

# Ohio State Racing Commission

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## Guide To Agency Rule Making

### GOVERNOR OF THE STATE OF OHIO

The Honorable Bob Taft

### Ohio State Racing Commission

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Norman Barron -- Member

Richard Delatore -- Member

Linda A. Schwan-Hondros -- Member

L. Rainy Stitzlein -- Member

  
Clifford A. Nelson II, Executive Director

# **Guide To Agency Rule Making**

## **Ohio State Racing Commission Regulatory Mission**

The Ohio State Racing Commission was created by Section 3769.02 of the Ohio Revised Code. It serves as the state's regulatory body of the horse racing industry. The commission prescribes the rules, regulations and conditions under which pari-mutuel horse racing is conducted. The commission's primary goal is to preserve the integrity of horse racing and, to that end, licenses all participants in each facet of the industry.

## **Regulatory Mission Achievement**

The agency's executive director supervises 43 employees responsible for insuring the integrity of horse racing in Ohio and answers to five members of the commission who approve all agency rules and, when called upon, determine the finality of rulings against licensees and permit holders.

The commission employs state stewards and presiding judges at commercial racetracks. These officials enforce horse racing rules and regulations. They are empowered to fine or suspend licensees for violations of racing rules and orders of the commission. Stewards and judges approve all applications before licenses are issued by the commission.

The commission employs a state veterinarian at each commercial racetrack to oversee the collection of urine and blood samples from horses. Samples are then tested at The Ohio State University Testing Laboratory to guarantee horses have not been administered prohibited medications. As many as 31,000 samples are processed at the testing laboratory each year.

Four investigators and 12 inspectors employed by the commission police commercial tracks and complete the licensing process. Inspectors also verify amounts wagered daily and the resulting state taxes.

Commission employees at the agency headquarters supervise pari-mutuel wagering, monitor horse breeding in the state, perform other administrative duties and oversee the following programs mandated by the Ohio Revised Code:

- The Ohio Thoroughbred Race Fund
- The Ohio Standardbred Development Fund
- The Ohio Quarter Horse Development Fund
- The Ohio State Racing Commission Operating Fund
- The Ohio Combined Simulcast Purse Fund
- The Ohio State Racing Commission Bond Reimbursement Fund

## **Rule Making The Agency is Authorized/Required To Engage In**

According to section 3769.03 of the Ohio Revised Code, "The Ohio 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 Agency's Rule-Making Process**

The Ohio State Racing Commission's rule-making process is as follows:

Any OSRC licensee, commission member, staff member, steward, judge, racing official, horsemen's association, permit holder or member of the general public may propose a new rule, a change in an existing rule or the rescission of an existing rule. Proposals result from a change in the horse racing industry, a change in the Ohio Revised Code, or a perceived need to modernize an existing rule.

All commission rules are subject to the five-year rule review established by Section 119.032 of the Ohio Revised Code.

The merit of any proposal is reviewed by the commission staff and the assistant attorney general assigned to the agency. Each review focuses upon content, clarity and legality of the proposal. Each review attempts to determine the effect or impact of the proposal upon the state's racing industry. Each proposal is also compared to any similar rules that may exist in other racing jurisdictions and with the racing industry's collection of model rules developed by the Association of Racing Commissioners International. When considering some changes to the administrative code, the commission may name a subcommittee to conduct studies and receive input prior to writing the revision or the new rule.

Deletions to the existing rule are lined out and changes being made are typed in capital letters. After being assigned a rule number, all new language in the rule is typed in capital letters. If a rule is to be rescinded, the words "to be rescinded" are typed in the upper right corner of the first page of the rule.

The Ohio State Racing Commission then takes the following actions to complete its rule-making process:

1. A new rule is given a number. (A rule to be amended has an existing number.)
2. The rule number is placed on the agenda of a monthly commission meeting. Commission members decide if the proposal merits a public hearing.

3. If so, the rule number and proposed change or the new rule is advertised in six newspapers in Franklin, Warren, Hamilton, Summit, Cuyahoga and Lucas Counties 30 days prior to the public hearing.
4. A copy of the proposed rule change or new rule proposal in its entirety is sent to all commission members, horsemen's representatives, permit holders and anyone else requesting a copy.
5. Two copies of each proposed rule change or new rule proposal are filed with The Joint Committee on Agency Rule Review (JCARR) , the Legislative Service Commission, the Secretary of State and the Office of Small Business at least 30 but not more than 41 days prior to the scheduled public hearing.
6. The scheduled public hearing is held.
7. After the hearing if the proposed rule change or new rule proposal needs to be re-filed, there is a 30-day extension prior to moving to adopt. Also, if re-filing is necessary, at the end of the JCARR 60-day jurisdiction, the commission may move to adopt the proposed rule change or the new rule proposal in its final form.
8. At the time of filing in its final form, the proposed rule change or new rule proposal can become effective ten days later.

### **When And How The Public May Participate In The Process**

As stated above, members of the general public may propose a rule change or a new rule. Anyone may respond verbally or in writing to the executive director of the commission once a rule change or a new rule is advertised. Anyone may express in writing his support or opposition to the rule change or new rule to be read during the public hearing. Anyone may testify on the rule change or new rule during the public hearing.

### **Other Information That May Be Meaningful To The General Public**

In addition to the notices placed in newspapers, as required by Sections 3769-2-03 and 3769-12-03 of the Ohio Administrative Code, a rule change or new rule may also be advertised in other horse racing publications. Copies of rule change or new rule may be mailed to veterinary associations, the Jockey's Guild, the Association of Racing Commissioners International, the U.S. Trotting Association and other horse racing organizations.