



Kristin Rhee

*Final Analysis*  
*Legislative Service Commission*

**S.B. 14**  
123rd General Assembly  
(As Passed by the General Assembly)

**Sen. Blessing**

**Reps. Taylor, Buchy, Evans, Young**

**Effective date: \***

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**ACT SUMMARY**

- Specifies that the State Racing Commission has the power to sue and be sued in its own name.
- Grants the Court of Common Pleas of Franklin County original jurisdiction over actions against the Commission and appellate jurisdiction over decisions of the Commission.
- Requires that the Commission's principal office be located in Franklin County.

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**CONTENT AND OPERATION**

**Continuing law**

Continuing law establishes the State Racing Commission, consisting of five members appointed by the Governor with the advice and consent of the Senate (sec. 3769.02). The Commission must prescribe the rules and conditions under which horse racing may be conducted in Ohio, may issue, deny, suspend, diminish, or revoke permits to conduct horse racing as authorized by the Horse Racing Law (see below), and may prescribe what forms of wagering are permissible, the number of races, the procedures on wagering, and the wagering information to be provided to the public. The Commission may impose, in addition to any other

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

penalty it imposes, fines in an amount not to exceed \$10,000 on any permit holder or any other person who violates its rules or orders. (Sec. 3769.03.)

The Commission may issue, deny, suspend, or revoke licenses to persons engaged in racing and to employees of permit holders "as is in the public interest for the purpose of maintaining a proper control over horse-racing meetings" and also may rule any person off a permit holder's premises as is in the public interest for this purpose. The Commission may deny a permit to any permit holder that has defaulted in payments to the public, employees, or the "horsemen," may deny a permit to any successor purchaser of a track for as long as any of those defaults have not been satisfied by either the seller or purchaser, must deny a permit to any permit holder that has defaulted in payments to the state or has defaulted in connection with certain other required payments, and must deny a permit to any successor purchaser of a track for as long as any of these defaults have not been satisfied by either the seller or purchaser. (Sec. 3769.03.)

Any violation of the Horse Racing Law, of any rule of racing adopted by the Commission, or of any law or rule with respect to racing in any jurisdiction is sufficient reason for the Commission to refuse to issue a license or to suspend or revoke any license issued by it. With respect to the issuance, denial, suspension, or revocation of a license to a participant in horse racing, the Commission's action is subject to the Administrative Procedure Act. (Sec. 3769.03.)

The Commission sets licensing and registration fees, and licenses, unless revoked for cause, generally are effective for one year. All license fees established and collected by the Commission must be paid into the state treasury, must be credited to the State Racing Commission Operating Fund, and must be expended by the Commission to defray its operating costs, salaries and expenses, and the cost of administering and enforcing the Horse Racing Law. (Sec. 3769.03.)

### **Changes made by the act**

The act continues the provisions of law described above and additionally specifies that (1) the State Racing Commission may sue and be sued in its own name (sec. 3769.03), (2) any action against the Commission must be brought in the Court of Common Pleas of Franklin County (sec. 3769.03), (3) the Commission's principal office must be located in Franklin County (sec. 3769.02), and (4) any appeal from a determination or decision of the Commission rendered in the exercise of its powers and duties under the Horse Racing Law must be brought in the Court of Common Pleas of Franklin County (sec. 3769.03).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	pp. 27-28
Reported, S. Judiciary	03-11-99	p. 191
Passed Senate (33-0)	03-17-99	p. 212
Reported, H. State Gov't	04-27-99	pp. 470-471
Passed House (52-44)	04-29-99	pp. 495-496

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