



# Ohio Legislative Service Commission

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## Bill Analysis

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### **H.B. 402**

128th General Assembly

(As Reported by H. Agriculture and Natural Resources)

**Reps.** Dodd, Murray, Domenick, Letson, Evans, Sayre, Book, Hackett, Yuko, Okey, Boose, Derickson, Zehringer

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## **BILL SUMMARY**

- Requires the Auditor of State to audit only public money received from a state agency or a board of county commissioners, and not other money raised or received, by a county or independent agricultural society.
- Prohibits the Auditor from charging more than \$3,000 for an audit of a county or independent agricultural society.
- Applies to an independent agricultural society the existing requirement that a county agricultural society annually publish an abstract of its treasurer's account, and allows an agricultural society to publish the abstract either on the web page of the society or, as in current law, in a newspaper of the county.
- Allows an agricultural society, if it cannot conduct horse races at its fairgrounds due to unfavorable weather or another unavoidable cause, to transfer them to a suitable track with the approval of the Director of Agriculture.
- Requires such an agricultural society to allocate money remaining from its distribution from the existing Ohio Fairs Fund in a manner established by the Director in rules adopted under the bill, and provides that in doing so the society does not lose its eligibility to continue to receive money from the Fund.

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## **CONTENT AND OPERATION**

### **Agricultural society audits and treasurer reports**

Under current law, the Auditor of State is required to audit all public offices. The Auditor also may audit the accounts of private institutions, associations, boards,

and corporations receiving public money for their use and may require annual reports from them in a form that the Auditor prescribes.

The bill requires the Auditor of State to audit only public money received from a state agency or a board of county commissioners, and not other money raised or received, by a county agricultural society or an independent agricultural society. It prohibits the Auditor from charging more than \$3,000 for an audit of a county or independent agricultural society. (R.C. 117.10.)

Current law requires a county agricultural society annually to publish an abstract of its treasurer's account in a newspaper of the county and make a report of its proceedings during the year. The bill applies the requirement to an independent agricultural society. It also authorizes an agricultural society to publish the abstract on the web page of the society rather than in a newspaper. (R.C. 1711.05.)

### **Horse races conducted by agricultural societies**

Under the bill, horse races that are conducted by a county agricultural society or independent agricultural society in accordance with current law that governs distributions from the Ohio Fairs Fund must be conducted at the fairgrounds of the sponsoring agricultural society. Current law governing that Fund provides in part for distribution to agricultural societies and the Ohio Expositions Commission of money from the Fund to be used as purse money for races conducted by the societies at their annual fairs or by the Commission (R.C. 3769.082, not in the bill).

The bill states that if the horse races conducted by an agricultural society cannot be contested due to unfavorable weather or another unavoidable cause, the races may be transferred to a suitable track with the approval of the Director of Agriculture. When such a race cannot be conducted, the agricultural society must allocate the remaining money in a manner established by the Director in rules adopted under the bill notwithstanding current law that states that any county or independent agricultural society that uses the moneys distributed under the statute that governs distributions from the Ohio Fairs Fund for any purpose other than as provided in that statute is not eligible to receive distribution from the Fund for a period of two years after the misuse of the moneys occurs. The bill requires the Director to adopt rules in accordance with the Administrative Procedure Act that establish the manner in which money may be allocated under the bill. (R.C. 3769.0811(B).)

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## HISTORY

### ACTION

### DATE

Introduced

12-30-09

Reported, H. Agriculture & Natural Resources

03-11-10

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