

**As Reported by the House State Government and Elections
Committee**

**127th General Assembly
Regular Session
2007-2008**

Sub. H. B. No. 177

Representative Blessing

Cosponsors: Representatives Chandler, Adams, Yuko, Webster

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A B I L L

To amend section 3769.07 of the Revised Code to allow 1
the same person, association, trust, or 2
corporation to own and operate two separate race 3
tracks in Ohio. 4

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

Section 1. That section 3769.07 of the Revised Code be 5
amended to read as follows: 6

Sec. 3769.07. Except as otherwise provided in this section, 7
no permit shall be issued under sections 3769.01 to 3769.14 of the 8
Revised Code, authorizing the conduct of a live racing program for 9
thoroughbred horses and quarter horses at any place, track, or 10
enclosure except between the hours of twelve noon and seven p.m., 11
for running horse-racing meetings, except that on special events 12
days running horse-racing meetings may begin at nine a.m. by 13
application to the state racing commission and except that the 14
seven p.m. time may be extended to eight p.m. on a Sunday or 15
holiday by application to the commission, and no permit shall be 16
issued under those sections authorizing the conduct of a live 17
racing program for harness horses at any place, track, or 18

enclosure except between the hours of twelve noon and twelve 19
midnight for light harness horse-racing meetings. The seven p.m. 20
and eight p.m. closing times described in this section shall upon 21
application to the commission be extended to nine p.m. for any 22
running horse-racing meeting conducted between the fifteenth day 23
of May and the fifteenth day of September at a track that is 24
located more than twenty-five miles from a track located in this 25
state where a light harness horse-racing meeting, other than a 26
light harness horse-racing meeting at a county fair or independent 27
fair, is being conducted and that is located less than twenty-five 28
miles from a track located outside this state. A permit issued for 29
horse racing at a county fair shall authorize live horse racing to 30
begin at nine a.m. ~~No~~ 31

No permit shall be granted for the holding or conducting of a 32
horse-racing meeting after the tenth day of December in any 33
calendar year, except for racing at winterized tracks. "Winterized 34
track" means a track with enclosed club house or grandstand, 35
all-weather racing track, heated facilities for jockeys or 36
drivers, backstretch facilities that are properly prepared for 37
winter racing, and adequate snow removal equipment available. ~~No~~ 38

No permit shall be issued for more than an aggregate of 39
fifty-six racing days in any one calendar year, except that an 40
additional five days of racing may be approved by the commission 41
upon application by a permit holder and except that an additional 42
thirty days of racing may be granted for racing at any time after 43
the fifteenth day of October and prior to the fifteenth day of 44
March to a permit holder who has a winterized facility, but no 45
more than thirty such additional days may be issued at any one 46
track or enclosure. No more than an aggregate of fifty-six racing 47
days shall be issued in any one calendar year for any one race 48
track, place, or enclosure, except for the additional five days of 49
racing for each permit holder which may be approved by the 50

commission pursuant to this section, except as provided in 51
sections 3769.071 and 3769.13 of the Revised Code, except for 52
racing days granted as a result of a winterized facility, and 53
except that the commission may issue a second permit for a maximum 54
of fifty-six racing days for any one track, place, or enclosure, 55
if the commission determines that the issuance of such second 56
permit is not against the public interest. No such second permit 57
shall be issued: 58

(A) For the operation of racing in any county with a 59
population of less than seven hundred thousand or for the 60
operation of racing in any county which has more than one race 61
track at which a racing meet has been authorized, except as 62
provided in this division and in sections 3769.071 and 3769.13 of 63
the Revised Code, in the same year by the commission. A second 64
permit issued pursuant to this division may be issued at either or 65
both race tracks in a county that has only two race tracks if a 66
racing meet has been authorized at both race tracks in the same 67
year by the commission and one race track has been authorized to 68
conduct thoroughbred racing meets and the other race track has 69
been authorized to conduct harness racing meets. When such second 70
permit is issued pursuant to this division for racing at the one 71
race track, racing shall not be conducted at that race track on 72
the same day that racing is conducted at the other race track in 73
the county except by mutual agreement of the two race tracks. 74

(B) To any corporation having one or more shareholders owning 75
an interest in any other permit issued by the commission for the 76
operation of racing, in the same year, at any other race track, 77
place, or enclosure in this state; 78

(C) To any person, association, or trust which owns, or which 79
has any members owning, an interest in any other permit issued by 80
the commission for the operation of racing, in the same year, at 81
any other race track, place, or enclosure in this state. 82

No permit shall be issued so as to permit live racing 83
programs on the same hour at more than one track in one county or 84
on tracks in operation in 1975 within fifty miles of each other, 85
nor shall any other form of pari-mutuel wagering other than horse 86
racing be permitted within seventy-five miles of a track where 87
horse racing is being conducted, except that this provision shall 88
not apply to a horse-racing meeting held at the state fair or at a 89
fair conducted by a county agricultural society or at a fair 90
conducted by an independent agricultural society; ~~nor shall more 91~~
~~than one permit in any one year be granted to the same person, 92~~
~~association, trust, or corporation for the holding or conducting 93~~
~~of a horse racing meeting, at more than one race track, place, or 94~~
~~enclosure in this state. Distribution of days shall not apply to 95~~
fairs or horse shows not required to secure a permit under such 96
section. Notwithstanding any other provision of this chapter, a 97
person, association, trust, or corporation may own or operate two 98
separate facilities in this state that are conducting horse-racing 99
meetings. 100

A permit, granted under sections 3769.01 to 3769.14 of the 101
Revised Code, shall be conspicuously displayed during the 102
horse-racing meeting in the principal office at such race track 103
and at all reasonable times shall be exhibited to any authorized 104
person requesting to see the same. 105

Section 2. That existing section 3769.07 of the Revised Code 106
is hereby repealed. 107