

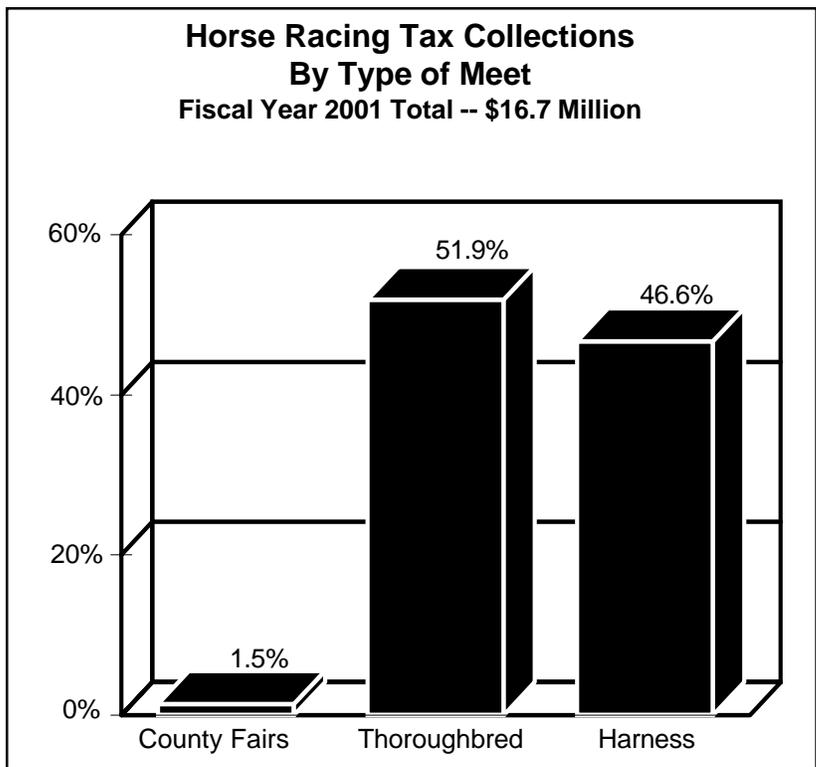
HORSE RACING TAX

Ohio has permitted horse racing and pari-mutuel wagering on horse racing since 1933. The regulation of horse racing is the responsibility of the State Racing Commission, which consists of five members appointed by the Governor and confirmed by the Ohio Senate. The State Racing Commission issues racing permits and sets the racing dates for each meet. Since 1953, the Department of Taxation has administered the tax on pari-mutuel wagering.

Permit holders retain 18 percent of all money wagered and 4.0 percent of "exotic" wagering as their commission, subject to payments to the State Tax Commissioner of the taxes on pari-mutuel and exotic racing.

Fifty percent of the commission (after state taxes) must be used for purse money and, in addition, part of the commission, along with a portion of the state's wagering tax, is used to develop and promote horse breeding and racing in Ohio. Permit holders also retain the breakage (the odd cents remaining after pari-mutuel winning tickets are paid off at the next lowest multiple of ten cents). However, 40 percent of this amount must be used for purse money and 25 percent must be paid to the Horsemen's Health and Retirement Fund. Another source of revenue to permit holders is the authorization to conduct pari-mutuel wagering on televised simulcasts of racing at other tracks.

To encourage the construction and improvement of racing facilities, there are two capital improvement credits that reduce the tax liability of permit holders. The first is a reduction of 3/4 of 1 percent of the amount wagered for the construction of a new facility or the improvement of an existing track. The second is a reduction of one percent of the amount wagered for the major renovation of an existing facility if the cost is \$6 million or more and if the project was approved prior to March 29, 1988. These projects must be approved by the State Racing Commission and can run concurrently.



The tax on total wagering of \$611.1 million in fiscal year 2001 provided \$16.7 million in tax revenue and funds for horse racing development in Ohio.

TAX BASE (R.C. 3769.08, 3769.28, 3769.087):

1. Amount wagered each day on all pari-mutuel racing
2. Amount wagered each day on exotic races
3. Total amount wagered at each horse race meeting of a permit holder

RATES:

1. *Pari-Mutuel Wagering Tax (R.C. 3769.08):*

	Amount Wagered Daily	Rate
First	\$200,000	1%
Next	100,000	2
Next	100,000	3
Over	400,000	4

2. *Exotic Wagering Tax (R.C. 3769.087):* In addition to the pari-mutuel wagering tax, there is a special tax of 3.0 percent of the amount wagered

daily on other than win, place, and show. This is termed “exotic” wagering and includes the Daily Double, Perfecta, Quinella, and Trifecta.

3. **Additional Pari-Mutuel Wagering Tax (R.C. 3769.28):** This money is distributed to the municipal corporation or township in which racing takes place and is intended to reimburse these areas for expenses incurred due to racing meets. The municipal corporations and townships receiving the money may reimburse an adjoining political subdivision which also had expenses because of racing meets. The tax is levied as follows:

Total Amount Wagered Each Horse Racing Meet	Rate
Less than \$5,000,000	0.10%
\$5,000,000 or more	0.15%

The maximum tax liability is \$15,000 from each horse racing meet.

EXEMPTIONS (R.C. 3769.28):

Agricultural Societies are not subject to the “additional pari-mutuel wagering tax”.

SPECIAL PROVISIONS (R.C. 3769.08, 3769.089, 3769.20, 3769.26):

1. **Capital Improvement Credit:** With the approval of the State Racing Commission, permit holders making capital improvements, constructing new racing facilities, or reconstructing facilities damaged by fire or other cause that have a total cost of \$100,000 or more can reduce their tax liability by 0.75 percent of the amount wagered. For projects approved prior to March 29, 1988, the reduction continues for a period of 15 years on capital improvements and reconstruction and a period of 25 years on new race track construction or until the total reduction in tax liability equals 70 percent of construction costs, whichever occurs first. For projects approved on or after March 29, 1988, the reduction is limited to ten years or 70 percent of costs.

2. **Major Capital Improvement Credit:** Permit holders renovating, reconstructing, or remodeling an existing race track facility at a cost of \$6 million or more can reduce their tax liability by one percent of the amount wagered for a period of ten years or until the cost of the project plus debt service is reached, whichever occurs first, providing that the project was approved by the State Racing Commission prior to March 29, 1988. If the reduction exceeds the tax on wagering, the abatement may be carried forward and applied against future tax liability. The tax reduction is in addition to the 0.75 percent Capital Improvement Credit.

3. **Electronically Televised Simulcasts:** Permit holders may televise horse racing at facilities inside or outside of Ohio and conduct pari-mutuel wagering thereon. The type of racing televised must be the same as authorized to be conducted at the permit holder’s track.

4. **Off Track Betting (OTB):** Was allowed since September 27, 1994 with the passage of HB 361. Two facilities are currently operating. They opened October 1999 and March 2000.

TAXPAYER (R.C. 3769.08):

The racing permit holder remits to the Tax Commissioner the tax on the amount wagered as described in **Rates**. The Tax Commissioner in turn distributes the tax as described in **Disposition of Revenue**.

FILING AND PAYMENT DATES (R.C. 3769.08, 3769.28):

Each Day of Racing: Permit holder mails to the Tax Commissioner or delivers to an office of the Department of Taxation by noon the following day the pari-mutuel wagering tax and exotic wagering tax collected.

Close of Horse Race Meeting: Within ten days, the additional pari-mutuel wagering tax is collected and mailed to the Tax Commissioner or delivered to an office of the Department of Taxation.

DISPOSITION OF REVENUE (R.C. 3769.08, 3769.087, 3769.26):

Each Permit Holder pays to the Tax Commissioner a sum equal to the percent of money wagered as described in the **Rates** section reduced by any capital improvements deduction. The Tax Commissioner then distributes the receipts to the following funds:

Receipts from Pari-Mutuel Wagering		
Distributed to	Source of Receipts (Wagering On)	Distribution Percent
Passport Fund	Thoroughbred, harness, quarter horse	25% of gross tax, .50% of amount wagered at an off track betting parlor, 2.5% of the amount paid on winning tickets at an off track betting parlor
Ohio Fairs Fund	Thoroughbred, harness, and quarter horse	0.5% of amount wagered
Ohio Thoroughbred Race Fund	Thoroughbred	1.125% of amount wagered
	Harness racing at events at other than agricultural exposition and fairs	0.54% of amount wagered
Ohio Standardbred Development Fund	Harness	1.125% of amount wagered
Quarter Horse Development Fund	Quarter horse	0.625% of amount wagered
Agricultural Societies	Thoroughbred, harness, and quarter horse racing at agricultural exposition and fairs	Net receipts after payments to the Ohio Fairs Fund, Standardbred Fund, Quarter Horse Fund and Thoroughbred Race Fund
State Racing Commission Operating Fund	Thoroughbred, harness, and quarter horse	0.25% of amount wagered

Receipts from Exotic Wagering		
Distributed To	Source of Receipts (Wagering On)	Distribution Percent
Ohio Passport Fund	Thoroughbred, harness and quarter horse	25% of gross tax
Ohio Fairs Fund	Thoroughbred, harness and quarter horse	8.3% of amount wagered
Ohio Thoroughbred Race Fund	Thoroughbred	8.3% of the amount wagered from thoroughbred racing
Ohio Standardbred Development Fund	Harness	8.3% of the amount wagered from harness racing
Quarter Horse Development Fund	Quarter Horse	8.3% of the amount wagered from quarter horse racing
Agricultural Societies	Thoroughbred, harness and quarter horse at agricultural exposition and fairs	16.7% of amount wagered
State Racing Commission Operating Fund	Thoroughbred, harness and quarter horse at commercial track	16.7% of amount wagered

Receipts from the Additional Pari-Mutuel Wagering Tax		
Distributed To	Source of Receipts (Wagering On)	Distribution Percent
General Revenue Funds of municipalities and townships	Thoroughbred, harness, and quarter horse	One tenth percent of amount wagered if the total amount wagered is less than \$5 million; 0.15% of amount wagered if the total amount wagered is \$5 million or more (maximum of \$15,000)

OHIO REVISED CODE CITATIONS (R.C. 3769.08, 3769.081, 3769.087):

RECENT LEGISLATION:

Sub. H. B. 94; Effective June 6, 2001.

R.C. 3769.08 - Removes the \$2.5 million limit on the amount of money that the State Racing Commission Operating Fund may receive in a calendar year from allocations of the horse racing tax. Removes the deadline in current law for Racing Commission approval of tax reductions for large capital improvement projects. Modifies the length of the tax reduction period for those projects when the State Racing Commission approves the construction of a new race track or capital improvement after the bill's effective date—until the total tax reduction equals 100% of the project's approved cost. Requires the Tax Commissioner, rather than the Director of Budget and Management, to distribute amounts from the Horse Racing Tax Fund to county agricultural societies.

R.C. 3769.087 - Establishes a new horse racing permit holder retention of wagering pool moneys requirement relative to wagering pools other than win, place, and show, replacing the permissive retention provisions of current law. Requires 1/2 of the amount retained (1/4 of 1%) to be paid to the Tax Commissioner as a tax and to be deposited into the State Racing Commission Operating Fund.

House Bill 283; Effective July 1, 1999.

R.C. 3769.201 - Allows a track to apply to the Racing Commission for a major tax abatement equal to the cost of repairs made to the track as a result of damage caused by the 1997 Ohio River Flood.

R.C. 3769.201 - Extends from December 31, 2004 to December 31, 2014, the final date on which the permit holder is eligible to take reductions from the Horse Racing Tax for making capital improvements to the racetrack.

Section 158 (Temporary Law) - For FY 2000 and FY 2001, the Tax Commissioner, rather than the Director of the Office of Budget and Management, shall provide for distribution of tax revenue to the agricultural societies.

Table 28
Amount Wagered on Horse Racing and Special Fund Receipts
by Type of Event, Fiscal Year 1997 - 2001

Fiscal Year	Thoroughbred Racing	Quarter Horse	Agricultural Societies Racing	Total
		Commercial Harness Racing		
<i>PARI-MUTUEL WAGERING</i>				
1997	\$306,220,292	\$253,059,186	\$7,264,020	\$566,543,498
1998	317,705,718	283,413,909	6,479,516	607,599,143
1999	333,831,969	289,440,191	6,389,133	629,661,293
2000	331,094,156	283,819,954	6,197,606	621,111,716
2001	324,096,113	280,974,629	6,017,577	611,088,319
<i>PARI-MUTUEL WAGERING NET TAX RECEIPTS</i>				
1997	\$8,108,405	\$6,982,793	\$280,225	\$15,371,423
1998	8,220,056	7,443,970	250,678	15,914,704
1999	8,708,713	7,524,827	248,226	16,481,766
2000	8,759,923	7,690,488	243,938	16,694,349
2001	8,685,741	7,798,868	240,019	16,724,628

Table 29
Amount Wagered on Horse Racing, Tax Levied
and Distribution of Receipts, Fiscal Year 2001

	Thoroughbred Race Meets	Commercial Harness Race Meets	County Agricultural Societies	Quarter Horse Race Meets	Total
Number of Days	1,451	1,852	180	6	3,489
Total Pari-Mutuel Wagering	\$324,096,113	\$280,716,272	\$6,017,577	\$258,357	\$611,088,319
Exotic Wagering*	213,674,772	196,756,186	3,498,219	150,762	414,079,939
Total Tax Levied**	\$11,963,381	\$9,370,898	\$240,019	\$5,380	\$21,579,678
Less Credits:					
Capital Improvement	0	347,224	0	0	347,224
Major Capital	<u>3,277,640</u>	<u>1,230,186</u>	<u>0</u>	<u>0</u>	<u>4,507,826</u>
Net Tax Collected	\$8,685,741	\$7,793,488	\$240,019	\$5,380	\$16,724,628
Distribution of Receipts:					
Agricultural	0	0	\$137,220	0	\$137,220
Standardbred Development Fund	0	\$2,281,278	46,095	0	2,327,373
Quarter Horse Special Account	0	0	88	\$1,349	1,437
Ohio Fairs Fund	\$1,554,822	1,184,859	38,834	1,131	2,779,646
Thoroughbred Special Account	3,016,554	947,306	290	0	3,964,150
Operating Fund	1,355,563	1,054,013	17,492	951	2,428,019
Passport Fund	<u>2,758,802</u>	<u>2,326,032</u>	<u>0</u>	<u>1,949</u>	<u>5,086,783</u>
Total Amount	\$8,685,741	\$7,793,488	\$240,019	\$5,380	\$16,724,628

* Included in total pari-mutuel wagering, but subject to an additional 3.0% tax.
** Includes credit balance.