



Common Sense Initiative

Mike DeWine, *Governor*
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Tanya Boulmetis, Ohio State Racing Commission

FROM: Jacob Ritzenthaler, Business Advocate

DATE: October 8, 2023

RE: **CSI Review – Chapter 13 Rescission (OAC 3769-13-01 through 3769-13-28, 3769-13-30, 3769-13-32 through 3769-13-40, and 3769-13-99)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of thirty-nine rescinded rules proposed by the Ohio State Racing Commission (Commission) as part of the statutorily required five-year review process. This rule package was submitted to the CSI Office on October 12, 2023, and the public comment period was held open through October 22, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 12, 2023.

Ohio Administrative Code (OAC) Chapter 3769-13 establishes requirements related to wagering on standardbred horse racing. The rules in this package are proposed for rescission as part of an ongoing effort to streamline the Commission's rules for both standardbred and thoroughbred horse racing. OAC 3769-13-01 through 3769-13-11 establish requirements for wagering, including descriptions for entering horses, exotic wagering, totalizator systems, the display of approximate odds, recordkeeping, and procedures for incorrect payments and emergencies. OAC 3769-13-12 through 3769-13-18 set forth the calculations used for winning, placing, and showing during races, including processes for determination when no wagers are placed on winning horses and dead heats. OAC 3769-13-19 through 3769-13-28 and 3769-13-30 establish the rules for various types of wagers. OAC 3769-13-32 through 3769-13-40 establish requirements for various types of pools and picks. OAC

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3769-13-99 describes the types of penalties that may be imposed by the Commission for violations.

During the CSI public comment period, the Commission sent the rules to industry stakeholders for feedback, including the seven commercial race track permit holders and members of the horsemen's association. No comments were received during that time.

The business community impacted by the rules includes all horse racing licensees. The adverse impacts created by the rules include maintaining totalizators, parimutuel machines, and other racetrack facilities. The rules include penalties for violations of requirements, which can include suspension of a license for up to one year and a fine of not more than \$1,000. The Commission states that the rules in this chapter are no longer necessary, as their provisions have been combined with those in OAC Chapter 3769-3.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.