(123rd General Assembly)
(Senate Bill Number 14)

AN ACT

To amend sections 3769.02 and 3769.03 of the Revised Code to specify that the Ohio Racing Commission has the power to sue and be sued in its own name, to grant the Court of Common Pleas of Franklin County original jurisdiction over actions against the Commission and appellate jurisdiction over decisions of the Commission, and to require that the Commission's principal office be located in Franklin County.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3769.02 and 3769.03 of the Revised Code be amended to read as follows:

Sec. 3769.02. A state racing commission is hereby established. It shall consist of five members, appointed by the governor, with the advice and consent of the senate. Not more than three members shall be affiliated with the same political party. To be eligible for appointment, a person shall be a qualified elector of the state and a resident of the state for not less than five years immediately preceding ~~his~~ appointment. No person shall be appointed to the commission, nor be an employee ~~thereof~~ of the commission, nor officiate at pari-mutuel meetings conducted in this state who is licensed or regulated, directly or indirectly, by the commission other than for the position to which ~~he~~ the person is appointed, nor shall ~~he~~ the person have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in any firm, association, or corporation that is so licensed or regulated or ~~which~~ that participates in pari-mutuel meetings in any manner, nor shall ~~he~~ the person participate in pari-mutuel meetings in any manner other than in ~~his~~ the person's official capacity.

Terms of office shall be for four years, commencing on the first day of April and ending on the thirty-first day of March. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. Vacancies shall be filled by the governor with the advice and consent of the senate. Any member appointed to fill a vacancy occurring

prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of ~~such~~ that term. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No vacancy on the commission shall impair the power and authority of the remaining members to exercise all the powers of the commission. One of the members of the commission shall be named by the governor as ~~chairman~~ chairperson of the commission at the time of making the appointment of any member for a full term.

The ~~chairman~~ chairperson and the associate commissioners shall receive a salary fixed pursuant to Chapter 124. of the Revised Code. When on commission business and for attending commission meetings, the commissioners shall be allowed actual and necessary traveling expenses. The salaries and expenses shall be paid out of the state racing commission operating fund created by section 3769.03 of the Revised Code.

Each commissioner, before entering upon the discharge of ~~his~~ the official duties of commissioner, shall give a bond, payable to the treasurer of state, in the sum of ten thousand dollars with sufficient sureties to be approved by the director of administrative services, which bond shall be filed with the secretary of state.

The governor may remove any member for malfeasance, misfeasance, or nonfeasance in office, giving ~~such~~ the member a copy of the charges against ~~him~~ the member and affording ~~him~~ the member an opportunity to be publicly heard in person or by counsel in ~~his~~ the member's own defense upon not less than ten days' notice. If ~~such~~ the member is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the governor's finding ~~thereon~~ on the charges, together with a complete report of the proceedings, and the governor's decision ~~thereon~~ on the charges is final.

The principal office of the commission shall be located in Franklin county.

Sec. 3769.03. The state racing commission shall prescribe the rules and conditions under which horse racing may be conducted~~,~~ and may issue, deny, suspend, diminish, or revoke permits to conduct horse racing as authorized by sections 3769.01 to 3769.14 of the Revised Code. The commission may impose, in addition to any other penalty imposed by the commission, fines in an amount not to exceed ten thousand dollars on any permit holder or any other person who violates the rules or orders of the commission. The commission may prescribe ~~what~~ the forms of wagering

that are permissible, the number of races, the procedures on wagering, and the wagering information to be provided to the public.

The commission may require totalizator equipment to display the amount of wagering in each wagering pool. The commission shall initiate safeguards as necessary to account for the amount ~~if~~ of money wagered at each track in each wagering pool. It may require permit holders to install equipment that will provide a complete check and analysis of the functioning of any computers and require safeguards on their performance. The commission shall require all permit holders, except those holding state fair, county fair, or other fair permits, to provide a photographic recording, approved by the commission, of the entire running of all races conducted by the permit holder.

The state racing commission may issue, deny, suspend, or revoke licenses to ~~such~~ those persons engaged in racing and to ~~such~~ those employees of permit holders as is in the public interest for the purpose of maintaining a proper control over horse-racing meetings. The commission ~~may also~~, as is in the public interest for the purpose of maintaining proper control over horse-racing meetings, also may rule any person off a permit holder's premises. License fees~~, which~~ shall ~~also~~ include registration fees~~,~~ and shall be set by the commission. Each ~~such~~ license issued by the commission, unless revoked for cause, shall be for the period of one year from the first day of January of the year in which it is issued, except as otherwise provided in section 3769.07 of the Revised Code. Applicants for licenses issued by the commission shall submit their fingerprints to the commission, and the commission may forward the fingerprints to the federal bureau of investigation or to any other agency, or to both, for examination.

There is hereby created in the state treasury the state racing commission operating fund. All license fees established and collected by the commission pursuant to this section, and the amounts specified in divisions (B) and (C) of section 3769.08 and division (A)(6) of section 3769.087 of the Revised Code, shall be paid into the state treasury to the credit of the fund. Moneys in the fund shall be expended by the commission to defray its operating costs, salaries and expenses, and the cost of administering and enforcing this chapter.

The commission may deny a permit to any permit holder that has defaulted in payments to the public, employees, or the horsemen and may deny a permit to any successor purchaser of a track for as long as any ~~such~~ of those defaults have not been satisfied by either the seller or purchaser.

The commission shall deny a permit to any permit holder that has defaulted in payments to the state ~~of Ohio~~ or has defaulted in payments

equired under section 3769.089 or 3769.0810 of the Revised Code and shall deny a permit to any successor purchaser of a track for as long as ~~such~~ those defaults have not been satisfied by either the seller or purchaser.

Any violation of this chapter, ~~or~~ of any rule of racing adopted by the commission, or of any law or rule with respect to racing in any jurisdiction shall be sufficient reason for a refusal to issue a license, or a suspension or revocation of any ~~such~~ license issued, pursuant to this section.

With respect to the issuance, denial, suspension, or revocation of a license to a participant in horse racing, the action of the commission shall be subject to Chapter 119. of the Revised Code.

The commission may sue and be sued in its own name. Any action against the commission shall be brought in the court of common pleas of Franklin county. Any appeal from a determination or decision of the commission rendered in the exercise of its powers and duties under this chapter shall be brought in the court of common pleas of Franklin county.

The commission ~~shall~~, biennially, shall make a full report to the governor of its proceedings for the two-year period ending with the thirty-first day of December preceding the convening of the general assembly and shall ~~embody therein~~ include its recommendations in the report. The commission ~~shall~~, semiannually, on the thirtieth day of June and on the thirty-first day of December of each year, shall make a report and accounting to the governor.

SECTION 2. That existing sections 3769.02 and 3769.03 of the Revised Code are hereby repealed.

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Speaker _____ *of the House of Representatives.*

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President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

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Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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Secretary of State.

File No. _____ Effective Date _____