack licensed by  
4 the Oklahoma Horse Racing Commission may be televised to another  
5 racetrack licensed by the Commission or may be televised out of  
6 state or out of country.

7 B. Any organization licensee that televises races out of state  
8 or out of country and accepts full-card out-of-state ~~simulcast~~  
9 wagering at any time during a calendar year shall be required to  
10 televise to all other racetracks licensed by the ~~Oklahoma Horse~~  
11 ~~Racing~~ Commission all of its live races, or the number of days of  
12 its live racing which is equivalent to the number of days of live  
13 racing conducted at the receiving track, whichever is less. Pari-  
14 mutuel wagering may be conducted on such races at all other  
15 racetracks licensed by the Oklahoma Horse Racing Commission and may  
16 be allowed at their in-state offtrack pari-mutuel wagering  
17 facilities or at any other racetrack or entity in another state or  
18 country. Money wagered on such races may be placed in separate or  
19 common pools as determined by rules of the Oklahoma Horse Racing  
20 Commission. A written application to televise a race shall contain  
21 the details of such race, its agreements and contracts, and shall be  
22 submitted to the Oklahoma Horse Racing Commission for its approval  
23 prior to the racing event. Such agreement shall comply with all  
24 applicable laws of the United States and the laws of this state.

1 The proceeds of the agreement shall be distributed in the same  
2 manner as money wagered pursuant to the provisions of paragraph 1 of  
3 subsection B, in subsection D, and in subsection E of Section 205.6  
4 of this title and Section 208.2 of this title, except for those  
5 agreements subject to the Interstate Horse Racing Act of 1978, 15  
6 U.S.C., Section 3004(a) et seq., pertaining to the export signal of  
7 live races across state lines.

8 ~~B.~~ C. For the days on which a licensed track within this state  
9 does not conduct live racing but conducts pari-mutuel wagering on  
10 races televised from another licensed track within this state or on  
11 out-of-state races, the conducting of pari-mutuel wagering shall not  
12 be considered racing days for the purposes of this title.

13 ~~C.~~ D. When any licensed track within this state conducts pari-  
14 mutuel wagering on races televised from another licensed track  
15 within this state, the receiving licensee shall not retransmit the  
16 sending licensee's signal without the express permission of the  
17 sending licensee.

18 ~~D.~~ E. Breakage and unclaimed ticket proceeds shall be  
19 distributed in the manner applicable to the races of the racing  
20 program of the organization licensees who are sending and receiving  
21 the racing program.

22 SECTION 5. This act shall become effective November 1, 2024.  
23  
24

1 Passed the House of Representatives the 11th day of March, 2024.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate