

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 546

**Representatives Dolan, Boccieri, Trakas, Evans, D., Seitz, Setzer, Hartnett,
Allen, Yuko, Walcher, Chandler, Collier, Cassell, Aslanides, Schlichter,
Willamowski, Combs, Widener, McGregor, J.**

—

A B I L L

To amend section 3769.083 and to enact section 1
3769.22 of the Revised Code to authorize the State 2
Racing Commission to enter into the National 3
Racing Compact in order to provide for the 4
licensure and regulation of individuals involved 5
in the horse racing industry in the Compact states 6
in a specified manner, to change the definition of 7
"Ohio foaled horse," to specify that a 8
thoroughbred mare may leave Ohio for breeding 9
purposes with the Commission's permission and if 10
the mare returns immediately after that activity, 11
and to require that all investment earnings on 12
cash balances in the Ohio Thoroughbred Race Fund 13
be credited to the Fund. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3769.083 be amended and section 15
3769.22 of the Revised Code be enacted to read as follows: 16

Sec. 3769.083. (A) As used in this section: 17

(1) An "accredited Ohio thoroughbred horse" means a horse 18

conceived in this state and born in this state which is both of
the following:

(a) Born of a mare that is domiciled in this state at the
time of ~~such~~ the horse's conception, that remains continuously in
the state through the date on which ~~such~~ the horse is born, and
that is registered as required by the rules of the state racing
commission;

(b) By a stallion that stands for breeding purposes only in
this state in the year in which ~~such~~ the horse is conceived, and
that is registered as required by the rules of the ~~racing~~
commission.

(2) An "Ohio foaled horse" means a horse registered as
required by the rules of the state racing commission which is
either of the following:

(a) A horse born of a mare ~~which that~~ enters this state ~~on or~~
~~before the fifteenth day of July of the year in which the horse is~~
~~conceived~~ foaling and remains continuously in this state until the
horse is born;

(b) A thoroughbred foal produced within the state by any
broodmare shipped into the state to foal and be bred to a
registered Ohio stallion. To qualify this foal as an Ohio foaled
horse, the broodmare shall remain in ~~Ohio~~ this state one year
continuously after foaling or continuously through foaling to the
cover of the Ohio stallion, whichever is sooner. All horses
previously registered as Ohio conceived and foaled shall be
considered as Ohio foaled horses effective January 1, 1976.

Any thoroughbred mare may leave ~~Ohio~~ this state for ~~such~~
periods of time for purposes of ~~such~~ activities such as veterinary
treatment or surgery, sales purposes, breeding purposes, racing
purposes, and similar activities if permission is granted by the
state racing commission and the mare is returned to ~~Ohio~~ this

state immediately upon the conclusion of the requested activity. 50

(3) "Horse," "stallion," "mare," or "foal" means a horse of 51
the thoroughbred breed as distinguished from a horse of the 52
standard breed or any other breed, and "race" means a race for 53
thoroughbred horses conducted by a permit holder of the state 54
racing commission. 55

(4) "Horse" includes animals of all ages and of both sexes. 56

(B) There is hereby created in the state treasury the Ohio 57
thoroughbred race fund, to consist of moneys paid into it pursuant 58
to sections 3769.08 and 3769.087 of the Revised Code. All 59
investment earnings on the cash balances in the fund shall be 60
credited to it. Moneys to the credit of the fund shall be 61
distributed on order of the state racing commission. The 62
commission ~~shall~~, with the advice and assistance of the Ohio 63
thoroughbred racing advisory committee, shall use ~~this~~ the fund, 64
except as provided in divisions (C)(2)~~7~~ and (3)~~7~~ and (D) of this 65
section, to promote races and provide purses for ~~such~~ races for 66
horses in the following classes: 67

(1) Accredited Ohio thoroughbred horses; 68

(2) Ohio foaled horses. 69

Not less than ten nor more than twenty-five per cent of the 70
total money to be paid from the fund for all types of races shall 71
be allocated to races restricted to accredited Ohio thoroughbred 72
horses. The commission may combine the classes of horses described 73
in divisions (B)(1) and (2) of this section in one race, except in 74
~~stake~~ stakes races. 75

(C)(1) Each permit holder conducting thoroughbred races shall 76
schedule races each week for horses in the classes named in 77
division (B) of this section; the number of ~~such~~ the races shall 78
be prescribed by the state racing commission. The commission 79
~~shall~~, pursuant to division (B) of this section, shall prescribe 80

the class or classes of ~~such~~ the races to be held by each permit holder and ~~shall~~, with the advice of the Ohio thoroughbred racing advisory committee, shall fix the dates and conditions of ~~such~~ the races and the amount of moneys to be paid from the Ohio thoroughbred race fund to be added in each ~~such~~ race to the minimum purse established by the permit holder for the class of race held.

(2) The commission ~~may~~, with the advice of the Ohio thoroughbred racing advisory committee, may provide for ~~stake~~ stakes races to be run each year, and fix the number of ~~such~~ stakes races and the time, place, and conditions under which each shall be run. The commission shall fix the amount of moneys to be paid from the Ohio thoroughbred race fund to be added to the purse provided for each ~~such~~ stakes race by the permit holder, except that, in at least four ~~such~~ stake stakes races each year, the commission shall require, if four ~~such~~ stakes races can be arranged, ~~require~~ that the permit holder conducting the ~~stake~~ stakes race provide no less than fifteen thousand dollars for the purse for ~~such~~ stake the stakes race, and the commission shall provide moneys from the fund to be added to ~~such~~ the purse in an amount equal to or greater than the amount provided by the permit holder. The commission may require a nominating, sustaining, and entry fee not to exceed one per cent of the money added from the fund for each horse in any ~~such~~ stake stakes race, which fee shall be added to the purse for the race.

Stakes races where money is added from the Ohio thoroughbred race fund shall be open only to accredited Ohio thoroughbred horses and Ohio foaled horses. Twenty-five per cent of the total moneys to be paid from the fund for stakes races shall be allocated to races for only accredited Ohio thoroughbred horses. The commission may require a nominating, sustaining, and entry fee, not to exceed one per cent of the money added from the fund,

for each horse in any ~~such stake race~~ of these stakes races. These 113
fees shall be accumulated by the commission, and shall be paid out 114
by the commission at its discretion as part of the purse money for 115
additional races. 116

(3) The commission may pay from the Ohio thoroughbred race 117
fund to the breeder of a horse of class (1) or (2) of division (B) 118
of this section winning first, second, or third prize money of a 119
purse for a thoroughbred race an amount not to exceed fifteen per 120
cent of the first, second, or third prize money of ~~such~~ the purse. 121
For the purposes of this division, the term "breeder" shall be 122
defined by rule of the commission. 123

The commission ~~may~~ also may provide for stallion owners' 124
awards in an amount equal to not less than three nor more than ten 125
per cent of the first, second, or third place share of the purse. 126
The award shall be paid to the owner of the stallion, ~~providing~~ 127
provided that the stallion was standing in ~~Ohio~~ this state as 128
provided in division (A)(1)(b) of this section at the time the 129
horse placing first, second, or third was conceived. 130

(D) The state racing commission may provide for the 131
expenditure of moneys from the Ohio thoroughbred race fund in an 132
amount not to exceed in any one calendar year ten per cent of the 133
total amount received in the account that year to provide for 134
research projects directed toward improving the breeding, raising, 135
racing, and health and soundness of thoroughbred horses in the 136
state and toward education or promotion of the industry. Research 137
for which ~~such funds~~ the moneys from the fund may be used may 138
include, but shall not be limited to, studies of pre-race blood 139
testing, post-race testing, improvement of the breed, and 140
nutrition. 141

(E) The state racing commission shall appoint ~~such~~ qualified 142
personnel as may be required to supervise registration of horses 143
under the terms of this section, to determine the eligibility of 144

horses for accredited Ohio thoroughbred races, Ohio foaled races, 145
and the ~~stake~~ stakes races authorized by division (C)(2) of this 146
section, and to assist the Ohio thoroughbred racing advisory 147
committee and the commission in determining the conditions, class, 148
and quality of the race program to be established under this 149
section so as to carry out the purposes of this section. ~~Such~~ 150
~~persons~~ The personnel shall serve at the pleasure of the 151
commission, and compensation shall be fixed by the commission. The 152
compensation of ~~such~~ the personnel and necessary expenses shall be 153
paid out of the Ohio thoroughbred race fund. 154

The commission shall adopt ~~such~~ rules as are necessary to 155
carry out this section and shall administer the ~~stake~~ stakes race 156
program and other races supported by the Ohio thoroughbred race 157
~~special-account~~ fund in a manner best designed to aid in the 158
development of the thoroughbred horse industry in the state, to 159
upgrade the quality of horse racing in the state, and to improve 160
the quality of horses conceived and foaled in the state. 161

Sec. 3769.22. (A) The general assembly finds and declares all 162
of the following: 163

(1) A national racing compact, comprised of states that are 164
party to the compact, exists to provide for the licensure and 165
regulation of individuals involved in the horse and greyhound 166
racing industries. 167

(2) The intent of the compact is to prevent individual 168
owners, trainers, jockeys, drivers, backstretch employees, 169
totalizator employees, farriers, concessionaires, veterinarians, 170
and other persons involved in live horse or greyhound racing upon 171
which pari-mutuel wagering is conducted from having to be licensed 172
in each state in which they may conduct business. 173

(3) The compact authorizes the individuals described in 174
division (A)(2) of this section to be licensed in occupational 175

categories established by the compact committee that oversees the 176
compact and, thus, to be able to practice their occupation in all 177
states that are parties to the compact. 178

(4) The purposes of the compact are to do all of the 179
following: 180

(a) Establish uniform requirements among the states that are 181
parties to the compact for the licensure of the individuals 182
described in division (A)(2) of this section and to ensure that 183
all of those individuals licensed pursuant to the compact meet a 184
uniform minimum standard of honesty and integrity; 185

(b) Facilitate the growth of the horse and greyhound racing 186
industry in each state that is a party to the compact and 187
throughout the country by simplifying the licensing process for 188
the individuals described in division (A)(4)(a) of this section 189
and by reducing the duplicative and costly process of separate 190
licensing by the applicable agency in each state that is a party 191
to the compact; 192

(c) Provide for participation in the compact by officials of 193
the states that are parties to the compact, and permit those 194
officials, through the compact committee established by the 195
compact, to enter into contracts with governmental agencies and 196
nongovernmental persons and entities to carry out the purposes of 197
the compact; 198

(d) Establish the compact committee as an interstate 199
governmental entity authorized to request and receive criminal 200
record history information from the federal bureau of 201
investigation, other federal law enforcement agencies, the royal 202
Canadian mounted police, law enforcement agencies of other 203
nations, and state and local law enforcement agencies. 204

(5) Both of the following apply under the compact: 205

(a) No state that is party to the compact, including that state's racing commission or equivalent agency, is liable for the debts or other financial obligations incurred by the compact committee. 206
207
208
209

(b) No official of a state that is a party to the compact or employee of the compact committee is personally liable for any act the official or employee performs or omits to perform in good faith while carrying out the official's or employee's responsibilities and duties under the compact. 210
211
212
213
214

(B)(1) The state racing commission is hereby authorized to enter into and participate in the compact described in division (A) of this section for the purposes described in that division. 215
216
217

(2) The participation of this state and the commission in the compact shall not have any of the following consequences: 218
219

(a) Result in the diminution of any applicable existing standards governing the issuance, denial, suspension, or revocation of a license issued under section 3769.03 of the Revised Code; 220
221
222
223

(b) Prevent the enforcement of any statute or rule affecting the holder of any such license; 224
225

(c) Relieve any individual or entity of its duty to obtain any such license or pay any license fee; 226
227

(d) Make the state or the commission liable for the debts or other financial obligations incurred by the compact committee; 228
229

(e) Make any officer or employee of this state personally liable for any act the official or employee performs or omits to perform in good faith while carrying out the official's or employee's responsibilities and duties under the compact. 230
231
232
233

(3) The commission shall designate an individual to represent this state and the commission on the compact committee in the 234
235

administration of the compact.

236

Section 2. That existing section 3769.083 of the Revised Code
is hereby repealed.

237

238