

_____ moved to amend as follows: 1

Engross the bill as directed by the commands in the 2
amendments attached hereto, ignoring matter extraneous to those 3
commands 4

INDEX 5

The following amendments are attached hereto: 6

Amendment No.	Subject
am_134_1696	Professional sports organizations
am_134_1740	Removal of provisions enacted in other bills
am_134_1893	Official league data
am_134_2000-1	Withholding government debts from sports gaming winnings
am_134_2075	Tax on unlicensed operators
am_134_2076	Sports gaming receipts tax: remove



Amendment No.	Subject
	carryforward
am_134_2118	Sports betting on horse racing
am_134_2120	Ohio State Racing Commission Fund
am_134_2121-2	Equity in sports gaming licensure
am_134_2122	Esports
am_134_2123-5	Sports gaming proprietor and management services provider licenses
am_134_2124	Confidential information
am_134_2130	Electronic instant bingo distributors
am_134_2131	Gaming agents as peace officers
am_134_2133	Casino and racino voluntary exclusion program
am_134_2134	Proposition bets
am_134_2136	Sports gaming facility investment
am_134_2137	Ohio Casino Control Commission enforcement
am_134_2139-2	Type C sports gaming host licenses
am_134_2140	Type A sports gaming proprietor place of business
am_134_2141	Sports gaming license suitability
am_134_2142	Sports gaming proprietor license suitability
am_134_2143	Type B sports gaming proprietor license suitability
am_134_2144	Professional sports organizations
am_134_2146	Information technology and security audits

Amendment No.	Subject
am_134_2147	Applicants for sports gaming licenses
am_134_2149	Casino involuntary exclusion
am_134_2150	Sports gaming voluntary exclusion program
am_134_2151	Sports gaming involuntary exclusion list
am_134_2152	Sports gaming advertisements
am_134_2221-1	Sports gaming data disclosure
am_134_2272	Type B sports gaming proprietor and management services provider licenses
am_134_2273-1	Type C sports gaming proprietor licenses
am_134_2274	Additional type A sports gaming proprietor licenses
am_134_2275	Veterans identification cards
am_134_2277	Select Committee on iLottery
am_134_2292	Casino operator debt transactions
am_134_2341-1	Regulatory restrictions
am_134_2354	License fee revenue allocation to veterans services
am_134_2387	Sports gaming facility in less populous county
am_134_2412-4	Universal start date for sports gaming; initial licenses
am_134_2429-2	Lottery sports gaming
am_134_2441-1	Joint Committee on Sports Gaming

The motion was _____ agreed to.

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4718, after " <u>tour</u> " insert " <u>or a wholly owned for-profit</u>	9
<u>subsidiary of the owner, if the owner is a nonprofit corporation or</u>	10
<u>organization"</u>	11

The motion was _____ agreed to.

SYNOPSIS 12

Professional sports organizations 13

R.C. 3775.01(H) 14

Modifies the bill's definition of a professional sports	15
organization for purposes of those organizations' eligibility	16
for a licensing preference as a sports gaming proprietor.	17

Specifies that if the owner of a sports facility in Ohio	18
that hosts an annual tournament on the Professional Golf	19
Association Tour is a nonprofit corporation or organization, a	20
wholly owned for-profit subsidiary of the owner may be	21
considered the owner for licensing purposes, as the bill	22
prohibits a nonprofit corporation from receiving a license.	23

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 1 of the title, delete "109.32,"	24
In line 2 of the title, delete ", 2915.01, 2915.08, 2915.081,"	25
Delete line 3 of the title	26
In line 4 of the title, delete "2915.10, 2915.101, 2915.12, 2915.13"	27
In line 7 of the title, delete ", 5747.08"	28
In line 10 of the title, delete "2915.14, 2915.15, 3376.01,"	29
Delete line 11 of the title	30
In line 12 of the title, delete "3376.07, 3376.08, 3772.37,"	31
In line 21 of the title, delete "to allow"	32
Delete line 22 of the title	33
In line 23 of the title, delete "from their name, image, or likeness,"	34 35
In line 28, delete "109.32,"	36
In line 29, delete ", 2915.01, 2915.08, 2915.081, 2915.082, 2915.09,"	37 38
Delete line 30	39

In line 31, delete "2915.13" 40

In line 33, delete ", 5747.08" 41

In line 35, delete "2915.14, 2915.15, 3376.01, 3376.02," 42

Delete line 36 43

Delete lines 42 through 670 44

After line 670, insert: 45

"Sec. 109.572. (A) (1) Upon receipt of a request pursuant 46
to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 47
Code, a completed form prescribed pursuant to division (C) (1) of 48
this section, and a set of fingerprint impressions obtained in 49
the manner described in division (C) (2) of this section, the 50
superintendent of the bureau of criminal identification and 51
investigation shall conduct a criminal records check in the 52
manner described in division (B) of this section to determine 53
whether any information exists that indicates that the person 54
who is the subject of the request previously has been convicted 55
of or pleaded guilty to any of the following: 56

(a) A violation of section 2903.01, 2903.02, 2903.03, 57
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 58
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 59
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 60
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 61
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 62
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 63
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 64
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 65
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 66
of the Revised Code, felonious sexual penetration in violation 67
of former section 2907.12 of the Revised Code, a violation of 68

section 2905.04 of the Revised Code as it existed prior to July 69
1, 1996, a violation of section 2919.23 of the Revised Code that 70
would have been a violation of section 2905.04 of the Revised 71
Code as it existed prior to July 1, 1996, had the violation been 72
committed prior to that date, or a violation of section 2925.11 73
of the Revised Code that is not a minor drug possession offense; 74

(b) A violation of an existing or former law of this 75
state, any other state, or the United States that is 76
substantially equivalent to any of the offenses listed in 77
division (A) (1) (a) of this section; 78

(c) If the request is made pursuant to section 3319.39 of 79
the Revised Code for an applicant who is a teacher, any offense 80
specified under section 9.79 of the Revised Code or in section 81
3319.31 of the Revised Code. 82

(2) On receipt of a request pursuant to section 3712.09 or 83
3721.121 of the Revised Code, a completed form prescribed 84
pursuant to division (C) (1) of this section, and a set of 85
fingerprint impressions obtained in the manner described in 86
division (C) (2) of this section, the superintendent of the 87
bureau of criminal identification and investigation shall 88
conduct a criminal records check with respect to any person who 89
has applied for employment in a position for which a criminal 90
records check is required by those sections. The superintendent 91
shall conduct the criminal records check in the manner described 92
in division (B) of this section to determine whether any 93
information exists that indicates that the person who is the 94
subject of the request previously has been convicted of or 95
pleaded guilty to any of the following: 96

(a) A violation of section 2903.01, 2903.02, 2903.03, 97
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 98
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 99

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 100
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 101
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 102
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 103
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 104
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 105

(b) An existing or former law of this state, any other 106
state, or the United States that is substantially equivalent to 107
any of the offenses listed in division (A) (2) (a) of this 108
section. 109

(3) On receipt of a request pursuant to section 173.27, 110
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 111
5123.081, or 5123.169 of the Revised Code, a completed form 112
prescribed pursuant to division (C) (1) of this section, and a 113
set of fingerprint impressions obtained in the manner described 114
in division (C) (2) of this section, the superintendent of the 115
bureau of criminal identification and investigation shall 116
conduct a criminal records check of the person for whom the 117
request is made. The superintendent shall conduct the criminal 118
records check in the manner described in division (B) of this 119
section to determine whether any information exists that 120
indicates that the person who is the subject of the request 121
previously has been convicted of, has pleaded guilty to, or 122
(except in the case of a request pursuant to section 5164.34, 123
5164.341, or 5164.342 of the Revised Code) has been found 124
eligible for intervention in lieu of conviction for any of the 125
following, regardless of the date of the conviction, the date of 126
entry of the guilty plea, or (except in the case of a request 127
pursuant to section 5164.34, 5164.341, or 5164.342 of the 128
Revised Code) the date the person was found eligible for 129
intervention in lieu of conviction: 130

(a) A violation of section 959.13, 959.131, 2903.01,	131
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	132
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	133
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	134
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	135
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	136
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	137
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	138
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	139
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	140
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	141
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	142
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	143
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	144
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	145
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	146
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	147
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	148
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	149
of the Revised Code;	150
(b) Felonious sexual penetration in violation of former	151
section 2907.12 of the Revised Code;	152
(c) A violation of section 2905.04 of the Revised Code as	153
it existed prior to July 1, 1996;	154
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	155
the Revised Code when the underlying offense that is the object	156
of the conspiracy, attempt, or complicity is one of the offenses	157
listed in divisions (A) (3) (a) to (c) of this section;	158
(e) A violation of an existing or former municipal	159
ordinance or law of this state, any other state, or the United	160
States that is substantially equivalent to any of the offenses	161

listed in divisions (A) (3) (a) to (d) of this section. 162

(4) On receipt of a request pursuant to section 2151.86 or 163
2151.904 of the Revised Code, a completed form prescribed 164
pursuant to division (C) (1) of this section, and a set of 165
fingerprint impressions obtained in the manner described in 166
division (C) (2) of this section, the superintendent of the 167
bureau of criminal identification and investigation shall 168
conduct a criminal records check in the manner described in 169
division (B) of this section to determine whether any 170
information exists that indicates that the person who is the 171
subject of the request previously has been convicted of or 172
pleaded guilty to any of the following: 173

(a) A violation of section 959.13, 2903.01, 2903.02, 174
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 175
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 176
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 177
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 178
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 179
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 180
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 181
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 182
2927.12, or 3716.11 of the Revised Code, a violation of section 183
2905.04 of the Revised Code as it existed prior to July 1, 1996, 184
a violation of section 2919.23 of the Revised Code that would 185
have been a violation of section 2905.04 of the Revised Code as 186
it existed prior to July 1, 1996, had the violation been 187
committed prior to that date, a violation of section 2925.11 of 188
the Revised Code that is not a minor drug possession offense, 189
two or more OVI or OVUAC violations committed within the three 190
years immediately preceding the submission of the application or 191
petition that is the basis of the request, or felonious sexual 192
penetration in violation of former section 2907.12 of the 193

Revised Code;	194
(b) A violation of an existing or former law of this	195
state, any other state, or the United States that is	196
substantially equivalent to any of the offenses listed in	197
division (A) (4) (a) of this section.	198
(5) Upon receipt of a request pursuant to section 5104.013	199
of the Revised Code, a completed form prescribed pursuant to	200
division (C) (1) of this section, and a set of fingerprint	201
impressions obtained in the manner described in division (C) (2)	202
of this section, the superintendent of the bureau of criminal	203
identification and investigation shall conduct a criminal	204
records check in the manner described in division (B) of this	205
section to determine whether any information exists that	206
indicates that the person who is the subject of the request has	207
been convicted of or pleaded guilty to any of the following:	208
(a) A violation of section 2151.421, 2903.01, 2903.02,	209
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,	210
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,	211
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	212
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25,	213
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,	214
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12,	215
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11,	216
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41,	217
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,	218
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	219
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11,	220
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13,	221
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	222
3716.11 of the Revised Code, felonious sexual penetration in	223
violation of former section 2907.12 of the Revised Code, a	224

violation of section 2905.04 of the Revised Code as it existed 225
prior to July 1, 1996, a violation of section 2919.23 of the 226
Revised Code that would have been a violation of section 2905.04 227
of the Revised Code as it existed prior to July 1, 1996, had the 228
violation been committed prior to that date, a violation of 229
section 2925.11 of the Revised Code that is not a minor drug 230
possession offense, a violation of section 2923.02 or 2923.03 of 231
the Revised Code that relates to a crime specified in this 232
division, or a second violation of section 4511.19 of the 233
Revised Code within five years of the date of application for 234
licensure or certification. 235

(b) A violation of an existing or former law of this 236
state, any other state, or the United States that is 237
substantially equivalent to any of the offenses or violations 238
described in division (A) (5) (a) of this section. 239

(6) Upon receipt of a request pursuant to section 5153.111 240
of the Revised Code, a completed form prescribed pursuant to 241
division (C) (1) of this section, and a set of fingerprint 242
impressions obtained in the manner described in division (C) (2) 243
of this section, the superintendent of the bureau of criminal 244
identification and investigation shall conduct a criminal 245
records check in the manner described in division (B) of this 246
section to determine whether any information exists that 247
indicates that the person who is the subject of the request 248
previously has been convicted of or pleaded guilty to any of the 249
following: 250

(a) A violation of section 2903.01, 2903.02, 2903.03, 251
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 252
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 253
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 254
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 255

2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 256
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 257
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 258
Code, felonious sexual penetration in violation of former 259
section 2907.12 of the Revised Code, a violation of section 260
2905.04 of the Revised Code as it existed prior to July 1, 1996, 261
a violation of section 2919.23 of the Revised Code that would 262
have been a violation of section 2905.04 of the Revised Code as 263
it existed prior to July 1, 1996, had the violation been 264
committed prior to that date, or a violation of section 2925.11 265
of the Revised Code that is not a minor drug possession offense; 266

(b) A violation of an existing or former law of this 267
state, any other state, or the United States that is 268
substantially equivalent to any of the offenses listed in 269
division (A) (6) (a) of this section. 270

(7) On receipt of a request for a criminal records check 271
from an individual pursuant to section 4749.03 or 4749.06 of the 272
Revised Code, accompanied by a completed copy of the form 273
prescribed in division (C) (1) of this section and a set of 274
fingerprint impressions obtained in a manner described in 275
division (C) (2) of this section, the superintendent of the 276
bureau of criminal identification and investigation shall 277
conduct a criminal records check in the manner described in 278
division (B) of this section to determine whether any 279
information exists indicating that the person who is the subject 280
of the request has been convicted of or pleaded guilty to any 281
criminal offense in this state or in any other state. If the 282
individual indicates that a firearm will be carried in the 283
course of business, the superintendent shall require information 284
from the federal bureau of investigation as described in 285
division (B) (2) of this section. Subject to division (F) of this 286
section, the superintendent shall report the findings of the 287

criminal records check and any information the federal bureau of 288
investigation provides to the director of public safety. 289

(8) On receipt of a request pursuant to section 1321.37, 290
1321.53, or 4763.05 of the Revised Code, a completed form 291
prescribed pursuant to division (C)(1) of this section, and a 292
set of fingerprint impressions obtained in the manner described 293
in division (C)(2) of this section, the superintendent of the 294
bureau of criminal identification and investigation shall 295
conduct a criminal records check with respect to any person who 296
has applied for a license, permit, or certification from the 297
department of commerce or a division in the department. The 298
superintendent shall conduct the criminal records check in the 299
manner described in division (B) of this section to determine 300
whether any information exists that indicates that the person 301
who is the subject of the request previously has been convicted 302
of or pleaded guilty to any criminal offense in this state, any 303
other state, or the United States. 304

(9) On receipt of a request for a criminal records check 305
from the treasurer of state under section 113.041 of the Revised 306
Code or from an individual under section 928.03, 4701.08, 307
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 308
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 309
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 310
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 311
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 312
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 313
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 314
Code, accompanied by a completed form prescribed under division 315
(C)(1) of this section and a set of fingerprint impressions 316
obtained in the manner described in division (C)(2) of this 317
section, the superintendent of the bureau of criminal 318
identification and investigation shall conduct a criminal 319

records check in the manner described in division (B) of this 320
section to determine whether any information exists that 321
indicates that the person who is the subject of the request has 322
been convicted of or pleaded guilty to any criminal offense in 323
this state or any other state. Subject to division (F) of this 324
section, the superintendent shall send the results of a check 325
requested under section 113.041 of the Revised Code to the 326
treasurer of state and shall send the results of a check 327
requested under any of the other listed sections to the 328
licensing board specified by the individual in the request. 329

(10) On receipt of a request pursuant to section 124.74, 330
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 331
Code, a completed form prescribed pursuant to division (C)(1) of 332
this section, and a set of fingerprint impressions obtained in 333
the manner described in division (C)(2) of this section, the 334
superintendent of the bureau of criminal identification and 335
investigation shall conduct a criminal records check in the 336
manner described in division (B) of this section to determine 337
whether any information exists that indicates that the person 338
who is the subject of the request previously has been convicted 339
of or pleaded guilty to any criminal offense under any existing 340
or former law of this state, any other state, or the United 341
States. 342

(11) On receipt of a request for a criminal records check 343
from an appointing or licensing authority under section 3772.07 344
of the Revised Code, a completed form prescribed under division 345
(C)(1) of this section, and a set of fingerprint impressions 346
obtained in the manner prescribed in division (C)(2) of this 347
section, the superintendent of the bureau of criminal 348
identification and investigation shall conduct a criminal 349
records check in the manner described in division (B) of this 350
section to determine whether any information exists that 351

indicates that the person who is the subject of the request 352
previously has been convicted of or pleaded guilty or no contest 353
to any offense under any existing or former law of this state, 354
any other state, or the United States that makes the person 355
ineligible for appointment or retention under section 3772.07 of 356
the Revised Code or that is a disqualifying offense as defined 357
in that section 3772.07 of the Revised Code or substantially 358
equivalent to ~~such an~~ a disqualifying offense, as applicable. 359

(12) On receipt of a request pursuant to section 2151.33 360
or 2151.412 of the Revised Code, a completed form prescribed 361
pursuant to division (C)(1) of this section, and a set of 362
fingerprint impressions obtained in the manner described in 363
division (C)(2) of this section, the superintendent of the 364
bureau of criminal identification and investigation shall 365
conduct a criminal records check with respect to any person for 366
whom a criminal records check is required under that section. 367
The superintendent shall conduct the criminal records check in 368
the manner described in division (B) of this section to 369
determine whether any information exists that indicates that the 370
person who is the subject of the request previously has been 371
convicted of or pleaded guilty to any of the following: 372

(a) A violation of section 2903.01, 2903.02, 2903.03, 373
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 374
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 375
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 376
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 377
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 378
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 379
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 380
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 381

(b) An existing or former law of this state, any other 382

state, or the United States that is substantially equivalent to 383
any of the offenses listed in division (A) (12) (a) of this 384
section. 385

(13) On receipt of a request pursuant to section 3796.12 386
of the Revised Code, a completed form prescribed pursuant to 387
division (C) (1) of this section, and a set of fingerprint 388
impressions obtained in a manner described in division (C) (2) of 389
this section, the superintendent of the bureau of criminal 390
identification and investigation shall conduct a criminal 391
records check in the manner described in division (B) of this 392
section to determine whether any information exists that 393
indicates that the person who is the subject of the request 394
previously has been convicted of or pleaded guilty to the 395
following: 396

(a) A disqualifying offense as specified in rules adopted 397
under section 9.79 and division (B) (2) (b) of section 3796.03 of 398
the Revised Code if the person who is the subject of the request 399
is an administrator or other person responsible for the daily 400
operation of, or an owner or prospective owner, officer or 401
prospective officer, or board member or prospective board member 402
of, an entity seeking a license from the department of commerce 403
under Chapter 3796. of the Revised Code; 404

(b) A disqualifying offense as specified in rules adopted 405
under section 9.79 and division (B) (2) (b) of section 3796.04 of 406
the Revised Code if the person who is the subject of the request 407
is an administrator or other person responsible for the daily 408
operation of, or an owner or prospective owner, officer or 409
prospective officer, or board member or prospective board member 410
of, an entity seeking a license from the state board of pharmacy 411
under Chapter 3796. of the Revised Code. 412

(14) On receipt of a request required by section 3796.13 413

of the Revised Code, a completed form prescribed pursuant to 414
division (C) (1) of this section, and a set of fingerprint 415
impressions obtained in a manner described in division (C) (2) of 416
this section, the superintendent of the bureau of criminal 417
identification and investigation shall conduct a criminal 418
records check in the manner described in division (B) of this 419
section to determine whether any information exists that 420
indicates that the person who is the subject of the request 421
previously has been convicted of or pleaded guilty to the 422
following: 423

(a) A disqualifying offense as specified in rules adopted 424
under division (B) (8) (a) of section 3796.03 of the Revised Code 425
if the person who is the subject of the request is seeking 426
employment with an entity licensed by the department of commerce 427
under Chapter 3796. of the Revised Code; 428

(b) A disqualifying offense as specified in rules adopted 429
under division (B) (14) (a) of section 3796.04 of the Revised Code 430
if the person who is the subject of the request is seeking 431
employment with an entity licensed by the state board of 432
pharmacy under Chapter 3796. of the Revised Code. 433

(15) On receipt of a request pursuant to section 4768.06 434
of the Revised Code, a completed form prescribed under division 435
(C) (1) of this section, and a set of fingerprint impressions 436
obtained in the manner described in division (C) (2) of this 437
section, the superintendent of the bureau of criminal 438
identification and investigation shall conduct a criminal 439
records check in the manner described in division (B) of this 440
section to determine whether any information exists indicating 441
that the person who is the subject of the request has been 442
convicted of or pleaded guilty to any criminal offense in this 443
state or in any other state. 444

(16) On receipt of a request pursuant to division (B) of 445
section 4764.07 or division (A) of section 4735.143 of the 446
Revised Code, a completed form prescribed under division (C) (1) 447
of this section, and a set of fingerprint impressions obtained 448
in the manner described in division (C) (2) of this section, the 449
superintendent of the bureau of criminal identification and 450
investigation shall conduct a criminal records check in the 451
manner described in division (B) of this section to determine 452
whether any information exists indicating that the person who is 453
the subject of the request has been convicted of or pleaded 454
guilty to any criminal offense in any state or the United 455
States. 456

(17) On receipt of a request for a criminal records check 457
under section 147.022 of the Revised Code, a completed form 458
prescribed under division (C) (1) of this section, and a set of 459
fingerprint impressions obtained in the manner prescribed in 460
division (C) (2) of this section, the superintendent of the 461
bureau of criminal identification and investigation shall 462
conduct a criminal records check in the manner described in 463
division (B) of this section to determine whether any 464
information exists that indicates that the person who is the 465
subject of the request previously has been convicted of or 466
pleaded guilty or no contest to any criminal offense under any 467
existing or former law of this state, any other state, or the 468
United States. 469

(18) Upon receipt of a request pursuant to division (F) of 470
section 2915.081 or division (E) of section 2915.082 of the 471
Revised Code, a completed form prescribed under division (C) (1) 472
of this section, and a set of fingerprint impressions obtained 473
in the manner described in division (C) (2) of this section, the 474
superintendent of the bureau of criminal identification and 475
investigation shall conduct a criminal records check in the 476

manner described in division (B) of this section to determine 477
whether any information exists indicating that the person who is 478
the subject of the request has been convicted of or pleaded 479
guilty or no contest to any offense that is a violation of 480
Chapter 2915. of the Revised Code or to any offense under any 481
existing or former law of this state, any other state, or the 482
United States that is substantially equivalent to such an 483
offense. 484

(19) On receipt of a request pursuant to section 3775.03 485
of the Revised Code, a completed form prescribed under division 486
(C)(1) of this section, and a set of fingerprint impressions 487
obtained in the manner described in division (C)(2) of this 488
section, the superintendent of the bureau of criminal 489
identification and investigation shall conduct a criminal 490
records check in the manner described in division (B) of this 491
section and shall request information from the federal bureau of 492
investigation to determine whether any information exists 493
indicating that the person who is the subject of the request has 494
been convicted of any offense under any existing or former law 495
of this state, any other state, or the United States that is a 496
disqualifying offense as defined in section 3772.07 of the 497
Revised Code. 498

(B) Subject to division (F) of this section, the 499
superintendent shall conduct any criminal records check to be 500
conducted under this section as follows: 501

(1) The superintendent shall review or cause to be 502
reviewed any relevant information gathered and compiled by the 503
bureau under division (A) of section 109.57 of the Revised Code 504
that relates to the person who is the subject of the criminal 505
records check, including, if the criminal records check was 506
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 507

173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 508
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 509
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 510
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 511
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 512
5123.169, or 5153.111 of the Revised Code, any relevant 513
information contained in records that have been sealed under 514
section 2953.32 of the Revised Code; 515

(2) If the request received by the superintendent asks for 516
information from the federal bureau of investigation, the 517
superintendent shall request from the federal bureau of 518
investigation any information it has with respect to the person 519
who is the subject of the criminal records check, including 520
fingerprint-based checks of national crime information databases 521
as described in 42 U.S.C. 671 if the request is made pursuant to 522
section 2151.86 or 5104.013 of the Revised Code or if any other 523
Revised Code section requires fingerprint-based checks of that 524
nature, and shall review or cause to be reviewed any information 525
the superintendent receives from that bureau. If a request under 526
section 3319.39 of the Revised Code asks only for information 527
from the federal bureau of investigation, the superintendent 528
shall not conduct the review prescribed by division (B) (1) of 529
this section. 530

(3) The superintendent or the superintendent's designee 531
may request criminal history records from other states or the 532
federal government pursuant to the national crime prevention and 533
privacy compact set forth in section 109.571 of the Revised 534
Code. 535

(4) The superintendent shall include in the results of the 536
criminal records check a list or description of the offenses 537
listed or described in the relevant provision of division (A) of 538

this section. The superintendent shall exclude from the results 539
any information the dissemination of which is prohibited by 540
federal law. 541

(5) The superintendent shall send the results of the 542
criminal records check to the person to whom it is to be sent 543
not later than the following number of days after the date the 544
superintendent receives the request for the criminal records 545
check, the completed form prescribed under division (C) (1) of 546
this section, and the set of fingerprint impressions obtained in 547
the manner described in division (C) (2) of this section: 548

(a) If the superintendent is required by division (A) of 549
this section (other than division (A) (3) of this section) to 550
conduct the criminal records check, thirty; 551

(b) If the superintendent is required by division (A) (3) 552
of this section to conduct the criminal records check, sixty. 553

(C) (1) The superintendent shall prescribe a form to obtain 554
the information necessary to conduct a criminal records check 555
from any person for whom a criminal records check is to be 556
conducted under this section. The form that the superintendent 557
prescribes pursuant to this division may be in a tangible 558
format, in an electronic format, or in both tangible and 559
electronic formats. 560

(2) The superintendent shall prescribe standard impression 561
sheets to obtain the fingerprint impressions of any person for 562
whom a criminal records check is to be conducted under this 563
section. Any person for whom a records check is to be conducted 564
under this section shall obtain the fingerprint impressions at a 565
county sheriff's office, municipal police department, or any 566
other entity with the ability to make fingerprint impressions on 567
the standard impression sheets prescribed by the superintendent. 568
The office, department, or entity may charge the person a 569

reasonable fee for making the impressions. The standard 570
impression sheets the superintendent prescribes pursuant to this 571
division may be in a tangible format, in an electronic format, 572
or in both tangible and electronic formats. 573

(3) Subject to division (D) of this section, the 574
superintendent shall prescribe and charge a reasonable fee for 575
providing a criminal records check under this section. The 576
person requesting the criminal records check shall pay the fee 577
prescribed pursuant to this division. In the case of a request 578
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 579
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 580
fee shall be paid in the manner specified in that section. 581

(4) The superintendent of the bureau of criminal 582
identification and investigation may prescribe methods of 583
forwarding fingerprint impressions and information necessary to 584
conduct a criminal records check, which methods shall include, 585
but not be limited to, an electronic method. 586

(D) The results of a criminal records check conducted 587
under this section, other than a criminal records check 588
specified in division (A)(7) of this section, are valid for the 589
person who is the subject of the criminal records check for a 590
period of one year from the date upon which the superintendent 591
completes the criminal records check. If during that period the 592
superintendent receives another request for a criminal records 593
check to be conducted under this section for that person, the 594
superintendent shall provide the results from the previous 595
criminal records check of the person at a lower fee than the fee 596
prescribed for the initial criminal records check. 597

(E) When the superintendent receives a request for 598
information from a registered private provider, the 599
superintendent shall proceed as if the request was received from 600

a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A) (1) (c) of this section to any such request for an applicant who is a teacher.

(F) (1) Subject to division (F) (2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A) (7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

(2) Division (F) (1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E) (2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E) (1) of that section.

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section

4511.19 of the Revised Code or a violation of an existing or 631
former law of this state, any other state, or the United States 632
that is substantially equivalent to section 4511.19 of the 633
Revised Code. 634

(4) "Registered private provider" means a nonpublic school 635
or entity registered with the superintendent of public 636
instruction under section 3310.41 of the Revised Code to 637
participate in the autism scholarship program or section 3310.58 638
of the Revised Code to participate in the Jon Peterson special 639
needs scholarship program." 640

Delete lines 1222 through 3638 641

Delete lines 3717 through 3877 642

After line 3936, insert: 643

"Sec. 3770.073. (A) If a person is entitled to a lottery 644
prize award and is indebted to the state for the payment of any 645
tax, workers' compensation premium, unemployment contribution, 646
payment in lieu of unemployment contribution, certified claim 647
under section 131.02 or 131.021 of the Revised Code, or is 648
indebted to a political subdivision that has a certified claim 649
under section 131.02 of the Revised Code, lottery sales receipts 650
held in trust on behalf of the state lottery commission as 651
described in division (H) (4) of section 3770.05 of the Revised 652
Code, or charge, penalty, or interest arising from these debts 653
and if the amount of the prize money or the cost of goods or 654
services awarded as a lottery prize award ~~meets or exceeds the~~ 655
~~reportable winnings amount set by 26 U.S.C. 6041~~ is six hundred 656
dollars or more, the director of the state lottery commission, 657
or the director's designee, shall do either of the following: 658

(1) If the prize award will be paid in a lump sum, deduct 659
from the prize award and pay to the attorney general an amount 660

in satisfaction of the debt and pay any remainder to that 661
person. If the amount of the prize award is less than the amount 662
of the debt, the entire amount of the prize award shall be 663
deducted and paid in partial satisfaction of the debt. 664

(2) If the prize award will be paid in annual 665
installments, on the date the initial installment payment is 666
due, deduct from that installment and pay to the attorney 667
general an amount in satisfaction of the debt and, if necessary 668
to collect the full amount of the debt, do the same for any 669
subsequent annual installments, at the time the installments 670
become due and owing to the person, until the debt is fully 671
satisfied. 672

(B) If a person entitled to a lottery prize award owes 673
more than one debt, any debt owed to the state shall be 674
satisfied first, subject to both section 5739.33 and division 675
(G) of section 5747.07 of the Revised Code having first 676
priority, and subject to division (C) of this section. 677

(C) Any debt owed under section 3770.071 of the Revised 678
Code shall be satisfied with first priority over debts owed 679
under this section. 680

(D) Except as provided in section 131.021 of the Revised 681
Code, this section applies only to debts that have become 682
final." 683

Delete lines 3937 through 3975 684

After line 3975, insert: 685

"Sec. 3772.01. As used in this chapter: 686

(A) "Applicant" means any person who applies to the 687
commission for a license under this chapter. 688

(B) "Casino control commission fund" means the casino 689

control commission fund described in Section 6(C)(3)(d) of 690
Article XV, Ohio Constitution, the money in which shall be used 691
to fund the commission and its related affairs. 692

(C) "Casino facility" means a casino facility as defined 693
in Section 6(C)(9) of Article XV, Ohio Constitution. 694

(D) "Casino game" means any slot machine or table game as 695
defined in this chapter. 696

(E) "Casino gaming" means any type of slot machine or 697
table game wagering, using money, casino credit, or any 698
representative of value, authorized in any of the states of 699
Indiana, Michigan, Pennsylvania, and West Virginia as of January 700
1, 2009, and includes slot machine and table game wagering 701
subsequently authorized by, but shall not be limited by, 702
subsequent restrictions placed on such wagering in such states. 703
"Casino gaming" does not include bingo, as authorized in Section 704
6 of Article XV, Ohio Constitution and conducted as of January 705
1, 2009,~~or~~; horse racing where the pari-mutuel system of 706
wagering is conducted, as authorized under the laws of this 707
state as of January 1, 2009; or sports gaming. 708

(F) "Casino gaming employee" means any employee of a 709
casino operator or management company, but not a key employee, 710
and as further defined in section 3772.131 of the Revised Code. 711

(G) "Casino operator" means any person, trust, 712
corporation, partnership, limited partnership, association, 713
limited liability company, or other business enterprise that 714
directly or indirectly holds an ownership or leasehold interest 715
in a casino facility. "Casino operator" does not include an 716
agency of the state, any political subdivision of the state, any 717
person, trust, corporation, partnership, limited partnership, 718
association, limited liability company, or other business 719
enterprise that may have an interest in a casino facility, but 720

who is legally or contractually restricted from conducting 721
casino gaming. 722

(H) "Central system" means a computer system that provides 723
the following functions related to casino gaming equipment used 724
in connection with casino gaming authorized under this chapter: 725
security, auditing, data and information retrieval, and other 726
purposes deemed necessary and authorized by the commission. 727

(I) "Cheat" means to alter the result of a casino game, 728
the element of chance, the operation of a machine used in a 729
casino game, or the method of selection of criteria that 730
determines (a) the result of the casino game, (b) the amount or 731
frequency of payment in a casino game, (c) the value of a 732
wagering instrument, or (d) the value of a wagering credit. 733
"Cheat" does not include an individual who, without the 734
assistance of another individual or without the use of a 735
physical aid or device of any kind, uses the individual's own 736
ability to keep track of the value of cards played and uses 737
predictions formed as a result of the tracking information in 738
the individual's playing and betting strategy. 739

(J) "Commission" means the Ohio casino control commission. 740

(K) "Gaming agent" means a peace officer employed by the 741
commission that is vested with duties to enforce this chapter 742
and conduct other investigations into the conduct of the casino 743
gaming and the maintenance of the equipment that the commission 744
considers necessary and proper and is in compliance with section 745
109.77 of the Revised Code. 746

(L) "Gaming-related vendor" means any individual, 747
partnership, corporation, association, trust, or any other group 748
of individuals, however organized, who supplies gaming-related 749
equipment, goods, or services to a casino operator or management 750
company, that are directly related to or affect casino gaming 751

authorized under this chapter, including, but not limited to, 752
the manufacture, sale, distribution, or repair of slot machines 753
and table game equipment. 754

(M) "Holding company" means any corporation, firm, 755
partnership, limited partnership, limited liability company, 756
trust, or other form of business organization not a natural 757
person which directly or indirectly does any of the following: 758

(1) Has the power or right to control a casino operator, 759
management company, or gaming-related vendor license applicant 760
or licensee; 761

(2) Holds an ownership interest of five per cent or more, 762
as determined by the commission, in a casino operator, 763
management company, or gaming-related vendor license applicant 764
or licensee; 765

(3) Holds voting rights with the power to vote five per 766
cent or more of the outstanding voting rights of a casino 767
operator, management company, or gaming-related vendor applicant 768
or licensee. 769

(N) "Initial investment" includes costs related to 770
demolition, engineering, architecture, design, site preparation, 771
construction, infrastructure improvements, land acquisition, 772
fixtures and equipment, insurance related to construction, and 773
leasehold improvements. 774

(O) "Institutional investor" means any of the following 775
entities owning five per cent or more, but less than ~~fifteen-~~ 776
twenty-five per cent, of an ownership interest in a casino 777
facility, casino operator, management company, or holding 778
company: a corporation, bank, insurance company, pension fund or 779
pension fund trust, retirement fund, including funds 780
administered by a public agency, employees' profit-sharing fund 781

or employees' profit-sharing trust, any association engaged, as 782
a substantial part of its business or operations, in purchasing 783
or holding securities, including a hedge fund, mutual fund, or 784
private equity fund, or any trust in respect of which a bank is 785
trustee or cotrustee, investment company registered under the 786
"Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., 787
collective investment trust organized by banks under Part Nine 788
of the Rules of the Comptroller of the Currency, closed-end 789
investment trust, chartered or licensed life insurance company 790
or property and casualty insurance company, investment advisor 791
registered under the "Investment Advisors Act of 1940," 15 792
U.S.C. 80 b-1 et seq., and such other persons as the commission 793
may reasonably determine to qualify as an institutional investor 794
for reasons consistent with this chapter, and that does not 795
exercise control over the affairs of a licensee and its 796
ownership interest in a licensee is for investment purposes 797
only, as set forth in division (F) of section 3772.10 of the 798
Revised Code. 799

(P) "Key employee" means any executive, employee, agent, 800
or other individual who has the power to exercise significant 801
influence over decisions concerning any part of the operation of 802
a person that has applied for or holds a casino operator, 803
management company, or gaming-related vendor license or the 804
operation of a holding company of a person that has applied for 805
or holds a casino operator, management company, or gaming- 806
related vendor license, including: 807

(1) An officer, director, trustee, partner, or an 808
equivalent fiduciary; 809

(2) An individual who holds a direct or indirect ownership 810
interest of five per cent or more; 811

(3) An individual who performs the function of a principal 812

executive officer, principal operating officer, principal 813
accounting officer, or an equivalent officer; 814

(4) Any other individual the commission determines to have 815
the power to exercise significant influence over decisions 816
concerning any part of the operation. 817

(Q) "Licensed casino operator" means a casino operator 818
that has been issued a license by the commission and that has 819
been certified annually by the commission to have paid all 820
applicable fees, taxes, and debts to the state. 821

(R) "Majority ownership interest" in a license or in a 822
casino facility, as the case may be, means ownership of more 823
than fifty per cent of such license or casino facility, as the 824
case may be. For purposes of the foregoing, whether a majority 825
ownership interest is held in a license or in a casino facility, 826
as the case may be, shall be determined under the rules for 827
constructive ownership of stock provided in Treas. Reg. 1.409A- 828
3(i)(5)(iii) as in effect on January 1, 2009. 829

(S) "Management company" means an organization retained by 830
a casino operator to manage a casino facility and provide 831
services such as accounting, general administration, 832
maintenance, recruitment, and other operational services. 833

(T) "Ohio law enforcement training fund" means the state 834
law enforcement training fund described in Section 6(C)(3)(f) of 835
Article XV, Ohio Constitution, the money in which shall be used 836
to enhance public safety by providing training opportunities to 837
the law enforcement community. 838

(U) "Person" includes, but is not limited to, an 839
individual or a combination of individuals; a sole 840
proprietorship, a firm, a company, a joint venture, a 841
partnership of any type, a joint-stock company, a corporation of 842

any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(V) "Problem casino gambling and addictions fund" means the state problem gambling and addictions fund described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in which shall be used for treatment of problem gambling and substance abuse, and for related research.

(W) "Promotional gaming credit" means a slot machine or table game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a slot machine or table game.

(X) "Slot machine" means any mechanical, electrical, or other device or machine which, upon insertion of a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, makes individual prize determinations for individual participants in cash, premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from the machine or in any other manner, but does not include any device that is a skill-based amusement machine, or an electronic instant bingo system, as defined in section 2915.01 of the Revised Code.

(Y) "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or

machine for money, casino credit, or any representative of 874
value. "Table game" does not include slot machines. 875

(Z) "Upfront license" means the first plenary license 876
issued to a casino operator. 877

(AA) "Voluntary exclusion program" means a program 878
provided by the commission that allows persons to voluntarily 879
exclude themselves from the gaming areas of facilities under the 880
jurisdiction of the commission by placing their name on a 881
voluntary exclusion list and following the procedures set forth 882
by the commission. 883

(BB) "Sports gaming," "sports gaming proprietor," "sports 884
gaming facility," "mobile management services provider," and 885
"management services provider" have the same meanings as in 886
section 3775.01 of the Revised Code." 887

Delete lines 3976 through 4177 888

Delete lines 4635 through 4676 889

In line 5054, delete "Except as permitted under section" 890

In line 5055, delete "3770.23 of the Revised Code, no" and insert 891
"No" 892

Delete lines 6368 through 6548 893

After line 6548, insert: 894

"Sec. 5703.21. (A) Except as provided in divisions (B) 895
and (C) of this section, no agent of the department of taxation, 896
except in the agent's report to the department or when called on 897
to testify in any court or proceeding, shall divulge any 898
information acquired by the agent as to the transactions, 899
property, or business of any person while acting or claiming to 900
act under orders of the department. Whoever violates this 901

provision shall thereafter be disqualified from acting as an 902
officer or employee or in any other capacity under appointment 903
or employment of the department. 904

(B) (1) For purposes of an audit pursuant to section 117.15 905
of the Revised Code, or an audit of the department pursuant to 906
Chapter 117. of the Revised Code, or an audit, pursuant to that 907
chapter, the objective of which is to express an opinion on a 908
financial report or statement prepared or issued pursuant to 909
division (A) (7) or (9) of section 126.21 of the Revised Code, 910
the officers and employees of the auditor of state charged with 911
conducting the audit shall have access to and the right to 912
examine any state tax returns and state tax return information 913
in the possession of the department to the extent that the 914
access and examination are necessary for purposes of the audit. 915
Any information acquired as the result of that access and 916
examination shall not be divulged for any purpose other than as 917
required for the audit or unless the officers and employees are 918
required to testify in a court or proceeding under compulsion of 919
legal process. Whoever violates this provision shall thereafter 920
be disqualified from acting as an officer or employee or in any 921
other capacity under appointment or employment of the auditor of 922
state. 923

(2) For purposes of an internal audit pursuant to section 924
126.45 of the Revised Code, the officers and employees of the 925
office of internal audit in the office of budget and management 926
charged with directing the internal audit shall have access to 927
and the right to examine any state tax returns and state tax 928
return information in the possession of the department to the 929
extent that the access and examination are necessary for 930
purposes of the internal audit. Any information acquired as the 931
result of that access and examination shall not be divulged for 932
any purpose other than as required for the internal audit or 933

unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	964 965 966
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	967 968 969
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	970 971 972 973
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	974 975 976 977 978 979 980 981 982
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	983 984 985
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	986 987 988 989 990
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	991 992
(11) Subject to section 4301.441 of the Revised Code,	993

disclosing to the appropriate state agency information in the	994
possession of the department of taxation that is necessary to	995
verify a permit holder's gallonage or noncompliance with taxes	996
levied under Chapter 4301. or 4305. of the Revised Code;	997
(12) Disclosing to the department of natural resources	998
information in the possession of the department of taxation that	999
is necessary for the department of taxation to verify the	1000
taxpayer's compliance with section 5749.02 of the Revised Code	1001
or to allow the department of natural resources to enforce	1002
Chapter 1509. of the Revised Code;	1003
(13) Disclosing to the department of job and family	1004
services, industrial commission, and bureau of workers'	1005
compensation information in the possession of the department of	1006
taxation solely for the purpose of identifying employers that	1007
misclassify employees as independent contractors or that fail to	1008
properly report and pay employer tax liabilities. The department	1009
of taxation shall disclose only such information that is	1010
necessary to verify employer compliance with law administered by	1011
those agencies.	1012
(14) Disclosing to the Ohio casino control commission	1013
information in the possession of the department of taxation that	1014
is necessary to verify a casino operator's <u>or sports gaming</u>	1015
<u>proprietor's</u> compliance with section 5747.063 or, 5753.02, or	1016
<u>5753.021</u> of the Revised Code and sections related thereto;	1017
(15) Disclosing to the state lottery commission	1018
information in the possession of the department of taxation that	1019
is necessary to verify a lottery sales agent's compliance with	1020
section 5747.064 of the Revised Code.	1021
(16) Disclosing to the department of development	1022
information in the possession of the department of taxation that	1023
is necessary to ensure compliance with the laws of this state	1024

governing taxation and to verify information reported to the 1025
department of development for the purpose of evaluating 1026
potential tax credits, tax deductions, grants, or loans. Such 1027
information shall not include information received from the 1028
internal revenue service the disclosure of which is prohibited 1029
by section 6103 of the Internal Revenue Code. No officer, 1030
employee, or agent of the department of development shall 1031
disclose any information provided to the department of 1032
development by the department of taxation under division (C) (16) 1033
of this section except when disclosure of the information is 1034
necessary for, and made solely for the purpose of facilitating, 1035
the evaluation of potential tax credits, tax deductions, grants, 1036
or loans. 1037

(17) Disclosing to the department of insurance information 1038
in the possession of the department of taxation that is 1039
necessary to ensure a taxpayer's compliance with the 1040
requirements with any tax credit administered by the department 1041
of development and claimed by the taxpayer against any tax 1042
administered by the superintendent of insurance. No officer, 1043
employee, or agent of the department of insurance shall disclose 1044
any information provided to the department of insurance by the 1045
department of taxation under division (C) (17) of this section. 1046

(18) Disclosing to the division of liquor control 1047
information in the possession of the department of taxation that 1048
is necessary for the division and department to comply with the 1049
requirements of sections 4303.26 and 4303.271 of the Revised 1050
Code. 1051

(19) Disclosing to the department of education, upon that 1052
department's request, information in the possession of the 1053
department of taxation that is necessary only to verify whether 1054
the family income of a student applying for or receiving a 1055

scholarship under the educational choice scholarship pilot 1056
program is equal to, less than, or greater than the income 1057
thresholds prescribed by section 3310.032 of the Revised Code. 1058
The department of education shall provide sufficient information 1059
about the student and the student's family to enable the 1060
department of taxation to make the verification. 1061

(20) Disclosing to the Ohio rail development commission 1062
information in the possession of the department of taxation that 1063
is necessary to ensure compliance with the laws of this state 1064
governing taxation and to verify information reported to the 1065
commission for the purpose of evaluating potential grants or 1066
loans. Such information shall not include information received 1067
from the internal revenue service the disclosure of which is 1068
prohibited by section 6103 of the Internal Revenue Code. No 1069
member, officer, employee, or agent of the Ohio rail development 1070
commission shall disclose any information provided to the 1071
commission by the department of taxation under division (C) (20) 1072
of this section except when disclosure of the information is 1073
necessary for, and made solely for the purpose of facilitating, 1074
the evaluation of potential grants or loans. 1075

(21) Disclosing to the state racing commission information 1076
in the possession of the department of taxation that is 1077
necessary for verification of compliance with and for 1078
enforcement and administration of the taxes levied by Chapter 1079
3769. of the Revised Code. Such information shall include 1080
information that is necessary for the state racing commission to 1081
verify compliance with Chapter 3769. of the Revised Code for the 1082
purposes of issuance, denial, suspension, or revocation of a 1083
permit pursuant to section 3769.03 or 3769.06 of the Revised 1084
Code and related sections. Unless disclosure is otherwise 1085
authorized by law, information provided to the state racing 1086
commission under this section remains confidential and is not 1087

subject to public disclosure pursuant to section 3769.041 of the Revised Code." 1088
1089

Delete lines 6549 through 6672 1090

After line 6672, insert: 1091

"Sec. 5747.02. (A) For the purpose of providing revenue 1092
for the support of schools and local government functions, to 1093
provide relief to property taxpayers, to provide revenue for the 1094
general revenue fund, and to meet the expenses of administering 1095
the tax levied by this chapter, there is hereby levied on every 1096
individual, trust, and estate residing in or earning or 1097
receiving income in this state, on every individual, trust, and 1098
estate earning or receiving lottery winnings, prizes, or awards 1099
pursuant to Chapter 3770. of the Revised Code, on every 1100
individual, trust, and estate earning or receiving winnings on 1101
casino or sports gaming, and on every individual, trust, and 1102
estate otherwise having nexus with or in this state under the 1103
Constitution of the United States, an annual tax measured as 1104
prescribed in divisions (A) (1) to (4) of this section. 1105

(1) In the case of trusts, the tax imposed by this section 1106
shall be measured by modified Ohio taxable income under division 1107
(D) of this section and levied in the same amount as the tax is 1108
imposed on estates as prescribed in division (A) (2) of this 1109
section. 1110

(2) In the case of estates, the tax imposed by this 1111
section shall be measured by Ohio taxable income. The tax shall 1112
be levied at the rate of 1.38462% for the first twenty-five 1113
thousand dollars of such income and, for income in excess of 1114
that amount, the tax shall be levied at the same rates 1115
prescribed in division (A) (3) of this section for individuals. 1116

(3) In the case of individuals, the tax imposed by this 1117

section on income other than taxable business income shall be 1118
 measured by Ohio adjusted gross income, less taxable business 1119
 income and less an exemption for the taxpayer, the taxpayer's 1120
 spouse, and each dependent as provided in section 5747.025 of 1121
 the Revised Code. If the balance thus obtained is equal to or 1122
 less than twenty-five thousand dollars, no tax shall be imposed 1123
 on that balance. If the balance thus obtained is greater than 1124
 twenty-five thousand dollars, the tax is hereby levied as 1125
 follows: 1126

1127

1128

1

2

A	OHIO ADJUSTED GROSS INCOME	TAX
	LESS TAXABLE BUSINESS	
	INCOME AND EXEMPTIONS	
	(INDIVIDUALS) OR MODIFIED	
	OHIO TAXABLE INCOME	
	(TRUSTS) OR OHIO TAXABLE	
	INCOME (ESTATES)	
B	More than \$25,000 but not more than \$44,250	\$346.16 plus 2.765% of the amount in excess of \$25,000
C	More than \$44,250 but not more than \$88,450	\$878.42 plus 3.226% of the amount in excess of \$44,250
D	More than \$88,450 but not more than \$110,650	\$2,304.31 plus 3.688% of the amount in excess of \$88,450
E	More than \$110,650	\$3,123.05 plus 3.990% of the amount in

excess of \$110,650

(4) (a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A) (4) (b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A) (3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A) (4) (a) of this section.

(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A) (2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A) (3) of this section, the commissioner shall multiply the tax rate prescribed in division (A) (2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in 1158
the calendar year in which the adjustments are made and to 1159
taxable years beginning in each ensuing calendar year until a 1160
calendar year in which a new adjustment is made pursuant to this 1161
division. The tax commissioner shall not make a new adjustment 1162
in any year in which the amount resulting from the adjustment 1163
would be less than the amount resulting from the adjustment in 1164
the preceding year. 1165

(B) If the director of budget and management makes a 1166
certification to the tax commissioner under division (B) of 1167
section 131.44 of the Revised Code, the amount of tax as 1168
determined under divisions (A) (1) to (3) of this section shall 1169
be reduced by the percentage prescribed in that certification 1170
for taxable years beginning in the calendar year in which that 1171
certification is made. 1172

(C) (1) The tax imposed by this section on a trust shall be 1173
computed by multiplying the Ohio modified taxable income of the 1174
trust by the rates prescribed by division (A) of this section. 1175

(2) A resident trust may claim a credit against the tax 1176
computed under division (C) of this section equal to the lesser 1177
of (a) the tax paid to another state or the District of Columbia 1178
on the resident trust's modified nonbusiness income, other than 1179
the portion of the resident trust's nonbusiness income that is 1180
qualifying investment income as defined in section 5747.012 of 1181
the Revised Code, or (b) the effective tax rate, based on 1182
modified Ohio taxable income, multiplied by the resident trust's 1183
modified nonbusiness income other than the portion of the 1184
resident trust's nonbusiness income that is qualifying 1185
investment income. The credit applies before any other 1186
applicable credits. 1187

(3) Any credit authorized against the tax imposed by this 1188

section applies to a trust subject to division (C) of this 1189
section only if the trust otherwise qualifies for the credit. To 1190
the extent that the trust distributes income for the taxable 1191
year for which a credit is available to the trust, the credit 1192
shall be shared by the trust and its beneficiaries. The tax 1193
commissioner and the trust shall be guided by applicable 1194
regulations of the United States treasury regarding the sharing 1195
of credits. 1196

(D) For the purposes of this section, "trust" means any 1197
trust described in Subchapter J of Chapter 1 of the Internal 1198
Revenue Code, excluding trusts that are not irrevocable as 1199
defined in division (I)(3)(b) of section 5747.01 of the Revised 1200
Code and that have no modified Ohio taxable income for the 1201
taxable year, charitable remainder trusts, qualified funeral 1202
trusts and preneed funeral contract trusts established pursuant 1203
to sections 4717.31 to 4717.38 of the Revised Code that are not 1204
qualified funeral trusts, endowment and perpetual care trusts, 1205
qualified settlement trusts and funds, designated settlement 1206
trusts and funds, and trusts exempted from taxation under 1207
section 501(a) of the Internal Revenue Code. 1208

(E) Nothing in division (A)(3) of this section shall 1209
prohibit an individual with an Ohio adjusted gross income, less 1210
taxable business income and exemptions, of twenty-five thousand 1211
dollars or less from filing a return under this chapter to 1212
receive a refund of taxes withheld or to claim any refundable 1213
credit allowed under this chapter." 1214

Delete lines 6885 through 7138 1215

Delete lines 7250 through 7696 1216

After line 7696, insert: 1217

"Sec. 5751.01. As used in this chapter: 1218

(A) "Person" means, but is not limited to, individuals, 1219
combinations of individuals of any form, receivers, assignees, 1220
trustees in bankruptcy, firms, companies, joint-stock companies, 1221
business trusts, estates, partnerships, limited liability 1222
partnerships, limited liability companies, associations, joint 1223
ventures, clubs, societies, for-profit corporations, S 1224
corporations, qualified subchapter S subsidiaries, qualified 1225
subchapter S trusts, trusts, entities that are disregarded for 1226
federal income tax purposes, and any other entities. 1227

(B) "Consolidated elected taxpayer" means a group of two 1228
or more persons treated as a single taxpayer for purposes of 1229
this chapter as the result of an election made under section 1230
5751.011 of the Revised Code. 1231

(C) "Combined taxpayer" means a group of two or more 1232
persons treated as a single taxpayer for purposes of this 1233
chapter under section 5751.012 of the Revised Code. 1234

(D) "Taxpayer" means any person, or any group of persons 1235
in the case of a consolidated elected taxpayer or combined 1236
taxpayer treated as one taxpayer, required to register or pay 1237
tax under this chapter. "Taxpayer" does not include excluded 1238
persons. 1239

(E) "Excluded person" means any of the following: 1240

(1) Any person with not more than one hundred fifty 1241
thousand dollars of taxable gross receipts during the calendar 1242
year. Division (E) (1) of this section does not apply to a person 1243
that is a member of a consolidated elected taxpayer; 1244

(2) A public utility that paid the excise tax imposed by 1245
section 5727.24 or 5727.30 of the Revised Code based on one or 1246
more measurement periods that include the entire tax period 1247
under this chapter, except that a public utility that is a 1248

combined company is a taxpayer with regard to the following 1249
gross receipts: 1250

(a) Taxable gross receipts directly attributed to a public 1251
utility activity, but not directly attributed to an activity 1252
that is subject to the excise tax imposed by section 5727.24 or 1253
5727.30 of the Revised Code; 1254

(b) Taxable gross receipts that cannot be directly 1255
attributed to any activity, multiplied by a fraction whose 1256
numerator is the taxable gross receipts described in division 1257
(E) (2) (a) of this section and whose denominator is the total 1258
taxable gross receipts that can be directly attributed to any 1259
activity; 1260

(c) Except for any differences resulting from the use of 1261
an accrual basis method of accounting for purposes of 1262
determining gross receipts under this chapter and the use of the 1263
cash basis method of accounting for purposes of determining 1264
gross receipts under section 5727.24 of the Revised Code, the 1265
gross receipts directly attributed to the activity of a natural 1266
gas company shall be determined in a manner consistent with 1267
division (D) of section 5727.03 of the Revised Code. 1268

As used in division (E) (2) of this section, "combined 1269
company" and "public utility" have the same meanings as in 1270
section 5727.01 of the Revised Code. 1271

(3) A financial institution, as defined in section 5726.01 1272
of the Revised Code, that paid the tax imposed by section 1273
5726.02 of the Revised Code based on one or more taxable years 1274
that include the entire tax period under this chapter; 1275

(4) A person directly or indirectly owned by one or more 1276
financial institutions, as defined in section 5726.01 of the 1277
Revised Code, that paid the tax imposed by section 5726.02 of 1278

the Revised Code based on one or more taxable years that include	1279
the entire tax period under this chapter.	1280
For the purposes of division (E)(4) of this section, a	1281
person owns another person under the following circumstances:	1282
(a) In the case of corporations issuing capital stock, one	1283
corporation owns another corporation if it owns fifty per cent	1284
or more of the other corporation's capital stock with current	1285
voting rights;	1286
(b) In the case of a limited liability company, one person	1287
owns the company if that person's membership interest, as	1288
defined in section 1705.01 or 1706.01 of the Revised Code as	1289
applicable, is fifty per cent or more of the combined membership	1290
interests of all persons owning such interests in the company;	1291
(c) In the case of a partnership, trust, or other	1292
unincorporated business organization other than a limited	1293
liability company, one person owns the organization if, under	1294
the articles of organization or other instrument governing the	1295
affairs of the organization, that person has a beneficial	1296
interest in the organization's profits, surpluses, losses, or	1297
distributions of fifty per cent or more of the combined	1298
beneficial interests of all persons having such an interest in	1299
the organization.	1300
(5) A domestic insurance company or foreign insurance	1301
company, as defined in section 5725.01 of the Revised Code, that	1302
paid the insurance company premiums tax imposed by section	1303
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized	1304
insurance company whose gross premiums are subject to tax under	1305
section 3905.36 of the Revised Code based on one or more	1306
measurement periods that include the entire tax period under	1307
this chapter;	1308

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F) (2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other

disposition of the taxpayer's property to or with another;	1340
(b) Amounts realized from the taxpayer's performance of services for another;	1341 1342
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	1343 1344
(d) Any combination of the foregoing amounts.	1345
(2) "Gross receipts" excludes the following amounts:	1346
(a) Interest income except interest on credit sales;	1347
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	1348 1349 1350 1351
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to	1352 1353 1354 1355 1356 1357 1358 1359 1360 1361 1362 1363 1364 1365 1366 1367 1368 1369

another entity is not a hedging transaction.	1370
(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;	1371 1372 1373
(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;	1374 1375 1376
(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	1377 1378 1379 1380
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	1381 1382 1383 1384 1385 1386 1387 1388 1389
(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	1390 1391 1392
(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;	1393 1394 1395
(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade,	1396 1397 1398 1399

professional, or other similar association; and fundraising	1400
receipts received by any person when any excess receipts are	1401
donated or used exclusively for charitable purposes;	1402
(k) Damages received as the result of litigation in excess	1403
of amounts that, if received without litigation, would be gross	1404
receipts;	1405
(l) Property, money, and other amounts received or	1406
acquired by an agent on behalf of another in excess of the	1407
agent's commission, fee, or other remuneration;	1408
(m) Tax refunds, other tax benefit recoveries, and	1409
reimbursements for the tax imposed under this chapter made by	1410
entities that are part of the same combined taxpayer or	1411
consolidated elected taxpayer group, and reimbursements made by	1412
entities that are not members of a combined taxpayer or	1413
consolidated elected taxpayer group that are required to be made	1414
for economic parity among multiple owners of an entity whose tax	1415
obligation under this chapter is required to be reported and	1416
paid entirely by one owner, pursuant to the requirements of	1417
sections 5751.011 and 5751.012 of the Revised Code;	1418
(n) Pension reversions;	1419
(o) Contributions to capital;	1420
(p) Sales or use taxes collected as a vendor or an out-of-	1421
state seller on behalf of the taxing jurisdiction from a	1422
consumer or other taxes the taxpayer is required by law to	1423
collect directly from a purchaser and remit to a local, state,	1424
or federal tax authority;	1425
(q) In the case of receipts from the sale of cigarettes,	1426
tobacco products, or vapor products by a wholesale dealer,	1427
retail dealer, distributor, manufacturer, vapor distributor, or	1428
seller, all as defined in section 5743.01 of the Revised Code,	1429

an amount equal to the federal and state excise taxes paid by 1430
any person on or for such cigarettes, tobacco products, or vapor 1431
products under subtitle E of the Internal Revenue Code or 1432
Chapter 5743. of the Revised Code; 1433

(r) In the case of receipts from the sale, transfer, 1434
exchange, or other disposition of motor fuel as "motor fuel" is 1435
defined in section 5736.01 of the Revised Code, an amount equal 1436
to the value of the motor fuel, including federal and state 1437
motor fuel excise taxes and receipts from billing or invoicing 1438
the tax imposed under section 5736.02 of the Revised Code to 1439
another person; 1440

(s) In the case of receipts from the sale of beer or 1441
intoxicating liquor, as defined in section 4301.01 of the 1442
Revised Code, by a person holding a permit issued under Chapter 1443
4301. or 4303. of the Revised Code, an amount equal to federal 1444
and state excise taxes paid by any person on or for such beer or 1445
intoxicating liquor under subtitle E of the Internal Revenue 1446
Code or Chapter 4301. or 4305. of the Revised Code; 1447

(t) Receipts realized by a new motor vehicle dealer or 1448
used motor vehicle dealer, as defined in section 4517.01 of the 1449
Revised Code, from the sale or other transfer of a motor 1450
vehicle, as defined in that section, to another motor vehicle 1451
dealer for the purpose of resale by the transferee motor vehicle 1452
dealer, but only if the sale or other transfer was based upon 1453
the transferee's need to meet a specific customer's preference 1454
for a motor vehicle; 1455

(u) Receipts from a financial institution described in 1456
division (E) (3) of this section for services provided to the 1457
financial institution in connection with the issuance, 1458
processing, servicing, and management of loans or credit 1459
accounts, if such financial institution and the recipient of 1460

such receipts have at least fifty per cent of their ownership 1461
interests owned or controlled, directly or constructively 1462
through related interests, by common owners; 1463

(v) Receipts realized from administering anti-neoplastic 1464
drugs and other cancer chemotherapy, biologicals, therapeutic 1465
agents, and supportive drugs in a physician's office to patients 1466
with cancer; 1467

(w) Funds received or used by a mortgage broker that is 1468
not a dealer in intangibles, other than fees or other 1469
consideration, pursuant to a table-funding mortgage loan or 1470
warehouse-lending mortgage loan. Terms used in division (F) (2) 1471
(w) of this section have the same meanings as in section 1322.01 1472
of the Revised Code, except "mortgage broker" means a person 1473
assisting a buyer in obtaining a mortgage loan for a fee or 1474
other consideration paid by the buyer or a lender, or a person 1475
engaged in table-funding or warehouse-lending mortgage loans 1476
that are first lien mortgage loans. 1477

(x) Property, money, and other amounts received by a 1478
professional employer organization, as defined in section 1479
4125.01 of the Revised Code, or an alternate employer 1480
organization, as defined in section 4133.01 of the Revised Code, 1481
from a client employer, as defined in either of those sections 1482
as applicable, in excess of the administrative fee charged by 1483
the professional employer organization or the alternate employer 1484
organization to the client employer; 1485

(y) In the case of amounts retained as commissions by a 1486
permit holder under Chapter 3769. of the Revised Code, an amount 1487
equal to the amounts specified under that chapter that must be 1488
paid to or collected by the tax commissioner as a tax and the 1489
amounts specified under that chapter to be used as purse money; 1490

(z) Qualifying distribution center receipts as determined 1491

under section 5751.40 of the Revised Code.	1492
(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;	1493 1494 1495
(bb) Cash discounts allowed and taken;	1496
(cc) Returns and allowances;	1497
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;	1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508 1509 1510 1511
(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;	1512 1513 1514 1515
(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.	1516 1517 1518
(gg) Qualified uranium receipts as determined under section 5751.41 of the Revised Code.	1519 1520

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts as determined under section 5751.42 of the Revised Code.

(kk) In the case of a railroad company described in division (D) (9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F) (2) (ll) of this section have the same meanings as in section 5703.94 of the

Revised Code. 1552

(mm) In the case of receipts from the sale or transfer of 1553
a mortgage-backed security or a mortgage loan by a mortgage 1554
lender holding a valid certificate of registration issued under 1555
Chapter 1322. of the Revised Code or by a person that is a 1556
member of the mortgage lender's consolidated elected taxpayer 1557
group, an amount equal to the principal balance of the mortgage 1558
loan. 1559

(nn) Amounts of excess surplus of the state insurance fund 1560
received by the taxpayer from the Ohio bureau of workers' 1561
compensation pursuant to rules adopted under section 4123.321 of 1562
the Revised Code. 1563

(oo) Except as otherwise provided in division (B) of 1564
section 5751.091 of the Revised Code, receipts of a megaproject 1565
supplier from sales of tangible personal property directly to a 1566
megaproject operator in this state, provided the supplier holds 1567
a certificate issued under section 5751.052 of the Revised Code 1568
for the calendar year in which the sales are made, and provided 1569
both the operator and supplier hold a certificate issued under 1570
division (D)(7) of section 122.17 of the Revised Code on the 1571
first day of that calendar year; 1572

(pp) In the case of amounts collected by a sports gaming 1573
proprietor from sports gaming, amounts in excess of the 1574
proprietor's sports gaming receipts. As used in this division, 1575
"sports gaming proprietor" has the same meaning as in section 1576
3775.01 of the Revised Code and "sports gaming receipts" has the 1577
same meaning as in section 5753.01 of the Revised Code. 1578

(qq) Any receipts for which the tax imposed by this 1579
chapter is prohibited by the constitution or laws of the United 1580
States or the constitution of this state. 1581

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for

a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I) (1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term

used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 1667
1668

(Q) "Received" includes amounts accrued under the accrual method of accounting. 1669
1670

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 1671
1672
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(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code." 1678
1679
1680

In line 8222, delete "109.32," 1681

In line 8223, delete ", 2915.01, 2915.08, 2915.081, 2915.082," 1682

Delete line 8224 1683

In line 8225, delete "2915.12, 2915.13" 1684

In line 8227, delete ", 5747.08" 1685

In line 8230, delete "(A)" 1686

Delete lines 8235 through 8239 1687

In line 8303, delete ", as amended by this act," 1688

Delete lines 8336 through 8341 1689

In line 8342, delete "9" and insert "8" 1690

Delete lines 8350 and 8351 and insert "Section 109.572 of the Revised Code as amended by H.B. 110 and S.B. 3 of the 134th General Assembly and H.B. 263 and S.B. 260 of the 133rd General Assembly." 1691
1692
1693

Delete lines 8354 through 8356

1694

The motion was _____ agreed to.

SYNOPSIS

1695

Removal of provisions enacted in other bills

1696

R.C. 109.32, 109.572, 2915.01, 2915.08, 2915.081,
2915.082, 2915.09, 2915.091, 2915.093, 2915.095, 2915.10,
2915.101, 2915.12, 2915.13, 2915.14, 2915.15, 3376.01, 3376.02,
3376.03, 3376.04, 3376.05, 3376.06, 3376.07, 3376.08, and
3772.37 and Sections 3 and 6

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1701

Removes from the bill provisions concerning electronic
instant bingo and intercollegiate athletes' names, images, and
likenesses, which have since been enacted in identical or
similar form as part of other bills.

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1704

1705

Technical correction

1706

R.C. 3775.03(A)

1707

Removes an incorrect reference to a provision that no
longer exists in the bill's language.

1708

1709

Revised Code section updates

1710

R.C. 109.572, 3770.073, 3772.01, 5703.21, 5747.02, 5747.08
(removed), and 5751.01 and Sections 8 and 9

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1712

Updates the versions of several sections of law, as they
appear in the bill, to reflect recently enacted changes and to
carry forward the bill's provisions.

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Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 15 of the title, delete "3775.101,"	1716
In line 38, delete ", 3775.101"	1717
In line 5798, delete " <u>Use official league data as required under</u>	1718
<u>section</u> "	1719
Delete line 5799	1720
In line 5800, delete " <u>(12)</u> "	1721
In line 5802, delete " <u>(13)</u> " and insert " <u>(12)</u> "	1722
In line 5806, delete " <u>(14)</u> " and insert " <u>(13)</u> "	1723
In line 5809, delete " <u>(15)</u> " and insert " <u>(14)</u> "	1724
Delete lines 5855 through 5936	1725

The motion was _____ agreed to.

SYNOPSIS 1726

Official league data 1727

R.C. 3775.10 (A) (11) and 3775.101

1728

Removes provisions of the bill that require sports gaming
proprietors, at the request of the appropriate sports governing
body, to use official league data to determine the outcomes of
proposition bets.

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Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5 of the title, delete ", 3770.071, 3770.073"	1733
In line 31, delete ", 3770.071, 3770.073"	1734
Delete lines 3878 through 3975	1735
In line 6217, delete " <u>under</u> " and insert " <u>by section 6041 of</u> "	1736
In line 8225, delete ", 3770.071, 3770.073"	1737

The motion was _____ agreed to.

SYNOPSIS 1738

Withholding government debts from sports gaming winnings 1739

R.C. 3775.17 1740

Modifies the bill's requirement that a sports gaming	1741
proprietor withhold a patron's debts to the state or a political	1742
subdivision before disbursing any sports gaming winnings over a	1743
certain amount.	1744

Adds a specific reference to the withholding threshold	1745
being determined under section 6041 of the Internal Revenue	1746
Code, instead of under the Internal Revenue Code in general.	1747
Withholding government debts from lottery prize awards	1748
R.C. 3770.071, 3770.073, and 5747.062	1749
Removes provisions of the bill that change the threshold	1750
at which the State Lottery Commission must withhold a	1751
participant's past due child or spousal support and any debts to	1752
the state or a political subdivision before disbursing a lottery	1753
prize award.	1754
Retains the current law threshold, which is the Internal	1755
Revenue Service reporting threshold, instead of changing the	1756
threshold to \$600.	1757
Retains a provision of the bill that changes the state	1758
income tax withholding threshold for lottery prize awards from	1759
\$4,000 to the Internal Revenue Service threshold.	1760

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 17 of the title, delete "and"; after "5753.031" insert ",
and 5753.12" 1761
1762

In line 40, delete "and"; after "5753.031" insert ", and 5753.12" 1763

After line 8221, insert: 1764

"Sec. 5753.12. (A) Notwithstanding any provision of this 1765
chapter, any person who operates a casino facility without 1766
holding a current, valid license issued under Chapter 3772. of 1767
the Revised Code or a sports gaming facility without holding a 1768
current, valid license issued under Chapter 3775. of the Revised 1769
Code is liable for any amounts, including tax, interest, and 1770
penalties, imposed under this chapter in the same manner as 1771
persons that do hold such a license. 1772

(B) The tax commissioner may issue an assessment against a 1773
person described in division (A) of this section for any amount 1774
due under this chapter in the same manner provided under section 1775
5753.07 of the Revised Code." 1776

The motion was _____ agreed to.

SYNOPSIS

1777

Tax on unlicensed operators

1778

R.C. 5753.12

1779

Subjects a person who operates sports gaming or casino
gaming in Ohio without a license to the sports gaming receipts
tax or gross casino revenue tax.

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1781

1782

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

- In line 7943, delete "If a sports gaming proprietor's sports gaming receipts" 1783
1784
- Delete lines 7944 through 7956 1785
- In line 7957, delete "(C)" 1786
- In line 7962, delete "(D)" and insert "(C)" 1787

The motion was _____ agreed to.

- SYNOPSIS 1788
- Sports gaming receipts tax: remove carryforward** 1789
- R.C. 5753.04** 1790
- Removes a provision that would allow a sports gaming 1791
proprietor with negative receipts for a particular day (i.e., 1792
winnings paid out exceed the amount wagered) to carry forward 1793
the deficit to future tax returns until the proprietor's 1794
receipts are greater than zero. 1795

Removes a provision that would allow a proprietor that	1796
surrenders its license and whose last return reported a deficit	1797
to receive a refund of 10% of that deficit.	1798

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4731, delete "any horse race," 1799
In line 4760, delete "Pari-mutuel betting" and insert "Wagering"; 1800
delete "the outcome of a"; delete "race, as" 1801
In line 4761, delete "authorized under Chapter 3769. of the Revised 1802
Code" and insert "racinq" 1803

The motion was _____ agreed to.

SYNOPSIS 1804
Sports betting on horse racing 1805
R.C. 3775.01(K) and (L) 1806
Removes a provision of the bill that would have allowed 1807
sports gaming proprietors to offer wagering on horse racing, 1808
other than pari-mutuel wagering. 1809
Retains the current law that allows pari-mutuel wagering 1810
on horse racing at racetracks. 1811

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 7828, strike through "five" and insert "ten" 1812

The motion was _____ agreed to.

SYNOPSIS 1813

Ohio State Racing Commission Fund 1814

R.C. 5753.03 1815

Modifies the law concerning the distribution of the 3% of 1816
the state's casino tax revenue that, under the Ohio 1817
Constitution, must be deposited in the Ohio State Racing 1818
Commission Fund to promote horse racing. 1819

Increases, from 5% to 10%, the amount of the money in the 1820
Fund that the Commission may retain for operating expenses 1821
necessary to administer the Fund. 1822

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 14 of the title, after "3775.09" insert ", 3775.091" 1823

In line 38, after "3775.09" insert ", 3775.091" 1824

After line 5754, insert: 1825

"Sec. 3775.091. (A) The director of administrative 1826
services shall engage an independent consultant to conduct a 1827
study to determine whether, and the extent to which, qualified 1828
persons experience discrimination or disadvantage in the sports 1829
gaming industry on the basis of their membership in a racial 1830
minority group, their color or ethnicity, their gender, or their 1831
disability. The director shall provide the results of the study 1832
to the Ohio casino control commission and shall inform the 1833
commission whether, in the director's opinion, the results of 1834
the study warrant action by the commission under division (B) of 1835
this section. 1836

(B) If the commission determines that the results of the 1837
study described in division (A) of this section so warrant, the 1838
commission shall establish goals to ensure that sports gaming 1839
licenses are issued to applicants described in division (A) of 1840
this section on an equitable basis with other applicants and 1841

shall disseminate information about the commission's licensing goals through targeted media. 1842
1843

(C) The commission may require, by rule, that sports gaming proprietors pay the cost of disseminating information through targeted media under division (B) of this section." 1844
1845
1846

The motion was _____ agreed to.

SYNOPSIS 1847

Equity in sports gaming licensure 1848

R.C. 3775.091 1849

Requires the Director of Administrative Services to engage an independent consultant to conduct a study to determine whether, and the extent to which, qualified persons experience discrimination or disadvantage in the sports gaming industry on the basis of race, color, ethnicity, gender, or disability. 1850
1851
1852
1853
1854

Requires the Ohio Casino Control Commission, if warranted by the results of the study, to establish goals to ensure that sports gaming licenses are issued to disadvantaged applicants on an equitable basis with other applicants and to disseminate information about those goals through targeted media. 1855
1856
1857
1858
1859

Allows the Commission to require, by rule, that sports gaming proprietors pay the cost of disseminating that information through targeted media. 1860
1861
1862

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4685, delete "(D) (1)" and insert "(D) "Esports event" means 1863
an organized video game competition that is regulated by a sports 1864
governing body and that is held between professional players who play 1865
individually or as teams. 1866

(E) (1)" 1867

In line 4697, delete "(E)" and insert "(F)" 1868

In line 4700, delete "(F)" and insert "(G)" 1869

In line 4705, delete "(G)" and insert "(H)" 1870

In line 4710, delete "(H)" and insert "(I)" 1871

In line 4721, delete "(I)" and insert "(J)" 1872

In line 4724, delete "(J)" and insert "(K)" 1873

In line 4727, delete "(K) (1)" and insert "(L) (1)"; delete "(K) (2)" 1874
and insert "(L) (2)" 1875

In line 4731, after "race," insert "any esports event," 1876

In line 4745, delete "(L) (1)" and insert "(M) (1)" 1877

In line 4749, delete "(L) (3)" and insert "(M) (3)" 1878

In line 4769, delete " <u>(M)</u> " and insert " <u>(N)</u> "	1879
In line 4778, delete " <u>(N)</u> " and insert " <u>(O)</u> "	1880
In line 4782, delete " <u>(O)</u> " and insert " <u>(P)</u> "	1881
In line 4788, delete " <u>(P)</u> " and insert " <u>(Q)</u> "	1882
In line 4790, delete " <u>(Q)</u> " and insert " <u>(R)</u> "	1883
In line 4794, delete " <u>(R)</u> " and insert " <u>(S)</u> "	1884
In line 4796, delete " <u>(S) (1)</u> " and insert " <u>(T) (1)</u> "	1885
In line 4813, delete " <u>(T)</u> " and insert " <u>(U)</u> "	1886
In line 4817, delete " <u>(U)</u> " and insert " <u>(V)</u> "	1887
In line 4820, delete " <u>(V)</u> " and insert " <u>(W)</u> "	1888
In line 4823, delete " <u>(W)</u> " and insert " <u>(X)</u> "	1889
In line 4827, delete " <u>(X)</u> " and insert " <u>(Y)</u> "	1890
In line 4832, delete " <u>(Y)</u> " and insert " <u>(Z)</u> "	1891
In line 4835, delete " <u>(Z)</u> " and insert " <u>(AA)</u> "	1892
Delete lines 8329 through 8335	1893
In line 8336, delete "8" and insert "7"	1894
In line 8342, delete "9" and insert "8"	1895

The motion was _____ agreed to.

SYNOPSIS 1896

Esports 1897

R.C. 3775.01 and Section 7 1898

Allows wagering on esports events, meaning organized video	1899
game competitions that are regulated by a sports governing body	1900
and that are held between professional players who play	1901
individually or as teams.	1902
Removes language from the bill stating that the General	1903
Assembly intends to introduce comprehensive legislation	1904
governing wagering on esports events.	1905

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5210, delete "Upon" and insert "After"; delete "an initial
or renewed" and insert "a" 1906
1907

In line 5211, delete "applicant" and insert "sports gaming
proprietor" 1908
1909

In line 5212, delete "fee" and insert "fees"; after "applicable," 1910
insert "not later than the dates indicated," 1911

In line 5214, delete "applicant" and insert "sports gaming
proprietor" 1912
1913

In line 5217, delete "(a)" 1914

Delete lines 5219 through 5240 and insert: 1915

1916

	1	2	3	4	5	6
A		<u>Upon</u>	<u>One year</u>	<u>Two years</u>	<u>Three</u>	<u>Four</u>
		<u>issuance of</u>	<u>after</u>	<u>after</u>	<u>years</u>	<u>years</u>
		<u>license</u>	<u>license</u>	<u>license</u>	<u>after</u>	<u>after</u>

		<u>issued</u>	<u>issued</u>	<u>license</u> <u>issued</u>	<u>license</u> <u>issued</u>	
B	<u>Initial or</u> <u>renewed license</u> <u>- type A sports</u> <u>gaming</u> <u>proprietor that</u> <u>is a</u> <u>professional</u> <u>sports</u> <u>organization</u> <u>and that is not</u> <u>contracting</u> <u>with more than</u> <u>one mobile</u> <u>management</u> <u>services</u> <u>provider</u>	<u>\$500,000</u>	<u>\$125,000</u>	<u>\$125,000</u>	<u>\$125,000</u>	<u>\$125,000</u>
C	<u>Initial or</u> <u>renewed license</u> <u>- any other</u> <u>type A sports</u> <u>gaming</u> <u>proprietor that</u> <u>is not</u> <u>contracting</u> <u>with more than</u> <u>one mobile</u> <u>management</u> <u>services</u>	<u>\$750,000</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>

provider

D	<u>Initial license</u>	<u>\$1,666,667</u>	<u>\$416,667</u>	<u>\$416,667</u>	<u>\$416,667</u>	<u>\$416,667</u>
	<u>- type A sports</u>					
	<u>gaming</u>					
	<u>proprietor that</u>					
	<u>is a</u>					
	<u>professional</u>					
	<u>sports</u>					
	<u>organization</u>					
	<u>and that is</u>					
	<u>contracting</u>					
	<u>with two mobile</u>					
	<u>management</u>					
	<u>services</u>					
	<u>providers</u>					
E	<u>Initial license</u>	<u>\$2,500,000</u>	<u>\$625,000</u>	<u>\$625,000</u>	<u>\$625,000</u>	<u>\$625,000</u>
	<u>- any other</u>					
	<u>type A sports</u>					
	<u>gaming</u>					
	<u>proprietor that</u>					
	<u>is contracting</u>					
	<u>with two mobile</u>					
	<u>management</u>					
	<u>services</u>					
	<u>providers</u>					
F	<u>Renewed license</u>	<u>\$500,000</u>	<u>\$125,000</u>	<u>\$125,000</u>	<u>\$125,000</u>	<u>\$125,000</u>
	<u>- type A sports</u>					
	<u>gaming</u>					
	<u>proprietor that</u>					
	<u>is a</u>					

professional
sports
organization
and that is
contracting
with two mobile
management
services
providers

G Renewed license \$750,000 \$187,500 \$187,500 \$187,500 \$187,500
- any other
type A sports
gaming
proprietor that
is contracting
with two mobile
management
services
providers

" 1917
 In line 5241, delete "(a)"; delete "an initial" and insert "a" 1918
 In line 5242, after "dollars" insert "upon being issued an initial 1919
license and twenty-five thousand dollars upon being issued a renewed 1920
license" 1921
 Delete lines 5243 and 5244 1922
 In line 5245, delete "(a)"; delete "an initial" and insert "a" 1923
 In line 5246, delete ";" 1924
 Delete line 5247 and insert "upon being issued an initial license 1925
and" 1926

In line 5248, after "dollars" insert "upon being issued a renewed license" 1927
1928

In line 5250, delete "three" and insert "five" 1929

In line 5333, delete the first "A" and insert "Except as otherwise provided in division (A) (2) (b) of this section, a" 1930
1931

In line 5334, delete "that is a professional sports organization" 1932

In line 5338, after "that" insert "is a professional sports organization or"; delete "not" 1933
1934

In line 5339, delete "professional sports organization" and insert "casino operator or video lottery sales agent"; delete "not more than" 1935
1936

In line 5340, delete "two" and insert "one additional"; delete "providers" and insert "provider" 1937
1938

In line 5342, after "contract" insert ", if the sports gaming proprietor demonstrates to the Ohio casino control commission that the second contract would generate an incremental economic benefit to this state beyond the economic benefits generated by the first contract and that the second contract will not prevent another type A sports gaming proprietor from securing a contract with a mobile management services provider"; after "." insert: 1939
1940
1941
1942
1943
1944
1945

"(c) For purposes of the license fees described in division (B) (3) of this section:" 1946
1947

(i) The first mobile management services provider with which the type A sports gaming proprietor enters into a contract is considered the designated first mobile management services provider. 1948
1949
1950
1951

(ii) If the type A sports gaming proprietor contracts with another mobile management services provider while still contracting with the designated first mobile management services 1952
1953
1954

provider, the additional mobile management services provider is 1955
considered the designated second mobile management services 1956
provider. 1957

(d) The commission shall adopt by rule a procedure 1958
allowing the commission to revoke a designated second mobile 1959
management services provider's license if the licensee does not 1960
actively offer sports gaming under the license to the economic 1961
benefit of this state for a continuous period of one year or 1962
more." 1963

In line 5374, after "section." insert "A mobile management services 1964
provider license entitles the holder to contract with one type A sports 1965
gaming proprietor." 1966

In line 5384, delete "(a) Upon" and insert "After"; delete "an 1967
initial or renewed" and insert "a" 1968

In line 5385, delete "applicant" and insert "mobile management 1969
services provider"; delete "a" and insert "the following" 1970

In line 5386, delete "fee of one million dollars." 1971

Delete lines 5387 through 5389 1972

In line 5390, delete "interim license fee as follows" and insert 1973
"fees, as applicable, not later than the dates indicated" 1974

Delete lines 5391 through 5406 and insert: 1975

1976

	1	2	3	4	5	6
A		<u>Upon</u>	<u>One year</u>	<u>Two years</u>	<u>Three</u>	<u>Four</u>
		<u>issuance of</u>	<u>after</u>	<u>after</u>	<u>years</u>	<u>years</u>
		<u>license</u>	<u>license</u>	<u>license</u>	<u>after</u>	<u>after</u>

		<u>issued</u>	<u>issued</u>	<u>license</u> <u>issued</u>	<u>license</u> <u>issued</u>
B	<u>Initial or</u> <u>renewed license</u> <u>- designated</u> <u>first mobile</u> <u>management</u> <u>services</u> <u>provider for a</u> <u>type A sports</u> <u>gaming</u> <u>proprietor that</u> <u>is a</u> <u>professional</u> <u>sports</u> <u>organization</u>	<u>\$1,000,000</u>	<u>\$250,000</u>	<u>\$250,000</u>	<u>\$250,000</u>
C	<u>Initial or</u> <u>renewed license</u> <u>- designated</u> <u>first mobile</u> <u>management</u> <u>services</u> <u>provider for</u> <u>any other type</u> <u>A sports gaming</u> <u>proprietor</u>	<u>\$750,000</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>
D	<u>Initial license</u> <u>- designated</u> <u>second mobile</u> <u>management</u>	<u>\$3,333,333</u>	<u>\$833,333</u>	<u>\$833,333</u>	<u>\$833,333</u>

services
provider for a
type A sports
gaming
proprietor that
is a
professional
sports
organization

E	<u>Initial license</u> <u>- designated</u> <u>second mobile</u> <u>management</u> <u>services</u> <u>provider for</u> <u>any other type</u> <u>A sports gaming</u> <u>proprietor</u>	<u>\$2,500,000</u>	<u>\$625,000</u>	<u>\$625,000</u>	<u>\$625,000</u>	<u>\$625,000</u>
---	--	--------------------	------------------	------------------	------------------	------------------

F	<u>Renewed license</u> <u>- designated</u> <u>second mobile</u> <u>management</u> <u>services</u> <u>provider for a</u> <u>type A sports</u> <u>gaming</u> <u>proprietor that</u> <u>is a</u> <u>professional</u> <u>sports</u>	<u>\$1,000,000</u>	<u>\$250,000</u>	<u>\$250,000</u>	<u>\$250,000</u>	<u>\$250,000</u>
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organization

G Renewed license \$750,000 \$187,500 \$187,500 \$187,500 \$187,500

- designated

second mobile

management

services

provider for

any other type

A sports gaming

proprietor

"

1977

In line 5408, delete "three" and insert "five"

1978

In line 5444, delete "contracts a"; after "provider" insert "licenses a person"

1979

1980

In line 5445, delete "have with type A sports gaming proprietors under this section" and insert "hold"

1981

1982

In line 5485, after "section." insert "A management services provider license entitles the holder to contract with one type B sports gaming proprietor."

1983

1984

1985

In line 5502, delete "three" and insert "five"

1986

In line 5536, delete "contracts a"; after "provider" insert "licenses a person"; delete "have with"

1987

1988

In line 5537, delete "type B sports gaming proprietors under this section" and insert "hold"

1989

1990

The motion was _____ agreed to.

SYNOPSIS

	1991
Sports gaming proprietor and management services provider licenses	1992
	1993
R.C. 3775.04, 3775.05, and 3775.051	1994
Modifies the bill's license fees for type A sports gaming proprietors based on the nature of the proprietor's business and the number of mobile management services providers with which the proprietor contracts.	1995
	1996
	1997
	1998
Allows only a type A sports gaming proprietor that is a professional sports organization or a casino or racino operator to contract with a second mobile management services provider, and only if certain conditions are met.	1999
	2000
	2001
	2002
Modifies the bill's license fees for mobile management services providers based on the nature of the type A sports gaming proprietor with which the provider contracts and whether the provider is a first or second contractor.	2003
	2004
	2005
	2006
Specifies that a mobile management services provider must have one license for each type A sports gaming proprietor with which the provider contracts.	2007
	2008
	2009
Specifies that a management services provider must have one license for each type B sports gaming proprietor with which the provider contracts.	2010
	2011
	2012
Extends the term of all sports gaming proprietor, mobile management services provider, and management services provider licenses issued under the bill from three years to five years.	2013
	2014
	2015

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5783, delete "Maintain the confidentiality of any
confidential" 2016
2017

Delete lines 5784 through 5786 2018

In line 5787, delete "(8)" 2019

In line 5793, delete "(9)" and insert "(8)" 2020

In line 5795, delete "(10)" and insert "(9)" 2021

In line 5798, delete "(11)" and insert "(10)" 2022

In line 5800, delete "(12)" and insert "(11)" 2023

In line 5802, delete "(13)" and insert "(12)" 2024

In line 5806, delete "(14)" and insert "(13)" 2025

In line 5809, delete "(15)" and insert "(14)" 2026

After line 5854, insert: 2027

"(H) (1) A sports gaming proprietor shall maintain the
confidentiality of any information provided to the sports gaming
proprietor by a sports governing body that the sports governing
body designates as confidential, except as otherwise required by" 2028
2029
2030
2031

law or by order of the commission. The sports gaming proprietor 2032
shall not use such confidential information for business or 2033
marketing purposes, except with the express written approval of 2034
the sports governing body. 2035

(2) A sports governing body shall maintain the 2036
confidentiality of any information provided to the sports 2037
governing body by a sports gaming proprietor that the sports 2038
gaming proprietor designates as confidential, except as 2039
otherwise required by law or by order of the commission. The 2040
sports governing body shall not use such confidential 2041
information for business or marketing purposes, except with the 2042
express written approval of the sports gaming proprietor." 2043

The motion was _____ agreed to.

SYNOPSIS 2044

Confidential information 2045

R.C. 3775.10 2046

Adds to the bill's current requirement that a sports 2047
gaming proprietor maintain the confidentiality of any 2048
confidential information provided by a sports governing body. 2049

Prohibits the sports gaming proprietor from using such 2050
confidential information for business or marketing purposes 2051
without the sports governing body's express written approval. 2052

Requires a sports governing body likewise to maintain the 2053
confidentiality of any confidential information provided by a 2054
sports gaming proprietor. 2055

Prohibits the sports governing body from using such 2056

confidential information for business or marketing purposes
without the sports gaming proprietor's express written approval.

2057

2058

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

After line 2294, insert: 2059

"Sec. 2915.081. (A) No distributor shall sell, offer to 2060
sell, or otherwise provide or offer to provide bingo supplies to 2061
another person, or modify, convert, add to, or remove parts from 2062
bingo supplies to further their promotion or sale, for use in 2063
this state without having obtained a license from the attorney 2064
general under this section. 2065

(B) (1) The attorney general may issue a distributor 2066
license to any person that meets the requirements of this 2067
section. The application for the license shall be on a form 2068
prescribed by the attorney general and be accompanied by the 2069
annual fee prescribed by this section. The license is valid for 2070
a period of one year, and the annual fee for the license is five 2071
thousand dollars. 2072

(2) Upon applying for or renewing a license under this 2073
section, an applicant shall file with and have approved by the 2074
attorney general a bond in which the applicant shall be the 2075
principal obligor, in the sum of fifty thousand dollars, with 2076
one or more sureties authorized to do business in this state. 2077

The applicant shall maintain the bond in effect as long as the license is valid; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of fifty thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

(C) The attorney general may refuse to issue a distributor license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(2) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(4) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained

under division (F) of section 2915.10 of the Revised Code. 2109

(5) The person, officer, or partner has had a license 2110
related to gambling revoked or suspended under the laws of this 2111
state, another state, or the United States. 2112

(6) The attorney general has good cause to believe that a 2113
person, officer, or partner has committed a breach of fiduciary 2114
duty, theft, or other type of misconduct related to a charitable 2115
organization that has obtained a bingo license issued under this 2116
chapter. 2117

(D) The attorney general shall not issue a distributor 2118
license to any person that is involved in the conduct of bingo 2119
on behalf of a charitable organization or that is a lessor of 2120
premises used for the conduct of bingo. This division does not 2121
prohibit a distributor from advising charitable organizations on 2122
the use and benefit of specific bingo supplies or prohibit a 2123
distributor from advising a customer on operational methods to 2124
improve bingo profitability. 2125

(E) (1) No distributor shall sell, offer to sell, or 2126
otherwise provide or offer to provide bingo supplies to any 2127
person, or modify, convert, add to, or remove parts from bingo 2128
supplies to further their promotion or sale, for use in this 2129
state except to or for the use of a charitable organization that 2130
has been issued a license under section 2915.08 of the Revised 2131
Code or to another distributor that has been issued a license 2132
under this section. No distributor shall accept payment for the 2133
sale or other provision of bingo supplies other than by check or 2134
electronic fund transfer. 2135

(2) No distributor may donate, give, loan, lease, or 2136
otherwise provide any bingo supplies or equipment, or modify, 2137
convert, add to, or remove parts from bingo supplies to further 2138
their promotion or sale, to or for the use of a charitable 2139

organization for use in a bingo session conditioned on or in 2140
consideration for an exclusive right to provide bingo supplies 2141
to the charitable organization. A distributor may provide a 2142
licensed charitable organization with free samples of the 2143
distributor's products to be used as prizes or to be used for 2144
the purpose of sampling. 2145

(3) No distributor shall purchase bingo supplies for use 2146
in this state from any person except from a manufacturer issued 2147
a license under section 2915.082 of the Revised Code or from 2148
another distributor issued a license under this section. Subject 2149
to division (D) of section 2915.082 of the Revised Code, no 2150
distributor shall pay for purchased bingo supplies other than by 2151
check or electronic fund transfer. 2152

(4) No distributor shall participate in the conduct of 2153
bingo on behalf of a charitable organization or have any direct 2154
or indirect ownership interest in a premises used for the 2155
conduct of bingo. 2156

(5) No distributor shall knowingly solicit, offer, pay, or 2157
receive any kickback, bribe, or undocumented rebate, directly or 2158
indirectly, overtly or covertly, in cash or in kind, in return 2159
for providing bingo supplies to any person in this state. 2160

(F) (1) No distributor shall knowingly sell, offer to sell, 2161
or otherwise provide or offer to provide an electronic instant 2162
bingo system to any person for use in this state, or install, 2163
maintain, update, or repair an electronic instant bingo system, 2164
without first obtaining an electronic instant bingo distributor 2165
endorsement to the person's distributor license issued under 2166
this section. An applicant for a distributor license under this 2167
section may apply simultaneously for an electronic instant bingo 2168
distributor endorsement to that license. ~~Any individual who~~ 2169
~~installs, maintains, updates, or repairs an electronic instant~~ 2170

~~bingo system also shall hold an appropriate and valid
occupational license issued by the Ohio casino control
commission under Chapter 3772. of the Revised Code.~~

(2) An applicant for an electronic instant bingo distributor endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C) (2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C) (1) of that section. Upon receiving an application for an electronic instant bingo distributor endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A) (18) of that section. The applicant shall pay any fee required under division (C) (3) of that section.

(3) The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant unless the attorney general has received the results of the criminal records check described in division (F) (2) of this section. The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant if the applicant, any officer or partner of the applicant, or any person who has an ownership interest of ten per cent or more in the applicant has violated any provision of this chapter or any rule adopted by the attorney general under this chapter or has violated any existing or former law or rule of this state, any other state, or the United States that is substantially equivalent to any

provision of this chapter or any rule adopted by the attorney general under this chapter. 2203
2204

(4) An electronic instant bingo distributor endorsement issued under this section shall be valid for the period of the underlying distributor license. 2205
2206
2207

(G) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a distributor license or an electronic instant bingo distributor endorsement, for a limited or indefinite period of time at the attorney general's discretion, for any of the following reasons: 2208
2209
2210
2211
2212

(1) Any reason for which the attorney general may refuse to issue the license or endorsement; 2213
2214

(2) The distributor holding the license or endorsement violates any provision of this chapter or any rule adopted by the attorney general under this chapter; 2215
2216
2217

(3) The distributor or any officer, partner, or other person who has an ownership interest of ten per cent or more in the distributor is convicted of either of the following: 2218
2219
2220

(a) A felony under the laws of this state, another state, or the United States; 2221
2222

(b) Any gambling offense. 2223

(H) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or condition of a distributor license or endorsement, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code. 2224
2225
2226
2227
2228

(I) The attorney general may impose a civil fine on a distributor licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary 2229
2230
2231

conditions on its license, or for failure to comply with this 2232
chapter or any rule adopted under this chapter, according to a 2233
schedule of fines that the attorney general shall adopt in 2234
accordance with Chapter 119. of the Revised Code. 2235

(J) Whoever violates division (A), (E), or (F) of this 2236
section is guilty of illegally operating as a distributor. 2237
Except as otherwise provided in this division, illegally 2238
operating as a distributor is a misdemeanor of the first degree. 2239
If the offender previously has been convicted of a violation of 2240
division (A), (E), or (F) of this section, illegally operating 2241
as a distributor is a felony of the fifth degree. " 2242

Delete lines 2295 through 2478 2243

In line 8336, delete "2915.081," 2244

The motion was _____ agreed to.

SYNOPSIS 2245

Electronic instant bingo distributors 2246

R.C. 2915.081 2247

Eliminates a requirement in law that an individual who 2248
installs, maintains, updates, or repairs an electronic instant 2249
bingo system hold an occupational license from the Ohio Casino 2250
Control Commission, in addition to a license endorsement for the 2251
distributor's business, as required under continuing law. 2252

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4 of the title, after "2915.13" insert ", 2935.01"	2253
In line 31, after "2915.13" insert ", 2935.01"	2254
After line 3638, insert:	2255
"Sec. 2935.01. As used in this chapter:	2256
(A) "Magistrate" has the same meaning as in section	2257
2931.01 of the Revised Code.	2258
(B) "Peace officer" includes, except as provided in	2259
section 2935.081 of the Revised Code, a sheriff; deputy sheriff;	2260
marshal; deputy marshal; member of the organized police	2261
department of any municipal corporation, including a member of	2262
the organized police department of a municipal corporation in an	2263
adjoining state serving in Ohio under a contract pursuant to	2264
section 737.04 of the Revised Code; member of a police force	2265
employed by a metropolitan housing authority under division (D)	2266
of section 3735.31 of the Revised Code; member of a police force	2267
employed by a regional transit authority under division (Y) of	2268
section 306.05 of the Revised Code; state university law	2269
enforcement officer appointed under section 3345.04 of the	2270

Revised Code; enforcement agent of the department of public	2271
safety designated under section 5502.14 of the Revised Code;	2272
employee of the department of taxation to whom investigation	2273
powers have been delegated under section 5743.45 of the Revised	2274
Code; employee of the department of natural resources who is a	2275
natural resources law enforcement staff officer designated	2276
pursuant to section 1501.013 of the Revised Code, a forest-fire	2277
investigator appointed pursuant to section 1503.09 of the	2278
Revised Code, a natural resources officer appointed pursuant to	2279
section 1501.24 of the Revised Code, or a wildlife officer	2280
designated pursuant to section 1531.13 of the Revised Code;	2281
individual designated to perform law enforcement duties under	2282
section 511.232, 1545.13, or 6101.75 of the Revised Code;	2283
veterans' home police officer appointed under section 5907.02 of	2284
the Revised Code; special police officer employed by a port	2285
authority under section 4582.04 or 4582.28 of the Revised Code;	2286
police constable of any township; police officer of a township	2287
or joint police district; a special police officer employed by a	2288
municipal corporation at a municipal airport, or other municipal	2289
air navigation facility, that has scheduled operations, as	2290
defined in section 119.3 of Title 14 of the Code of Federal	2291
Regulations, 14 C.F.R. 119.3, as amended, and that is required	2292
to be under a security program and is governed by aviation	2293
security rules of the transportation security administration of	2294
the United States department of transportation as provided in	2295
Parts 1542. and 1544. of Title 49 of the Code of Federal	2296
Regulations, as amended; the house of representatives sergeant	2297
at arms if the house of representatives sergeant at arms has	2298
arrest authority pursuant to division (E) (1) of section 101.311	2299
of the Revised Code; an assistant house of representatives	2300
sergeant at arms; the senate sergeant at arms; an assistant	2301
senate sergeant at arms; officer or employee of the bureau of	2302
criminal identification and investigation established pursuant	2303

to section 109.51 of the Revised Code who has been awarded a
certificate by the executive director of the Ohio peace officer
training commission attesting to the officer's or employee's
satisfactory completion of an approved state, county, municipal,
or department of natural resources peace officer basic training
program and who is providing assistance upon request to a law
enforcement officer or emergency assistance to a peace officer
pursuant to section 109.54 or 109.541 of the Revised Code; a
state fire marshal law enforcement officer described in division
(A) (23) of section 109.71 of the Revised Code; a gaming agent,
as defined in section 3772.01 of the Revised Code; and, for the
purpose of arrests within those areas, for the purposes of
Chapter 5503. of the Revised Code, and the filing of and service
of process relating to those offenses witnessed or investigated
by them, the superintendent and troopers of the state highway
patrol.

(C) "Prosecutor" includes the county prosecuting attorney
and any assistant prosecutor designated to assist the county
prosecuting attorney, and, in the case of courts inferior to
courts of common pleas, includes the village solicitor, city
director of law, or similar chief legal officer of a municipal
corporation, any such officer's assistants, or any attorney
designated by the prosecuting attorney of the county to appear
for the prosecution of a given case.

(D) "Offense," except where the context specifically
indicates otherwise, includes felonies, misdemeanors, and
violations of ordinances of municipal corporations and other
public bodies authorized by law to adopt penal regulations."

In line 8225, after "2915.13" insert ", 2935.01"

The motion was _____ agreed to.

SYNOPSIS

2333

Gaming agents as peace officers

2334

R.C. 2935.01

2335

Expands the current definition of peace officer that
applies throughout the Revised Code to also include gaming
agents of the Ohio Casino Control Commission, who are considered
peace officers under other provisions of law.

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Makes numerous provisions of existing law related to
arrests, warrants, and other criminal law matters apply to
gaming agents, including increased penalties for assault when
the victim is a peace officer.

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Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4344, after "a" insert "the state lottery commission," 2344

The motion was _____ agreed to.

SYNOPSIS 2345

Casino and racino voluntary exclusion program 2346

R.C. 3772.03(D)(10)(d) 2347

Codifies the ability of the Ohio Casino Control Commission 2348
to share its voluntary exclusion list with the State Lottery 2349
Commission for purposes of the continuing joint voluntary 2350
exclusion program for casinos and racinos, currently operated by 2351
administrative rule. 2352

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4725, delete "in whole or in part"; delete "an outcome" and 2353
insert "whether an identified instance or statistical achievement will 2354
occur, will be achieved, or will be surpassed," 2355

In line 4726, delete "final"; after "event" insert "or parts of the 2356
sporting event, such as quarters, halves, periods, or innings" 2357

The motion was _____ agreed to.

SYNOPSIS 2358

Proposition bets 2359

R.C. 3775.01 (J) 2360

Modifies the bill's definition of a proposition bet to 2361
include bets on instances or statistical achievements other than 2362
the score or outcome of the sporting event or parts of the 2363
sporting event, but not to include all in-game wagers. 2364

Removes sports governing bodies' ability under the bill to 2365

require sports gaming proprietors to use official league data to 2366
determine the outcomes of all in-game wagers, since that 2367
provision of the bill refers to proposition bets. 2368

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4878, delete "Requirements concerning the size, furnishings,
and" 2369
2370

Delete lines 4879 through 4881 2371

In line 4882, delete "(12)" 2372

In line 5184, after "specify" insert "both of"; after the second 2373
"the" insert "following:" 2374

(i) The" 2375

In line 5187, after "granted" insert ";" 2376

(ii) The expected overall capital investment in the sports 2377
gaming facility, including its size, furnishings, and equipment" 2378

The motion was _____ agreed to.

SYNOPSIS 2379

Sports gaming facility investment 2380

R.C. 3775.01(B) (11) and 3775.04(D) (1) (a) 2381

Removes from the bill a requirement that the Ohio Casino 2382
Control Commission adopt, by rule, requirements concerning the 2383
size, furnishings, and equipment of a sports gaming facility and 2384
the minimum capital investment for such a facility. 2385

Requires instead that an application for an initial type B 2386
sports gaming proprietor license specify the expected overall 2387
capital investment in the sports gaming facility, including its 2388
size, furnishings, and equipment. 2389

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 6 of the title, after "3772.03" insert ", 3772.04" 2390

In line 32, after "3772.03" insert ", 3772.04" 2391

After line 4533, insert: 2392

"**Sec. 3772.04.** (A) (1) If the commission concludes that a 2393
license required by this chapter or Chapter 3775. of the Revised 2394
Code should be limited, conditioned, restricted, suspended, 2395
revoked, denied, or not renewed, the commission may, and if so 2396
requested by a licensee or applicant, shall, conduct a hearing 2397
in an adjudication under Chapter 119. of the Revised Code. After 2398
notice and opportunity for a hearing, the commission may limit, 2399
condition, restrict, suspend, revoke, deny, or not renew a 2400
license under rules adopted by the commission. The commission 2401
may reopen a licensing adjudication at any time. 2402

(2) The commission shall appoint a hearing examiner to 2403
conduct the hearing in the adjudication. A party to the 2404
adjudication may file written objections to the hearing 2405
examiner's report and recommendations not later than the 2406
thirtieth day after they are served upon the party or the 2407
party's attorney or other representative of record. The 2408

commission shall not take up the hearing examiner's report and 2409
recommendations earlier than the thirtieth day after the hearing 2410
examiner's report and recommendations were submitted to the 2411
commission. 2412

(3) If the commission finds that a person fails or has 2413
failed to meet any requirement under this chapter or Chapter 2414
3775. of the Revised Code or a rule adopted thereunder, or 2415
violates or has violated this chapter or Chapter 3775. of the 2416
Revised Code or a rule adopted thereunder, the commission may 2417
issue an order: 2418

(a) Limiting, conditioning, restricting, suspending, 2419
revoking, denying, or not renewing, a license issued under this 2420
chapter or Chapter 3775. of the Revised Code; 2421

(b) Requiring a casino facility to exclude a licensee from 2422
the casino facility or requiring a casino facility not to pay to 2423
the licensee any remuneration for services or any share of 2424
profits, income, or accruals on the licensee's investment in the 2425
casino facility; or 2426

(c) Fining a licensee or other person according to the 2427
penalties adopted by the commission. 2428

(4) An order may be judicially reviewed under section 2429
119.12 of the Revised Code. 2430

(B) Without in any manner limiting the authority of the 2431
commission to impose the level and type of discipline the 2432
commission considers appropriate, the commission may take into 2433
consideration the following: 2434

(1) If the licensee knew or reasonably should have known 2435
that the action complained of was a violation of any law, rule, 2436
or condition on the licensee's license; 2437

(2) If the licensee has previously been disciplined by the commission;	2438 2439
(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;	2440 2441 2442
(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;	2443 2444 2445 2446
(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;	2447 2448
(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;	2449 2450 2451 2452 2453
(7) If the licensee realized a pecuniary gain from the violation;	2454 2455
(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee;	2456 2457 2458
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	2459 2460 2461
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	2462 2463 2464
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the	2465 2466

activity that resulted in the violation;	2467
(12) If the licensee's action substantially deviated from industry standards and customs;	2468 2469
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	2470 2471
(14) If the licensee has initiated remedial measures to prevent similar violations;	2472 2473
(15) The magnitude of penalties imposed on other licensees for similar violations;	2474 2475
(16) The proportionality of the penalty in relation to the misconduct;	2476 2477
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	2478 2479 2480
(18) Any mitigating factors offered by the licensee; and	2481
(19) Any other factors the commission considers relevant.	2482
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual notice to all interested parties.	2483 2484 2485 2486 2487 2488
(D) (1) For the purpose of conducting the hearing in an adjudication under division (A) of this section, or in the discharge of any duties imposed by this chapter <u>or Chapter 3775. of the Revised Code</u> , the commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any	2489 2490 2491 2492 2493 2494

papers, books, and accounts, directed to the sheriffs of the 2495
counties where such witnesses or papers, books, and accounts are 2496
found and cause the deposition of any witness. The subpoenas 2497
shall be served and returned in the same manner as subpoenas in 2498
criminal cases are served and returned. The fees of sheriffs 2499
shall be the same as those allowed by the court of common pleas 2500
in criminal cases. 2501

(2) In the event of the refusal of any person without good 2502
cause to comply with the terms of a subpoena issued by the 2503
commission or refusal to testify on matters about which the 2504
person may lawfully be questioned, the prosecuting attorney of 2505
the county in which such person resides, upon the petition of 2506
the commission, may bring a proceeding for contempt against such 2507
person in the court of common pleas of that county. 2508

(3) Witnesses shall be paid the fees and mileage provided 2509
for in section 119.094 of the Revised Code. 2510

(4) All fees and mileage expenses incurred at the request 2511
of a party shall be paid in advance by the party. 2512

(E) When conducting a public hearing, the commission shall 2513
not limit the number of speakers who may testify. However, the 2514
commission may set reasonable time limits on the length of an 2515
individual's testimony or the total amount of time allotted to 2516
proponents and opponents of an issue before the commission. 2517

(F) The commission may rely, in whole or in part, upon 2518
investigations, conclusions, or findings of other casino gaming 2519
or sports gaming commissions, as applicable, or other government 2520
regulatory bodies in connection with licensing, investigations, 2521
or other matters relating to an applicant or licensee under this 2522
chapter. 2523

(G) Notwithstanding anything to the contrary in this 2524

chapter or Chapter 3775. of the Revised Code, and except with 2525
respect to a license issued under this chapter to a casino 2526
operator, management company, or holding company, the executive 2527
director may issue an emergency order for the suspension, 2528
limitation, or conditioning of any license, registration, 2529
approval, or certificate issued, approved, granted, or otherwise 2530
authorized by the commission under Chapter 3772. or 3775. of the 2531
Revised Code or the rules adopted thereunder, requiring the 2532
inclusion of persons on the commission's exclusion list provided 2533
for under section 3772.031 of the Revised Code or Chapter 3775. 2534
of the Revised Code and the rules adopted thereunder, and 2535
requiring a casino facility not to pay a licensee, registrant, 2536
or approved or certified person any remuneration for services or 2537
any share of profits, income, or accruals on that person's 2538
investment in the casino facility. 2539

(1) An emergency order may be issued when the executive 2540
director finds either of the following: 2541

(a) A licensee, registrant, or approved or certified 2542
person has been charged with a violation of any of the criminal 2543
laws of this state, another state, or the federal government; 2544

(b) Such an action is necessary to prevent a violation of 2545
this chapter or Chapter 3775. of the Revised Code or a rule 2546
adopted thereunder. 2547

(2) An emergency order issued under division (G) of this 2548
section shall state the reasons for the commission's action, 2549
cite the law or rule directly involved, and state that the party 2550
will be afforded a hearing if the party requests it within 2551
thirty days after the time of mailing or personal delivery of 2552
the order. 2553

(3) (a) Not later than the next business day after the 2554
issuance of the emergency order, the order shall be sent by 2555

registered or certified mail, return receipt requested, to the 2556
party at the party's last known mailing address appearing in the 2557
commission's records or personally delivered at any time to the 2558
party by an employee or agent of the commission. 2559

(b) A copy of the order shall be mailed to the attorney or 2560
other representative of record representing the party. 2561

(c) If the order sent by registered or certified mail is 2562
returned because the party fails to claim the order, the 2563
commission shall send the order by ordinary mail to the party at 2564
the party's last known address and shall obtain a certificate of 2565
mailing. Service by ordinary mail is complete when the 2566
certificate of mailing is obtained unless the order is returned 2567
showing failure of delivery. 2568

(d) If the order sent by registered, certified, or 2569
ordinary mail is returned for failure of delivery, the 2570
commission shall either make personal delivery of the order by 2571
an employee or agent of the commission or cause a summary of the 2572
substantive provisions of the order to be published once a week 2573
for three consecutive weeks in a newspaper of general 2574
circulation in the county where the last known address of the 2575
party is located. 2576

(i) Failure of delivery occurs only when a mailed order is 2577
returned by the postal authorities marked undeliverable, address 2578
or addressee unknown, or forwarding address unknown or expired. 2579

(ii) When service is completed by publication, a proof of 2580
publication affidavit, with the first publication of the summary 2581
set forth in the affidavit, shall be mailed by ordinary mail to 2582
the party at the party's last known address and the order shall 2583
be deemed received as of the date of the last publication. 2584

(e) Refusal of delivery of the order sent by mail or 2585

personally delivered to the party is not failure of delivery and 2586
service is deemed to be complete. 2587

(4) The emergency order shall be effective immediately 2588
upon service of the order on the party. The emergency order 2589
shall remain effective until further order of the executive 2590
director or the commission. 2591

(5) The commission may, and if so requested by the person 2592
affected by the emergency order shall, promptly conduct a 2593
hearing in an adjudication under Chapter 119. of the Revised 2594
Code." 2595

In line 4987, after "(H)" insert "(1)" 2596

In line 4988, after "Code" insert "and in accordance with section 2597
3772.04 of the Revised Code"; delete "penalize, limit," and insert "do any 2598
of the following:" 2599

(a) Penalize or fine any sports gaming licensee, applicant 2600
for a sports gaming license, or other person who is subject to 2601
the commission's jurisdiction under this chapter; 2602

(b) Limit," 2603

In line 4990, delete "The commission may take into account" 2604

Delete lines 4991 through 4993 and insert: 2605

"(2) The executive director of the commission may issue an 2606
emergency order with respect to sports gaming under division (G) 2607
of section 3772.04 of the Revised Code." 2608

In line 8226, after "3772.03" insert ", 3772.04" 2609

The motion was _____ agreed to.

SYNOPSIS

2610

Ohio Casino Control Commission enforcement

2611

R.C. 3772.04 and 3775.02(H)

2612

Requires the Ohio Casino Control Commission to follow the
same procedures in enforcing the Sports Gaming Law under the
bill as the Commission currently follows with respect to the
Casino Law.

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Gives the Commission and its executive director the same
enforcement powers over sports gaming as they currently have
over casino gaming, including the ability of the executive
director to issue emergency license suspensions.

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Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5060, after "chapter," insert "other than a type C sports gaming host license," 2621
2622

In line 5618, delete "a person or entity" and insert "any eligible applicant"; delete "meets the requirements of" 2623
2624

In line 5619, delete "this chapter and of the commission's rules" 2625
and insert "the state lottery commission recommends"; after the underlined 2626
period insert "Notwithstanding any contrary provision of this chapter, an applicant for an initial or renewed type C sports gaming host license is not required to undergo a criminal background check or licensure suitability investigation in order to receive the license. The commission shall investigate the applicant to determine whether the applicant is eligible for the license and to ensure that the applicant complies with all applicable provisions of this chapter and of the rules of the commission." 2627
2628
2629
2630
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2634

In line 5620, delete "(1)" 2635

In line 5622, delete "the fee required" 2636

Delete line 5623 2637

In line 5624, delete "along with" 2638

In line 5626, delete lines 5626 through 5628 2639

In line 5639, after the underlined period insert "A type C sports gaming proprietor shall notify the Ohio casino control commission of each type C sports gaming host that offers sports gaming through the type C sports gaming proprietor." 2640
2641
2642
2643

In line 5696, after "license" insert ", other than a type C sports gaming host license," 2644
2645

In line 5700, after "license" insert ", other than a type C sports gaming host license," 2646
2647

The motion was _____ agreed to.

SYNOPSIS 2648

Type C sports gaming host licenses 2649

R.C. 3775.03, 3775.07, and 3775.09 2650

Eliminates the bill's requirements that an applicant for an initial or renewed type C sports gaming host license undergo a criminal background check and a licensure suitability investigation conducted by the Ohio Casino Control Commission. 2651
2652
2653
2654

Requires the Ohio Casino Control Commission to license any eligible applicant for a type C sports gaming host license that the State Lottery Commission recommends. 2655
2656
2657

Requires the Ohio Casino Control Commission to investigate the applicant only to determine the applicant's eligibility for the license and to ensure that the applicant complies with the bill and with the Commission's rules. 2658
2659
2660
2661

Requires the type C sports gaming host to notify the Ohio 2662
Casino Control Commission of each type C sports gaming host that 2663
offers sports gaming through the type C sports gaming 2664
proprietor, instead of requiring the host to include that 2665
information in its application. 2666

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5137, after "one" insert "operational"; delete ",_ 2667
including"; delete "a secure" 2668

Delete line 5138 2669

In line 5139, delete "through" and insert "at which"; delete 2670
"proprietor's online sports pools" and insert "proprietor regularly 2671
maintains multiple employees" 2672

The motion was _____ agreed to.

SYNOPSIS 2673

Type A sports gaming proprietor place of business 2674

R.C. 3775.04 (A) (3) (b) and 3775.11 (C) 2675

Requires a type A sports gaming proprietor that does not 2676
also operate a sports gaming facility in Ohio to maintain at 2677
least one operational place of business in Ohio at which the 2678
proprietor regularly maintains multiple employees. 2679

Removes from one part of the bill, but retains in another	2680
section, a requirement that the servers responsible for	2681
accepting wagers through online sports pools be located in a	2682
secure facility in Ohio.	2683

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

- In line 5085, delete "or"; after "provider" insert ", or sports gaming supplier" 2684
2685
- In line 5266, delete "type A, type B, and" 2686
- In line 5267, delete "type C"; after "proprietor" insert ", mobile management services provider, management services provider, and sports gaming supplier" 2687
2688
2689
- In line 5275, delete "The total amount of taxable income the applicant pays," 2690
2691
- Delete line 5276 2692
- In line 5277, delete "(3)" 2693
- In line 5280, delete "(4)" and insert "(3)" 2694
- In line 5285, delete "(5)" and insert "(4)" 2695
- In line 5289, delete "(6)" and insert "(5)" 2696
- In line 5293, delete "(7)" and insert "(6)" 2697
- In line 5297, delete "(8)" and insert "(7)" 2698
- In line 5299, delete "(9)" and insert "(8)" 2699

The motion was _____ agreed to.

SYNOPSIS

2700

Sports gaming license suitability

2701

R.C. 3775.03(C) and 3775.041(B)

2702

Requires applicants for initial and renewed mobile
management services provider, management services provider, and
sports gaming supplier licenses to meet the same general license
suitability factors as sports gaming proprietors.

2703

2704

2705

2706

Eliminates a requirement that the Ohio Casino Control
Commission consider, as part of that suitability investigation,
the total taxable income the applicant pays, or will pay, to its
employees in Ohio, but retains a similar suitability factor for
type A sports gaming proprietors.

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2708

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2711

Requires the Commission to investigate the suitability of
any person that controls an applicant for an initial or renewed
sports gaming supplier license, the same as for a sports gaming
proprietor, mobile management services provider, or management
services provider license.

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Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

- | | |
|---|------|
| In line 5301, delete " <u>type A</u> " | 2717 |
| In line 5309, delete " <u>Whether the</u> " and insert " <u>The</u> "; after " <u>total</u> " | 2718 |
| insert " <u>amount of</u> "; after " <u>pays</u> " insert " <u>, or will pay,</u> " | 2719 |
| In line 5310, delete " <u>each year has been, or will be, at</u> " | 2720 |
| In line 5311, delete " <u>least ten million dollars</u> " | 2721 |

The motion was _____ agreed to.

- | | |
|---|------|
| <u>SYNOPSIS</u> | 2722 |
| Sports gaming proprietor license suitability | 2723 |
| R.C. 3775.041 (C) | 2724 |
| Applies to applicants for initial or renewed type B and | 2725 |
| type C sports gaming proprietor licenses the economic | 2726 |
| development related suitability factors that currently apply | 2727 |
| only to applicants for type A sports gaming proprietor licenses | 2728 |
| under the bill. | 2729 |

Requires the Ohio Casino Control Commission to consider	2730
the total amount of taxable income the applicant pays, or will	2731
pay, to its employees in Ohio instead of whether that total has	2732
been, or will be, at least \$10 million.	2733

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5262, delete the first "and" and insert "and"; delete ", and
(D)" 2734
2735

In line 5316, delete "In the case of a type B sports gaming
proprietor" 2736
2737

Delete lines 5317 through 5320 2738

In line 5321, delete "(E)" 2739

In line 5322, after "(B)," insert "or"; delete ", or (D)" 2740

The motion was _____ agreed to.

SYNOPSIS 2741

Type B sports gaming proprietor license suitability 2742

R.C. 3775.041 (D) 2743

Eliminates a provision of the bill that requires the Ohio
Casino Control Commission, in issuing type B sports gaming 2744
2745

proprietor licenses, to consider whether the current or proposed 2746
locations of sports gaming facilities are distributed equitably 2747
among all regions of the state. 2748

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

- In line 5343, delete "The" and insert "If the" 2749
- In line 5344, delete "that" and insert "is a professional sports organization and" 2750
2751
- In line 5347, after "license" insert ", the professional sports organization" 2752
2753
- In line 5350, after "The" insert "professional"; delete "gaming proprietor" and insert "organization" 2754
2755
- In line 5353, after the first "the" insert "professional"; delete "gaming proprietor" and insert "organization" 2756
2757
- In line 5356, after "A" insert "professional"; delete "gaming proprietor" and insert "organization" 2758
2759
- In line 5360, after "the" insert "professional"; delete "gaming" 2760
- In line 5361, delete "proprietor" and insert "organization" 2761
- In line 5364, after "the" insert "professional"; delete "gaming proprietor" and insert "organization" 2762
2763
- In line 5451, delete "The" and insert "If the" 2764

In line 5452, delete "that" and insert "is a professional sports organization and" 2765
2766

In line 5455, after "license" insert ", the professional sports organization" 2767
2768

In line 5458, after "The" insert "professional"; delete "gaming proprietor" and insert "organization" 2769
2770

In line 5460, after "the" insert "professional" 2771

In line 5461, delete "gaming proprietor" and insert "organization" 2772

In line 5463, after "A" insert "professional"; delete "gaming proprietor" and insert "organization" 2773
2774

In line 5467, after "the" insert "professional"; delete "gaming proprietor" and insert "organization" 2775
2776

In line 5471, after the first "the" insert "professional"; delete "gaming proprietor" and insert "organization" 2777
2778

The motion was _____ agreed to.

SYNOPSIS 2779

Professional sports organizations 2780

R.C. 3775.05 (A) (2) and 3775.051 (A) (2) 2781

Limits to professional sports organizations provisions of 2782
the bill that allow the holder of a sports gaming proprietor 2783
license that is a member of a league, association, or 2784
organization that prevents it from being involved in sports 2785
gaming to appoint a management services provider as the 2786
professional sports organization's designee operator. 2787

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5814, after "laws" insert "; 2788

(16) Submit to the commission, at least once every three 2789
years, an audit of the sports gaming proprietor's information 2790
technology systems and security protocols prepared by a 2791
qualified, independent, and capable third party, as determined 2792
by, and in a manner approved by, the commission" 2793

The motion was _____ agreed to.

SYNOPSIS 2794

Information technology and security audits 2795

R.C. 3775.10 (A) (16) 2796

Requires each sports gaming proprietor to submit to the 2797
Ohio Casino Control Commission, at least once every three years, 2798
an audit of the sports gaming proprietor's information 2799
technology systems and security protocols. 2800

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4678, after "(A)" insert ""Applicant" means a person that 2801
applies to the Ohio casino control commission for a license under this 2802
chapter. 2803

(B)" 2804

In line 4680, delete "(B)" and insert "(C)" 2805

In line 4684, delete "(C)" and insert "(D)" 2806

In line 4685, delete "(D) (1)" and insert "(E) (1)" 2807

In line 4697, delete "(E)" and insert "(F)" 2808

In line 4700, delete "(F)" and insert "(G)" 2809

In line 4705, delete "(G)" and insert "(H)" 2810

In line 4710, delete "(H)" and insert "(I)" 2811

In line 4721, delete "(I)" and insert "(J)" 2812

In line 4724, delete "(J)" and insert "(K)" 2813

In line 4727, delete "(K) (1)" and insert "(L) (1)"; delete "(K) (2)" 2814
and insert "(L) (2)" 2815

In line 4745, delete "(L) (1)" and insert "(M) (1)" 2816

In line 4749, delete " <u>(L) (3)</u> " and insert " <u>(M) (3)</u> "	2817
In line 4769, delete " <u>(M)</u> " and insert " <u>(N)</u> "	2818
In line 4778, delete " <u>(N)</u> " and insert " <u>(O)</u> "	2819
In line 4782, delete " <u>(O)</u> " and insert " <u>(P)</u> "	2820
In line 4788, delete " <u>(P)</u> " and insert " <u>(Q)</u> "	2821
In line 4790, delete " <u>(Q)</u> " and insert " <u>(R)</u> "	2822
In line 4794, delete " <u>(R)</u> " and insert " <u>(S)</u> "	2823
In line 4796, delete " <u>(S) (1)</u> " and insert " <u>(T) (1)</u> "	2824
In line 4813, delete " <u>(T)</u> " and insert " <u>(U)</u> "	2825
In line 4817, delete " <u>(U)</u> " and insert " <u>(V)</u> "	2826
In line 4820, delete " <u>(V)</u> " and insert " <u>(W)</u> "	2827
In line 4823, delete " <u>(W)</u> " and insert " <u>(X)</u> "	2828
In line 4827, delete " <u>(X)</u> " and insert " <u>(Y)</u> "	2829
In line 4832, delete " <u>(Y)</u> " and insert " <u>(Z)</u> "	2830
In line 4835, delete " <u>(Z)</u> " and insert " <u>(AA)</u> "	2831
In line 6171, delete " <u>an applicant</u> " and insert " <u>a person</u> "	2832

The motion was _____ agreed to.

SYNOPSIS 2833

Applicants for sports gaming licenses 2834

R.C. 3775.01 (A) and 3775.15 (A) (1) (1) 2835

Defines an applicant, for purposes of the bill's sports 2836

gaming provisions, as a person that applies to the Ohio Casino 2837
Control Commission for a license, but does not substantively 2838
change the bill's current references to applicants. 2839

Prohibits the Commission from disclosing to the public any 2840
information that the Commission receives from another 2841
jurisdiction relating to a person who holds, held, or has 2842
applied for a sports gaming license, instead of information 2843
relating to "an applicant" who holds, held, or has applied for 2844
such a license. 2845

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 6 of the title, after "3772.03" insert ", 3772.031, 3772.04" 2846

In line 32, after "3772.03" insert ", 3772.031, 3772.04" 2847

After line 4533, insert: 2848

"**Sec. 3772.031.** (A) The general assembly finds that the 2849
exclusion or ejection of certain persons from casino facilities 2850
is necessary to effectuate the intents and purposes of this 2851
chapter and to maintain strict and effective regulation of 2852
casino gaming. The commission, by rule, shall provide for a list 2853
of persons who are to be excluded or ejected from a casino 2854
facility. Persons included on the exclusion list shall be 2855
identified by name and physical description. The commission 2856
shall publish the exclusion list on its web site, and shall 2857
transmit a copy of the exclusion list periodically to casino 2858
operators, as it is initially issued and thereafter as it is 2859
revised from time to time. A casino operator shall take steps 2860
necessary to ensure that all its key employees and casino gaming 2861
employees are aware of and understand the exclusion list and its 2862
function, and that all its key employees and casino gaming 2863
employees are kept aware of the content of the exclusion list as 2864

it is issued and thereafter revised from time to time. 2865

(B) The exclusion list may include any person whose 2866
presence in a casino facility is determined by the commission to 2867
pose a threat to the interests of the state, to achieving the 2868
intents and purposes of this chapter, or to the strict and 2869
effective regulation of casino gaming. In determining whether to 2870
include a person on the exclusion list, the commission may 2871
consider: 2872

(1) Any prior conviction of a crime that is a felony under 2873
the laws of this state, another state, or the United States, a 2874
crime involving moral turpitude, or a violation of the gaming 2875
laws of this state, another state, or the United States; and 2876

(2) A violation, or a conspiracy to violate, any provision 2877
of this chapter that consists of: 2878

(a) A failure to disclose an interest in a gaming facility 2879
for which the person must obtain a license; 2880

(b) Purposeful evasion of taxes or fees; 2881

(c) A notorious or unsavory reputation that would 2882
adversely affect public confidence and trust that casino gaming 2883
is free from criminal or corruptive elements; or 2884

(d) A violation of an order of the commission or of any 2885
other governmental agency that warrants exclusion or ejection of 2886
the person from a casino facility. 2887

(3) If the person has pending charges or indictments for a 2888
gaming or gambling crime or a crime related to the integrity of 2889
gaming operations in any state; 2890

(4) If the person's conduct or reputation is such that the 2891
person's presence within a casino facility may call into 2892
question the honesty and integrity of the casino gaming 2893

operations or interfere with the orderly conduct of the casino gaming operations;	2894 2895
(5) If the person is a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state;	2896 2897 2898
(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state;	2899 2900 2901 2902
(7) If the commission has suspended the person's gaming privileges;	2903 2904
(8) If the commission has revoked the person's licenses related to this chapter;	2905 2906
(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility;	2907 2908 2909
(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility.	2910 2911
Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on the exclusion list.	2912 2913
(C) The commission shall notify a person of the commission's intent to include such person on the exclusion list. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility is located.	2914 2915 2916 2917 2918 2919 2920 2921 2922

~~(D)-A-(1) Except as otherwise provided in this section, a~~ 2923
person who receives notice of intent to include the person on 2924
the exclusion list is entitled, upon the person's request, to an 2925
adjudication hearing under Chapter 119. of the Revised Code, 2926
~~except as provided in this section,~~ in which the person may 2927
demonstrate why the person should not be included on the 2928
exclusion list. The person shall request such an adjudication 2929
hearing not later than thirty days after the person receives the 2930
notice by personal service or certified mail, or not later than 2931
thirty days after the last newspaper publication of the notice. 2932
~~if-~~ 2933

(2) If the person does not request a hearing in accordance 2934
with division (D)(1) of this section, the commission may, but is 2935
not required to, conduct an adjudication hearing under Chapter 2936
119. of the Revised Code. The commission may reopen an 2937
adjudication under this section at any time. 2938

(3) If the adjudication hearing, order, or any appeal 2939
thereof under Chapter 119. of the Revised Code results in an 2940
order that the person should not be included on the exclusion 2941
list, the commission shall publish a revised exclusion list that 2942
does not include the person. The commission also shall notify 2943
casino operators that the person has been removed from the 2944
exclusion list. A casino operator shall take all steps necessary 2945
to ensure its key employees and casino gaming employees are made 2946
aware that the person has been removed from the exclusion list. 2947

(E) This section does not apply to the voluntary exclusion 2948
list created as part of the voluntary exclusion program. 2949

Sec. 3772.04. (A) (1) If the commission concludes that an 2950
applicant, licensee, or other person subject to the commission's 2951
jurisdiction under this chapter should be fined or penalized, or 2952
that a license required by this chapter should be limited, 2953

conditioned, restricted, suspended, revoked, denied, or not 2954
renewed, the commission may, and if so requested by ~~a~~the 2955
~~licensee or~~, applicant, or other person, shall, conduct a 2956
hearing in an adjudication under Chapter 119. of the Revised 2957
Code. After notice and opportunity for a hearing, the commission 2958
may fine or penalize the applicant, licensee, or other person or 2959
limit, condition, restrict, suspend, revoke, deny, or not renew 2960
a license under rules adopted by the commission. The commission 2961
may reopen ~~a licensing~~an adjudication under this section at any 2962
time. 2963

(2) The commission shall appoint a hearing examiner to 2964
conduct the hearing in the adjudication. A party to the 2965
adjudication may file written objections to the hearing 2966
examiner's report and recommendations not later than the 2967
thirtieth day after they are served upon the party or the 2968
party's attorney or other representative of record. The 2969
commission shall not take up the hearing examiner's report and 2970
recommendations earlier than the thirtieth day after the hearing 2971
examiner's report and recommendations were submitted to the 2972
commission. 2973

(3) If the commission finds that a person fails or has 2974
failed to meet any requirement under this chapter or a rule 2975
adopted thereunder, or violates or has violated this chapter or 2976
a rule adopted thereunder, the commission may issue an order: 2977

(a) Limiting, conditioning, restricting, suspending, 2978
revoking, denying, or not renewing, a license issued under this 2979
chapter; 2980

(b) Requiring a casino facility to exclude a licensee from 2981
the casino facility or requiring a casino facility not to pay to 2982
the licensee any remuneration for services or any share of 2983
profits, income, or accruals on the licensee's investment in the 2984

casino facility; or	2985
(c) Fining a licensee or other person according to the	2986
penalties adopted by the commission.	2987
(4) An order may be judicially reviewed under section	2988
119.12 of the Revised Code.	2989
(B) Without in any manner limiting the authority of the	2990
commission to impose the level and type of discipline the	2991
commission considers appropriate, the commission may take into	2992
consideration the following:	2993
(1) If the licensee knew or reasonably should have known	2994
that the action complained of was a violation of any law, rule,	2995
or condition on the licensee's license;	2996
(2) If the licensee has previously been disciplined by the	2997
commission;	2998
(3) If the licensee has previously been subject to	2999
discipline by the commission concerning the violation of any	3000
law, rule, or condition of the licensee's license;	3001
(4) If the licensee reasonably relied upon professional	3002
advice from a lawyer, doctor, accountant, or other recognized	3003
professional that was relevant to the action resulting in the	3004
violation;	3005
(5) If the licensee or the licensee's employer had a	3006
reasonably constituted and functioning compliance program;	3007
(6) If the imposition of a condition requiring the	3008
licensee to establish and implement a written self-enforcement	3009
and compliance program would assist in ensuring the licensee's	3010
future compliance with all statutes, rules, and conditions of	3011
the license;	3012

(7) If the licensee realized a pecuniary gain from the violation;	3013 3014
(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee;	3015 3016 3017
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	3018 3019 3020
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	3021 3022 3023
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;	3024 3025 3026
(12) If the licensee's action substantially deviated from industry standards and customs;	3027 3028
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	3029 3030
(14) If the licensee has initiated remedial measures to prevent similar violations;	3031 3032
(15) The magnitude of penalties imposed on other licensees for similar violations;	3033 3034
(16) The proportionality of the penalty in relation to the misconduct;	3035 3036
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	3037 3038 3039
(18) Any mitigating factors offered by the licensee; and	3040

(19) Any other factors the commission considers relevant. 3041

(C) For the purpose of conducting any study or 3042
investigation, the commission may direct that public hearings be 3043
held at a time and place, prescribed by the commission, in 3044
accordance with section 121.22 of the Revised Code. The 3045
commission shall give notice of all public hearings in such 3046
manner as will give actual notice to all interested parties. 3047

(D) (1) For the purpose of conducting the hearing in an 3048
adjudication under division (A) of this section, or in the 3049
discharge of any duties imposed by this chapter, the commission 3050
may require that testimony be given under oath and administer 3051
such oath, issue subpoenas compelling the attendance of 3052
witnesses and the production of any papers, books, and accounts, 3053
directed to the sheriffs of the counties where such witnesses or 3054
papers, books, and accounts are found and cause the deposition 3055
of any witness. The subpoenas shall be served and returned in 3056
the same manner as subpoenas in criminal cases are served and 3057
returned. The fees of sheriffs shall be the same as those 3058
allowed by the court of common pleas in criminal cases. 3059

(2) In the event of the refusal of any person without good 3060
cause to comply with the terms of a subpoena issued by the 3061
commission or refusal to testify on matters about which the 3062
person may lawfully be questioned, the prosecuting attorney of 3063
the county in which such person resides, upon the petition of 3064
the commission, may bring a proceeding for contempt against such 3065
person in the court of common pleas of that county. 3066

(3) Witnesses shall be paid the fees and mileage provided 3067
for in section 119.094 of the Revised Code. 3068

(4) All fees and mileage expenses incurred at the request 3069
of a party shall be paid in advance by the party. 3070

(E) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to proponents and opponents of an issue before the commission.

(F) The commission may rely, in whole or in part, upon investigations, conclusions, or findings of other casino gaming commissions or other government regulatory bodies in connection with licensing, investigations, or other matters relating to an applicant or licensee under this chapter.

(G) Notwithstanding anything to the contrary in this chapter, and except with respect to a casino operator, management company, or holding company, the executive director may issue an emergency order for the suspension, limitation, or conditioning of any license, registration, approval, or certificate issued, approved, granted, or otherwise authorized by the commission under Chapter 3772. of the Revised Code or the rules adopted thereunder, requiring the inclusion of persons on the commission's exclusion list provided for under section 3772.031 of the Revised Code and the rules adopted thereunder, and requiring a casino facility not to pay a licensee, registrant, or approved or certified person any remuneration for services or any share of profits, income, or accruals on that person's investment in the casino facility.

(1) An emergency order may be issued when the executive director finds either of the following:

(a) A licensee, registrant, or approved or certified person has been charged with a violation of any of the criminal laws of this state, another state, or the federal government;

(b) Such an action is necessary to prevent a violation of this chapter or a rule adopted thereunder.

(2) An emergency order issued under division (G) of this section shall state the reasons for the commission's action, cite the law or rule directly involved, and state that the party will be afforded a hearing if the party requests it within thirty days after the time of mailing or personal delivery of the order.

(3) (a) Not later than the next business day after the issuance of the emergency order, the order shall be sent by registered or certified mail, return receipt requested, to the party at the party's last known mailing address appearing in the commission's records or personally delivered at any time to the party by an employee or agent of the commission.

(b) A copy of the order shall be mailed to the attorney or other representative of record representing the party.

(c) If the order sent by registered or certified mail is returned because the party fails to claim the order, the commission shall send the order by ordinary mail to the party at the party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete when the certificate of mailing is obtained unless the order is returned showing failure of delivery.

(d) If the order sent by registered, certified, or ordinary mail is returned for failure of delivery, the commission shall either make personal delivery of the order by an employee or agent of the commission or cause a summary of the substantive provisions of the order to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located.

(i) Failure of delivery occurs only when a mailed order is returned by the postal authorities marked undeliverable, address

or addressee unknown, or forwarding address unknown or expired. 3133

(ii) When service is completed by publication, a proof of 3134
publication affidavit, with the first publication of the summary 3135
set forth in the affidavit, shall be mailed by ordinary mail to 3136
the party at the party's last known address and the order shall 3137
be deemed received as of the date of the last publication. 3138

(e) Refusal of delivery of the order sent by mail or 3139
personally delivered to the party is not failure of delivery and 3140
service is deemed to be complete. 3141

(4) The emergency order shall be effective immediately 3142
upon service of the order on the party. The emergency order 3143
shall remain effective until further order of the executive 3144
director or the commission. 3145

(5) The commission may, and if so requested by the person 3146
affected by the emergency order shall, promptly conduct a 3147
hearing in an adjudication under Chapter 119. of the Revised 3148
Code." 3149

In line 8226, after "3772.03" insert ", 3772.031, 3772.04" 3150

The motion was _____ agreed to.

SYNOPSIS 3151

Casino involuntary exclusion 3152

R.C. 3772.031 3153

Clarifies that the Ohio Casino Control Commission is not 3154
required to hold an adjudication hearing before placing a person 3155
on its casino involuntary exclusion list if the person does not 3156

request a hearing.	3157
Specifies that the Commission may reopen an adjudication	3158
concerning an involuntary exclusion at any time.	3159
Casino Law fines and penalties	3160
R.C. 3772.04	3161
Requires the Commission to hold an adjudication hearing	3162
under Chapter 119. of the Revised Code before fining or	3163
penalizing an applicant, licensee, or other person subject to	3164
the Commission's jurisdiction under the Casino Law, if the	3165
person requests a hearing, similar to continuing law governing	3166
casino license suspensions and revocations.	3167

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4813, after "(T)" insert "Sports gaming voluntary exclusion program" means the program described in division (B)(11) of section 3775.02 of the Revised Code. 3168
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(U)" 3171

In line 4817, delete "(U)" and insert "(V)" 3172

In line 4820, delete "(V)" and insert "(W)" 3173

In line 4823, delete "(W)" and insert "(X)" 3174

In line 4827, delete "(X)" and insert "(Y)" 3175

In line 4832, delete "(Y)" and insert "(Z)" 3176

In line 4835, delete "(Z)" and insert "(AA)" 3177

In line 4878, after "(11)" insert "A sports gaming voluntary exclusion program, which shall allow a person to voluntarily exclude the person's self from participating in sports gaming conducted under this chapter by placing the person's name on a voluntary exclusion list and following procedures set forth by the commission." 3178
3179
3180
3181
3182

(a) All of the following apply to the sports gaming 3183

voluntary exclusion program: 3184

(i) Except as provided by the commission by rule, a person 3185
who participates in the program shall agree to refrain from 3186
participating in sports gaming conducted under this chapter. 3187

(ii) The name of a person participating in the program 3188
shall be included on a list of persons excluded from 3189
participating in sports gaming conducted under this chapter. 3190

(iii) Except as provided by the commission by rule, no 3191
person who participates in the program shall petition the 3192
commission for admittance into a sports gaming facility or for 3193
permission to participate in sports gaming conducted under this 3194
chapter. 3195

(iv) The list of persons participating in the program and 3196
the personal information of those persons shall be confidential 3197
and shall only be disseminated by the commission to the state 3198
lottery commission, to a sports gaming proprietor and its agents 3199
and employees for purposes of enforcement, and to other 3200
entities, upon request of the participant and agreement by the 3201
commission. 3202

(v) A sports gaming proprietor shall make all reasonable 3203
attempts as determined by the commission to cease all direct 3204
marketing efforts to a person participating in the program. 3205

(vi) A sports gaming proprietor shall not cash the check 3206
of a person participating in the program or extend credit to the 3207
person in any manner. However, the program shall not exclude a 3208
sports gaming proprietor from seeking the payment of a debt 3209
accrued by a person before participating in the program. 3210

(vii) Any and all locations at which a person may register 3211
as a participant in the program shall be published. 3212

(b) The commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in the voluntary exclusion program established under Chapter 3772. of the Revised Code. The state lottery commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in any voluntary exclusion program established under Chapter 3770. of the Revised Code.

(c) The commission shall not automatically enroll a person in the sports gaming voluntary exclusion program on the sole basis that the person is a participant in a voluntary exclusion program established under Chapter 3770. or 3772. of the Revised Code as of the effective date of this section. This division does not prohibit a sports gaming proprietor from excluding the person from participating in sports gaming conducted by the sports gaming proprietor under division (B) of section 3775.14 of the Revised Code on that sole basis.

(12)"

In line 4882, delete "(12)" and insert "(13)"

In line 6082, delete "No person who is on the voluntary exclusion list"

Delete lines 6083 and 6084

In line 6085, delete "by a sports gaming proprietor." and insert "(1)"

In line 6086, delete "the" and insert "any"; after "person" insert "who is participating in the sports gaming voluntary exclusion program"

After line 6088, insert:

(2) Absent gross negligence, all of the following persons

are immune from any type of civil liability on the basis that a 3242
person who is participating in the sports gaming voluntary 3243
exclusion program enters or accesses a sports gaming facility or 3244
participates in sports gaming conducted under this chapter: 3245

(a) The commission or any other agency of this state and 3246
its agents or employees; 3247

(b) A sports gaming licensee and its agents or employees." 3248

The motion was _____ agreed to.

SYNOPSIS 3249

Sports gaming voluntary exclusion program 3250

R.C. 3775.01(T) , 3775.02(B) (11) , and 3775.14(C) 3251

Removes a provision specifying that a person who is 3252
participating in the voluntary exclusion program under the 3253
Casino Law is automatically prohibited from participating in 3254
sports gaming under the bill. 3255

Requires instead that the Ohio Casino Control Commission 3256
establish, by rule, a separate sports gaming voluntary exclusion 3257
program, which must meet the same statutory requirements as the 3258
casino program. 3259

Requires a sports gaming proprietor to employ commercially 3260
reasonable methods to prevent any participant in the sports 3261
gaming voluntary exclusion program from engaging in sports 3262
gaming conducted by the sports gaming proprietor. 3263

Absent gross negligence, grants the state and sports 3264
gaming licensees immunity from any civil liability on the basis 3265

that a participant in the sports gaming voluntary exclusion	3266
program enters or accesses a sports gaming facility or	3267
participates in sports gaming conducted under the bill.	3268
Requires the Ohio Casino Control Commission and the State	3269
Lottery Commission to determine, by rule, whether a participant	3270
in the sports gaming voluntary exclusion program also	3271
automatically becomes a participant in their respective casino	3272
and racino exclusion programs. (Currently, the commissions	3273
operate a single voluntary exclusion program for casinos and	3274
racinos by joint agreement.)	3275
Prohibits the Ohio Casino Control Commission from	3276
automatically enrolling a person in the sports gaming voluntary	3277
exclusion program on the sole basis that the person is a	3278
participant in the casino and racino voluntary exclusion program	3279
as of the bill's effective date.	3280
Specifies that a sports gaming proprietor still may	3281
exclude a person on that basis.	3282

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 6 of the title, after "3772.03" insert ", 3772.031, 3772.04" 3283

In line 32, after "3772.03" insert ", 3772.031, 3772.04" 3284

After line 4533, insert: 3285

"**Sec. 3772.031.** ~~(A)~~(A) (1) The general assembly finds that 3286
the exclusion or ejection of certain persons from casino 3287
facilities and from sports gaming is necessary to effectuate the 3288
intents and purposes of this chapter and Chapter 3775. of the 3289
Revised Code and to maintain strict and effective regulation of 3290
casino gaming and sports gaming. ~~The~~ 3291

(2) The commission, by rule, shall provide for a list of 3292
persons who are to be excluded or ejected from a casino facility 3293
and a list of persons who are to be excluded or ejected from a 3294
sports gaming facility and from participating in the play or 3295
operation of sports gaming in this state. Persons included on 3296
~~the~~an exclusion list shall be identified by name and physical 3297
description. The commission shall publish the exclusion ~~list~~ 3298
lists on its web site, and shall transmit a copy of the 3299
exclusion ~~list~~lists periodically to casino operators and sports 3300
gaming proprietors, as applicable, as it is ~~they are~~ initially 3301

issued and thereafter as ~~it is~~ they are revised from time to 3302
time. ~~A~~ 3303

(3) A casino operator shall take steps necessary to ensure 3304
that all its key employees and casino gaming employees are aware 3305
of and understand the casino exclusion list and its function, 3306
and that all its key employees and casino gaming employees are 3307
kept aware of the content of the casino exclusion list as it is 3308
issued and thereafter revised from time to time. 3309

(4) A sports gaming proprietor shall take steps necessary 3310
to ensure that its appropriate agents and employees are aware of 3311
and understand the sports gaming exclusion list and its 3312
function, and that all its appropriate agents and employees are 3313
kept aware of the content of the sports gaming exclusion list as 3314
it is issued and thereafter revised from time to time. 3315

(B) The casino exclusion list may include any person whose 3316
presence in a casino facility is determined by the commission to 3317
pose a threat to the interests of the state, to achieving the 3318
intents and purposes of this chapter, or to the strict and 3319
effective regulation of casino gaming. The sports gaming 3320
exclusion list may include any person whose presence in a sports 3321
gaming facility or whose participation in the play or operation 3322
of sports gaming in this state is determined by the commission 3323
to pose a threat to the interests of the state, to achieving the 3324
intents and purposes of Chapter 3775. of the Revised Code, or to 3325
the strict and effective regulation of sports gaming. In 3326
determining whether to include a person on ~~the~~ an exclusion 3327
list, the commission may consider: 3328

(1) Any prior conviction of a crime that is a felony under 3329
the laws of this state, another state, or the United States, a 3330
crime involving moral turpitude, or a violation of the gaming 3331
laws of this state, another state, or the United States; and 3332

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of: 3333

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license; 3336

(b) Purposeful evasion of taxes or fees; 3339

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; 3340

or 3343

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state. 3344

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state; 3349

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations; 3352

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state; 3358

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state; 3362
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(7) If the commission has suspended the person's gaming privileges; 3367
3368

(8) If the commission has revoked the person's licenses related to this chapter or Chapter 3775. of the Revised Code; 3369
3370

(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility or a sports gaming facility; 3371
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(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility or in the sports gaming industry in this state. 3374
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Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on ~~the~~ an exclusion list. 3377
3378

(C) The commission shall notify a person of the commission's intent to include such person on ~~the one or both~~ exclusion-list lists. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility or sports gaming facility, as applicable, is located. 3379
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(D) A person who receives notice of intent to include the person on ~~the~~ an exclusion list is entitled to an adjudication hearing under Chapter 119. of the Revised Code, except as 3389
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3391

provided in this section, in which the person may demonstrate 3392
why the person should not be included on the exclusion list or 3393
lists. The person shall request such an adjudication hearing not 3394
later than thirty days after the person receives the notice by 3395
personal service or certified mail, or not later than thirty 3396
days after the last newspaper publication of the notice. If the 3397
adjudication hearing or any appeal under Chapter 119. of the 3398
Revised Code results in an order that the person should not be 3399
included on the exclusion list or lists, the commission shall 3400
publish a revised exclusion list that does not include the 3401
person. The commission also shall notify casino operators or 3402
sports gaming proprietors, as applicable, that the person has 3403
been removed from the exclusion list or lists. A casino operator 3404
shall take all steps necessary to ensure its key employees and 3405
casino gaming employees are made aware that the person has been 3406
removed from the casino exclusion list. A sports gaming 3407
proprietor shall take all steps necessary to ensure its 3408
appropriate agents and employees are made aware that the person 3409
has been removed from the sports gaming exclusion list. 3410

(E) This section does not apply to ~~the any~~ voluntary 3411
exclusion list created as part of ~~the a~~ voluntary exclusion 3412
program under this chapter or Chapter 3775. of the Revised Code. 3413

Sec. 3772.04. (A) (1) If the commission concludes that a 3414
license required by this chapter should be limited, conditioned, 3415
restricted, suspended, revoked, denied, or not renewed, the 3416
commission may, and if so requested by a licensee or applicant, 3417
shall, conduct a hearing in an adjudication under Chapter 119. 3418
of the Revised Code. After notice and opportunity for a hearing, 3419
the commission may limit, condition, restrict, suspend, revoke, 3420
deny, or not renew a license under rules adopted by the 3421
commission. The commission may reopen a licensing adjudication 3422
at any time. 3423

(2) The commission shall appoint a hearing examiner to 3424
conduct the hearing in the adjudication. A party to the 3425
adjudication may file written objections to the hearing 3426
examiner's report and recommendations not later than the 3427
thirtieth day after they are served upon the party or the 3428
party's attorney or other representative of record. The 3429
commission shall not take up the hearing examiner's report and 3430
recommendations earlier than the thirtieth day after the hearing 3431
examiner's report and recommendations were submitted to the 3432
commission. 3433

(3) If the commission finds that a person fails or has 3434
failed to meet any requirement under this chapter or a rule 3435
adopted thereunder, or violates or has violated this chapter or 3436
a rule adopted thereunder, the commission may issue an order: 3437

(a) Limiting, conditioning, restricting, suspending, 3438
revoking, denying, or not renewing, a license issued under this 3439
chapter; 3440

(b) Requiring a casino facility to exclude a licensee from 3441
the casino facility or requiring a casino facility not to pay to 3442
the licensee any remuneration for services or any share of 3443
profits, income, or accruals on the licensee's investment in the 3444
casino facility; or 3445

(c) Fining a licensee or other person according to the 3446
penalties adopted by the commission. 3447

(4) An order may be judicially reviewed under section 3448
119.12 of the Revised Code. 3449

(B) Without in any manner limiting the authority of the 3450
commission to impose the level and type of discipline the 3451
commission considers appropriate, the commission may take into 3452
consideration the following: 3453

- (1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license; 3454
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3456
- (2) If the licensee has previously been disciplined by the commission; 3457
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- (3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license; 3459
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- (4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation; 3462
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- (5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program; 3466
3467
- (6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license; 3468
3469
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- (7) If the licensee realized a pecuniary gain from the violation; 3473
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- (8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee; 3475
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3477
- (9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation; 3478
3479
3480
- (10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the 3481
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licensee;	3483
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;	3484 3485 3486
(12) If the licensee's action substantially deviated from industry standards and customs;	3487 3488
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	3489 3490
(14) If the licensee has initiated remedial measures to prevent similar violations;	3491 3492
(15) The magnitude of penalties imposed on other licensees for similar violations;	3493 3494
(16) The proportionality of the penalty in relation to the misconduct;	3495 3496
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	3497 3498 3499
(18) Any mitigating factors offered by the licensee; and	3500
(19) Any other factors the commission considers relevant.	3501
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual notice to all interested parties.	3502 3503 3504 3505 3506 3507
(D) (1) For the purpose of conducting the hearing in an adjudication under division (A) of this section, or in the discharge of any duties imposed by this chapter, the commission	3508 3509 3510

may require that testimony be given under oath and administer 3511
such oath, issue subpoenas compelling the attendance of 3512
witnesses and the production of any papers, books, and accounts, 3513
directed to the sheriffs of the counties where such witnesses or 3514
papers, books, and accounts are found and cause the deposition 3515
of any witness. The subpoenas shall be served and returned in 3516
the same manner as subpoenas in criminal cases are served and 3517
returned. The fees of sheriffs shall be the same as those 3518
allowed by the court of common pleas in criminal cases. 3519

(2) In the event of the refusal of any person without good 3520
cause to comply with the terms of a subpoena issued by the 3521
commission or refusal to testify on matters about which the 3522
person may lawfully be questioned, the prosecuting attorney of 3523
the county in which such person resides, upon the petition of 3524
the commission, may bring a proceeding for contempt against such 3525
person in the court of common pleas of that county. 3526

(3) Witnesses shall be paid the fees and mileage provided 3527
for in section 119.094 of the Revised Code. 3528

(4) All fees and mileage expenses incurred at the request 3529
of a party shall be paid in advance by the party. 3530

(E) When conducting a public hearing, the commission shall 3531
not limit the number of speakers who may testify. However, the 3532
commission may set reasonable time limits on the length of an 3533
individual's testimony or the total amount of time allotted to 3534
proponents and opponents of an issue before the commission. 3535

(F) The commission may rely, in whole or in part, upon 3536
investigations, conclusions, or findings of other casino gaming 3537
commissions or other government regulatory bodies in connection 3538
with licensing, investigations, or other matters relating to an 3539
applicant or licensee under this chapter. 3540

(G) Notwithstanding anything to the contrary in this chapter, and except with respect to a casino operator, management company, or holding company, the executive director may issue an emergency order for the suspension, limitation, or conditioning of any license, registration, approval, or certificate issued, approved, granted, or otherwise authorized by the commission under Chapter 3772. of the Revised Code or the rules adopted thereunder, requiring the inclusion of persons on the ~~commission's casino~~ exclusion list or sports gaming exclusion list provided for under section 3772.031 of the Revised Code and the rules adopted thereunder, and requiring a casino facility not to pay a licensee, registrant, or approved or certified person any remuneration for services or any share of profits, income, or accruals on that person's investment in the casino facility.

(1) An emergency order may be issued when the executive director finds either of the following:

(a) A licensee, registrant, or approved or certified person has been charged with a violation of any of the criminal laws of this state, another state, or the federal government;

(b) Such an action is necessary to prevent a violation of this chapter or Chapter 3775. of the Revised Code or a rule adopted thereunder.

(2) An emergency order issued under division (G) of this section shall state the reasons for the commission's action, cite the law or rule directly involved, and state that the party will be afforded a hearing if the party requests it within thirty days after the time of mailing or personal delivery of the order.

(3) (a) Not later than the next business day after the issuance of the emergency order, the order shall be sent by

registered or certified mail, return receipt requested, to the 3572
party at the party's last known mailing address appearing in the 3573
commission's records or personally delivered at any time to the 3574
party by an employee or agent of the commission. 3575

(b) A copy of the order shall be mailed to the attorney or 3576
other representative of record representing the party. 3577

(c) If the order sent by registered or certified mail is 3578
returned because the party fails to claim the order, the 3579
commission shall send the order by ordinary mail to the party at 3580
the party's last known address and shall obtain a certificate of 3581
mailing. Service by ordinary mail is complete when the 3582
certificate of mailing is obtained unless the order is returned 3583
showing failure of delivery. 3584

(d) If the order sent by registered, certified, or 3585
ordinary mail is returned for failure of delivery, the 3586
commission shall either make personal delivery of the order by 3587
an employee or agent of the commission or cause a summary of the 3588
substantive provisions of the order to be published once a week 3589
for three consecutive weeks in a newspaper of general 3590
circulation in the county where the last known address of the 3591
party is located. 3592

(i) Failure of delivery occurs only when a mailed order is 3593
returned by the postal authorities marked undeliverable, address 3594
or addressee unknown, or forwarding address unknown or expired. 3595

(ii) When service is completed by publication, a proof of 3596
publication affidavit, with the first publication of the summary 3597
set forth in the affidavit, shall be mailed by ordinary mail to 3598
the party at the party's last known address and the order shall 3599
be deemed received as of the date of the last publication. 3600

(e) Refusal of delivery of the order sent by mail or 3601

personally delivered to the party is not failure of delivery and 3602
service is deemed to be complete. 3603

(4) The emergency order shall be effective immediately 3604
upon service of the order on the party. The emergency order 3605
shall remain effective until further order of the executive 3606
director or the commission. 3607

(5) The commission may, and if so requested by the person 3608
affected by the emergency order shall, promptly conduct a 3609
hearing in an adjudication under Chapter 119. of the Revised 3610
Code." 3611

In line 6049, delete "The Ohio casino control commission may" 3612

Delete lines 6050 through 6054 3613

In line 6055, delete "sports gaming proprietor." 3614

In line 6056, after "commission's" insert "sports gaming"; after 3615
"list" insert "created under section 3772.031 of the Revised Code" 3616

In line 6058, delete "conducted" 3617

In line 6059, delete "by a sports gaming proprietor" and insert "in
this state" 3618
3619

In line 6061, after "commission's" insert "sports gaming" 3620

In line 8226, after "3772.03" insert ", 3772.031, 3772.04" 3621

The motion was _____ agreed to.

SYNOPSIS 3622

Sports gaming involuntary exclusion list 3623

R.C. 3772.031, 3772.04, and 3775.14 (A) 3624

Requires the Ohio Casino Control Commission to follow the 3625
same procedures and criteria when adding individuals to the 3626
Commission's involuntary exclusion list for sports gaming as it 3627
does for the continuing law involuntary exclusion list for 3628
casino gaming. 3629

Allows the Executive Director of the Commission to issue 3630
an emergency order adding a person to the sports gaming 3631
involuntary exclusion list, using the same procedures as under 3632
continuing law regarding casino gaming. 3633

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4868, after "(a)" insert "They clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning;" 3634
3635
3636
3637

(b) They disclose the identity of the sports gaming proprietor and, if applicable, the mobile management services provider or management services provider; 3638
3639
3640

(c)" 3641

Delete lines 4872 and 4873 3642

In line 4874, delete "(c)" and insert "(d)"; after "They" insert "include messages designed to prevent problem gambling and" 3643
3644

In line 4876, delete "(d)" and insert "(e)" 3645

The motion was _____ agreed to.

SYNOPSIS 3646

Sports gaming advertisements	3647
R.C. 3775.02	3648
Modifies the provision of the bill that requires the Ohio Casino Control Commission to adopt restrictions concerning advertisements for sports gaming.	3649 3650 3651
Adds requirements that those advertisements do all of the following:	3652 3653
- Clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning;	3654 3655 3656 3657
- Disclose the identity of any management services provider, in addition to the sports gaming proprietor;	3658 3659
- Include messages designed to prevent problem gambling.	3660

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 4882, after "(12)" insert "A procedure by which a sports governing body may request anonymized sports gaming data from a sports gaming proprietor if the sports governing body believes that the integrity of one of its sporting events is in question." 3661-3664

(13) A procedure by which a state university may request anonymized sports gaming data from a sports gaming proprietor for the purpose of conducting research to assist the commission in ensuring the integrity of sports gaming or to improve state-funded services related to responsible gambling and problem gambling. The data are not a public record, and the state university shall not disclose the data to any person, except for the purpose of conducting the research described in this division, as part of a peer-reviewed research report, or pursuant to an agreement between the state university and the sports gaming proprietor. As used in this division, "state university" has the same meaning as in section 3345.011 of the Revised Code. 3665-3677

(14)" 3678

In line 5006, delete "„" 3679

In line 5007, delete "as permitted under division (I) (3) of this section," 3680
3681

Delete lines 5009 through 5021 3682

In line 5814, after "laws" insert "; 3683

(16) Promptly provide anonymized sports gaming data to a sports governing body or a state university that submits a valid request for the data under division (B) (12) or (13) of section 3775.02 of the Revised Code" 3684
3685
3686
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The motion was _____ agreed to.

SYNOPSIS 3688

Sports gaming data disclosure 3689

R.C. 3775.02 and 3775.10 3690

Removes a provision of the bill that requires the Ohio Casino Control Commission to give a sports governing body access to anonymized sports gaming data from the Commission's monitoring system if the sports governing body believes that the integrity of one of its sporting events is in question. 3691
3692
3693
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Requires instead that the Commission prescribe a procedure for a sports governing body to obtain anonymized sports gaming data directly from a sports gaming proprietor in such a case. 3696
3697
3698

Requires the Commission also to prescribe a procedure for a state university in Ohio to obtain anonymized sports gaming data from a sports gaming proprietor for the purpose of conducting certain research. 3699
3700
3701
3702

Prohibits the university from redisclosing the data,	3703
except for research purposes or pursuant to an agreement with	3704
the sports gaming proprietor.	3705

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5154, delete "Not" and insert "(i) Except as otherwise 3706
provided in division (B) (3) (b) (ii) of this section, not" 3707

After line 5157, insert: 3708

"(ii) Not more than two sports gaming facilities shall be 3709
located in a county with a population of one hundred thousand or 3710
more, but less than four hundred thousand, as determined by the 3711
2010 federal decennial census, at any one time, if a video 3712
lottery sales agent operates video lottery terminals at a 3713
facility in the county." 3714

In line 5210, delete "Upon" and insert "After" 3715

In line 5211, delete "applicant" and insert "sports gaming 3716
proprietor" 3717

In line 5212, delete "fee" and insert "fees"; after "applicable," 3718
insert "not later than the dates indicated," 3719

In line 5214, delete "applicant" and insert "sports gaming 3720
proprietor" 3721

In line 5241, after "initial" insert "or renewed" 3722

In line 5242, delete ", one hundred thousand dollars;" 3723

Delete lines 5243 and 5244 and insert "": 3724

3725

	1	2	3	4	5	6
A		<u>Upon</u>	<u>One year</u>	<u>Two years</u>	<u>Three</u>	<u>Four</u>
		<u>issuance of</u>	<u>after</u>	<u>after</u>	<u>years</u>	<u>years</u>
		<u>license</u>	<u>license</u>	<u>license</u>	<u>after</u>	<u>after</u>
			<u>issued</u>	<u>issued</u>	<u>license</u>	<u>license</u>
					<u>issued</u>	<u>issued</u>
B	<u>Type B sports</u>	<u>\$100,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
	<u>gaming</u>					
	<u>proprietor that</u>					
	<u>is also a type</u>					
	<u>A sports gaming</u>					
	<u>proprietor</u>					
C	<u>Type B sports</u>	<u>\$50,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
	<u>gaming</u>					
	<u>proprietor that</u>					
	<u>is not also a</u>					
	<u>type A sports</u>					
	<u>gaming</u>					
	<u>proprietor</u>					

" 3726

In line 5249, after "A" insert "type A or type C" 3727

In line 5250, after "years." insert "A type B sports gaming
proprietor license shall be valid for a term of five years." 3728
3729

In line 5485, after "section." insert "A management services" 3730

provider license entitles the holder to contract with one type B sports gaming proprietor. 3731
3732

In line 5495, delete "(a) Upon" and insert "After"; after "initial" insert "or renewed" 3733
3734

In line 5496, delete "a" and insert "the following" 3735

In line 5497, delete "fee of one hundred thousand dollars." 3736

Delete lines 5498 through 5500 and insert "fees, as applicable, not later than the dates indicated:" 3737
3738

3739

	1	2	3	4	5	6
A		<u>Upon</u>	<u>One year</u>	<u>Two years</u>	<u>Three</u>	<u>Four</u>
		<u>issuance of</u>	<u>after</u>	<u>after</u>	<u>years</u>	<u>years</u>
		<u>license</u>	<u>license</u>	<u>license</u>	<u>after</u>	<u>after</u>
			<u>issued</u>	<u>issued</u>	<u>license</u>	<u>license</u>
					<u>issued</u>	<u>issued</u>
B	<u>Management</u>	<u>\$100,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
	<u>services</u>					
	<u>provider that</u>					
	<u>is contracting</u>					
	<u>with a type B</u>					
	<u>sports gaming</u>					
	<u>proprietor that</u>					
	<u>is also a type</u>					
	<u>A sports gaming</u>					
	<u>proprietor</u>					
C	<u>Any other</u>	<u>\$50,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>

<u>management</u>	
<u>services</u>	
<u>provider</u>	
"	3740
In line 5502, delete " <u>three</u> " and insert " <u>five</u> "	3741
In line 5536, delete " <u>contracts a</u> "; after " <u>provider</u> " insert	3742
" <u>licenses a person</u> "; delete " <u>have with</u> "	3743
In line 5537, delete " <u>type B sports gaming proprietors under this</u>	3744
<u>section</u> " and insert " <u>hold</u> "	3745

The motion was _____ agreed to.

<u>SYNOPSIS</u>	3746
 Type B sports gaming proprietor and management services	3747
provider licenses	3748
 R.C. 3775.04 and 3775.051	3749
Allows a county with a population between 100,000 and	3750
399,999 to have two sports gaming facilities instead of one, if	3751
the county has a racino.	3752
Changes the bill's license fees for type B sports gaming	3753
proprietors and management services providers based on the	3754
nature of the proprietor's business.	3755
Specifies that a management services provider must have	3756
one license for each type B sports gaming proprietor with which	3757
the provider contracts.	3758
Extends the term of type B sports gaming proprietor and	3759

management services provider licenses issued under the bill from
three years to five years.

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3761

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5249, after "A" insert "type A or type B" 3762

In line 5250, after "years." insert "A type C sports gaming 3763
proprietor license shall be valid for a term of five years." 3764

The motion was _____ agreed to.

SYNOPSIS 3765

Type C sports gaming proprietor licenses 3766

R.C. 3775.04 3767

Extends the term of a type C sports gaming proprietor 3768
license from three years to five years. 3769

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5128, delete "The" and insert "(a) Except as otherwise 3770
provided under division (A) (2) (b) of this section, the" 3771

After line 5130, insert: 3772

"(b) When twenty-five type A sports gaming proprietors are 3773
licensed in this state, the commission may issue additional type 3774
A sports gaming proprietor licenses to eligible applicants who 3775
demonstrate to the commission that the sports gaming market in 3776
this state needs additional type A sports gaming proprietors." 3777

In line 5334, after "organization" insert "or whose license was 3778
issued under division (A) (2) (b) of section 3775.04 of the Revised Code" 3779

In line 5338, delete the first "A" and insert "Any other"; delete 3780
"that is not a" 3781

In line 5339, delete "professional sports organization" 3782

The motion was _____ agreed to.

SYNOPSIS

3783

Additional type A sports gaming proprietor licenses

3784

R.C. 3775.04 and 3775.05

3785

Allows the Ohio Casino Control Commission to issue
additional type A sports gaming proprietor licenses, beyond the
bill's limit of 25 licenses at any one time, to eligible
applicants who demonstrate that Ohio's sports gaming market
needs additional type A sports gaming proprietors.

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Limits a type A sports gaming proprietor who receives a
license under that provision to one mobile management services
provider contract instead of two.

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3792

3793

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 1 of the title, delete ", 317.24, 317.241"	3794
In line 17 of the title, delete "allow a"	3795
Delete lines 18 through 20 of the title	3796
In line 21 of the title, delete "veterans identification card, to"	3797
In line 28, delete ", 317.24, 317.241"	3798
Delete lines 671 through 886	3799
In line 8222, delete ", 317.24,"	3800
In line 8223, delete "317.241"	3801

The motion was _____ agreed to.

SYNOPSIS 3802

Veterans identification cards 3803

R.C. 317.24 and 317.241 3804

Removes provisions of the bill that allow a person who was	3805
discharged from the United States Public Health Service or the	3806
National Oceanic and Atmospheric Administration to obtain an	3807
Ohio veterans identification card.	3808

_____ moved to amend as follows:

Delete lines 8258 through 8283	3809
In line 8284, delete "6" and insert "5"	3810
In line 8329, delete "7" and insert "6"	3811
In line 8336, delete "8" and insert "7"	3812
In line 8342, delete "9" and insert "8"	3813

The motion was _____ agreed to.

SYNOPSIS 3814

Select Committee on iLottery 3815

Section 5 3816

Removes provisions of the bill that create the Select 3817
Committee on iLottery to study the potential effect of online 3818
lottery ticket sales on retail lottery ticket sales in Ohio. 3819

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 9 of the title, delete "and" and insert ";"	3820
In line 17 of the title, after "5753.031" insert "; and to repeal section 3772.28"	3821 3822
After line 8229, insert:	3823
"Section 3. That section 3772.28 of the Revised Code is hereby repealed."	3824 3825
In line 8230, delete "3" and insert "4"	3826
In line 8240, delete "4" and insert "5"	3827
In line 8258, delete "5" and insert "6"	3828
In line 8284, delete "6" and insert "7"	3829
In line 8329, delete "7" and insert "8"	3830
In line 8336, delete "8" and insert "9"	3831
In line 8342, delete "9" and insert "10"	3832

The motion was _____ agreed to.

SYNOPSIS

3833

Casino operator debt transactions

3834

R.C. 3772.28

3835

Eliminates a provision of law that generally requires a
casino operator to obtain the approval of the Ohio Casino
Control Commission before acquiring debt of \$500,000 or more.

3836

3837

3838

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 1 of the title, after "109.572" insert ", 121.95" 3839

In line 28, after "109.572" insert ", 121.95" 3840

After line 670, insert: 3841

"Sec. 121.95. (A) As used in this section, "state agency" 3842
means an administrative department created under section 121.02 3843
of the Revised Code, an administrative department head appointed 3844
under section 121.03 of the Revised Code, and a state agency 3845
organized under an administrative department or administrative 3846
department head. "State agency" also includes the department of 3847
education, the state lottery commission, the Ohio casino control 3848
commission, the state racing commission, and the public 3849
utilities commission of Ohio. Rules adopted by an otherwise 3850
independent official or entity organized under a state agency 3851
shall be attributed to the agency under which the official or 3852
entity is organized for the purposes of this section. 3853

(B) Not later than December 31, 2019, a state agency shall 3854
review its existing rules to identify rules having one or more 3855
regulatory restrictions that require or prohibit an action and 3856
prepare a base inventory of the regulatory restrictions in its 3857

existing rules. Rules that include the words "shall," "must," 3858
"require," "shall not," "may not," and "prohibit" shall be 3859
considered to contain regulatory restrictions. 3860

(C) In the base inventory, the state agency shall indicate 3861
all of the following concerning each regulatory restriction: 3862

(1) A description of the regulatory restriction; 3863

(2) The rule number of the rule in which the regulatory 3864
restriction appears; 3865

(3) The statute under which the regulatory restriction was 3866
adopted; 3867

(4) Whether state or federal law expressly and 3868
specifically requires the agency to adopt the regulatory 3869
restriction or the agency adopted the regulatory restriction 3870
under the agency's general authority; 3871

(5) Whether removing the regulatory restriction would 3872
require a change to state or federal law, provided that removing 3873
a regulatory restriction adopted under a law granting the agency 3874
general authority shall be presumed not to require a change to 3875
state or federal law; 3876

(6) Any other information the joint committee on agency 3877
rule review considers necessary. 3878

(D) The state agency shall compute and state the total 3879
number of regulatory restrictions indicated in the base 3880
inventory, shall post the base inventory on its web site, and 3881
shall electronically transmit a copy of the inventory to the 3882
joint committee. The joint committee shall review the base 3883
inventory, then transmit it electronically to the speaker of the 3884
house of representatives and the president of the senate. 3885

(E) The following types of rules or regulatory 3886

restrictions are not required to be included in a state agency's	3887
inventory of regulatory restrictions:	3888
(1) An internal management rule;	3889
(2) An emergency rule;	3890
(3) A rule that state or federal law requires the state	3891
agency to adopt verbatim;	3892
(4) A regulatory restriction contained in materials or	3893
documents incorporated by reference into a rule pursuant to	3894
sections 121.71 to 121.75 of the Revised Code;	3895
(5) A rule adopted pursuant to section 1347.15 of the	3896
Revised Code;	3897
(6) A rule concerning instant lottery games;	3898
(7) <u>A rule adopted by the Ohio casino control commission</u>	3899
<u>or the state lottery commission concerning sports gaming;</u>	3900
<u>(8) Any other rule that is not subject to review under</u>	3901
Chapter 106. of the Revised Code.	3902
(F) Beginning on the effective date of this section	3903
<u>October 17, 2019,</u> and ending on June 30, 2023, a state agency	3904
may not adopt a new regulatory restriction unless it	3905
simultaneously removes two or more other existing regulatory	3906
restrictions. The state agency may not satisfy this section by	3907
merging two or more existing regulatory restrictions into a	3908
single surviving regulatory restriction. "	3909
In line 8222, after "109.572" insert ", 121.95"	3910
Delete lines 8240 through 8257	3911
In line 8258, delete "5" and insert "4"	3912
In line 8284, delete "6" and insert "5"	3913

In line 8329, delete "7" and insert "6" 3914
In line 8336, delete "8" and insert "7" 3915
In line 8342, delete "9" and insert "8" 3916

The motion was _____ agreed to.

SYNOPSIS 3917

Regulatory restrictions 3918

R.C. 121.95 and Section 4 3919

Removes provisions of the bill that exempt the Ohio Casino
Control Commission and the State Lottery Commission, for one
year, from the requirement to remove two or more existing
regulatory restrictions in order to adopt a new regulatory
restriction. 3920
3921
3922
3923
3924

Permanently excludes rules concerning sports gaming from
limitations on agencies' regulatory restrictions. 3925
3926

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 17 of the title, delete "and"; after "5753.031" insert ", 3927
and 5902.22" 3928

In line 40, delete "and"; after "5753.031" insert ", and 5902.22" 3929

In line 4973, delete "division" and insert "divisions"; after "(G) 3930
(2)" insert "and (3)" 3931

In line 4979, after "(2)" insert "Of the license fees described in 3932
division (E) of section 3775.04, division (B)(3) of section 3775.05, and 3933
division (B)(3) of section 3775.051 of the Revised Code, the commission 3934
shall deposit one half of one per cent in the sports gaming profits 3935
veterans fund created under section 5902.22 of the Revised Code and shall 3936
deposit the remainder in the sports gaming revenue fund created under 3937
section 5753.031 of the Revised Code. 3938

(3)" 3939

In line 4981, delete ". The commission" and insert "and" 3940

In line 4982, delete ", along with the license fees described in" 3941

Delete lines 4983 and 4984 3942

In line 4985, delete "Code," 3943

In line 7892, after "The" insert "remainder of the"; delete "for an initial or renewed sports gaming" 3944
3945

In line 7893, delete "proprietor license collected under" and insert "described in"; delete "(D)" and insert "(G) (2)" 3946
3947

In line 7894, delete "3775.04" and insert "3775.02"; after "Code" insert ", after the Ohio casino control commission deposits the required amount in the sports gaming profits veterans fund under that division" 3948
3949
3950

In line 7895, delete "The fees for an initial or renewed mobile management" 3951
3952

Delete lines 7896 through 7900 3953

In line 7901, delete "(e)" 3954

In line 7903, delete "(f)" and insert "(d)" 3955

After line 8221, insert: 3956

Sec. 5902.22. (A) As used in this section, "armed forces" and "veteran" have the same meanings as in section 5903.01 of the Revised Code. 3957
3958
3959

(B) The sports gaming profits veterans fund is hereby created in the state treasury. Interest earned on the moneys in the fund shall be credited to the fund. The director of veterans services shall use all moneys credited to the fund for the following purposes: 3960
3961
3962
3963
3964

(1) For the direct benefit of veterans and their spouses and dependents, for the following purposes: 3965
3966

(a) Job training or assistance for job retraining; 3967

(b) Assistance during a period of unemployment due to prolonged physical or mental illness or disability of the veteran resulting from service in the armed forces; 3968
3969
3970

<u>(c) Individual counseling or family counseling programs;</u>	3971
<u>(d) Family support group programs or programs for children of members of the armed forces;</u>	3972 3973
<u>(e) Honor guard services.</u>	3974
<u>(2) To provide additional funding to a county veterans service commission to alleviate inequality of funding among such commissions;</u>	3975 3976 3977
<u>(3) To provide additional funding to a county veterans service commission in response to an emergency or declared disaster;</u>	3978 3979 3980
<u>(4) To provide additional funding to an Ohio veterans home established under Chapter 5907. of the Revised Code;</u>	3981 3982
<u>(5) To provide funding to a program administered by the Ohio national guard that provides support to members of the armed forces and their families, especially during deployments."</u>	3983 3984 3985

The motion was _____ agreed to.

SYNOPSIS 3986

License fee revenue allocation to veterans services 3987

R.C. 3775.02, 5753.031, and 5902.22 3988

Allocates 0.5% of the license fees paid by sports gaming proprietors, mobile management services providers, and management services providers to the Sports Gaming Profits Veterans Fund, created by the amendment. 3989
3990
3991
3992

Requires the Department of Veterans Services to administer 3993

the fund and to use it for a variety of purposes, including	3994
providing direct supports for veterans and their families or	3995
providing additional funding for county veterans service	3996
commissions.	3997

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5151, after "(3)(a)" insert "(i)"; delete "No" and insert 3998
"Except as otherwise provided in division (B)(3)(a)(ii) of this section, 3999
no" 4000

After line 5153, insert: 4001

"(ii) The commission may issue an initial or renewed type 4002
B sports gaming proprietor license for one sports gaming 4003
facility to be located in a county with a population of fifty 4004
thousand or more, but less than one hundred thousand, as 4005
determined by the 2010 federal decennial census, at any one 4006
time, if the commission determines, in consultation with the 4007
department of development, that the county received at least 4008
five million visitors for purposes of tourism during the most 4009
recent calendar year for which the necessary data are 4010
available." 4011

In line 5170, after "the" insert "department of"; delete "services 4012
agency" 4013

The motion was _____ agreed to.

SYNOPSIS

4014

Sports gaming facility in less populous county

4015

R.C. 3775.04

4016

Creates an exception to the bill's prohibition against a sports gaming facility being located in a county with a population of less than 100,000.

4017

4018

4019

Allows the Ohio Casino Control Commission (OCCC) to license one sports gaming facility in a county with a population of 50,000-99,999 if OCCC determines, in consultation with the Department of Development, that the county received at least 5 million visitors for purposes of tourism during the most recent calendar year for which the necessary data are available.

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Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 8230, delete "The Ohio Casino Control Commission shall" 4026

Delete lines 8231 through 8234 and insert "The Executive Director of 4027
the Ohio Casino Control Commission shall designate a universal start date 4028
for sports gaming that is not later than January 1, 2023. No person shall 4029
offer sports gaming in this state before the universal start date." 4030

In line 8235, after "(B)" insert "(1) The Executive Director of the 4031
Ohio Casino Control Commission shall set a series of deadlines by which 4032
persons must apply for sports gaming licenses under Chapter 3775. of the 4033
Revised Code, as enacted by this act, in order to begin operating under 4034
the licenses on the universal start date, including the following 4035
deadlines: 4036

(a) An earlier deadline for applications associated with a 4037
type A sports gaming proprietor and its designated first mobile 4038
management services provider, with a type B sports gaming 4039
proprietor, or with a type C sports gaming proprietor; 4040

(b) A later deadline for applications associated with a 4041
type A sports gaming proprietor's designated second mobile 4042
management services provider or with a type C sports gaming 4043

host. 4044

(2) The Commission shall process applications for type C 4045
sports gaming host licenses in an order that creates equity 4046
among applications from all areas of the state. 4047

(3) If a person applies for a sports gaming license after 4048
the applicable deadline, the Commission is not required to 4049
review the application in time to issue the person a license 4050
before the universal start date. 4051

(C) During the period beginning on the effective date of 4052
this section and ending on June 30, 2023, all of the following 4053
apply: 4054

(1) At the request of an applicant for a sports gaming 4055
license under Chapter 3775. of the Revised Code, as enacted by 4056
this act, the Executive Director of the Ohio Casino Control 4057
Commission may issue a provisional sports gaming license of the 4058
applicable type to the applicant, so long as the applicant has 4059
submitted a completed application for the license, including 4060
paying the required application fee. The Commission may 4061
prescribe by rule the requirements to receive a provisional 4062
sports gaming license, including additional application and 4063
license fees. 4064

(2) In evaluating a request for a provisional sports 4065
gaming license, the Executive Director may consider the 4066
applicant's apparent eligibility for a sports gaming license 4067
under Chapter 3775. of the Revised Code, as enacted by this act, 4068
including whether the applicant has previously undergone a 4069
suitability investigation similar to the investigation the 4070
applicant must undergo to receive the sports gaming license. 4071

(3) The Executive Director shall determine the period for 4072
which a provisional sports gaming license is valid, provided 4073

that the period shall not exceed three months. The Executive 4074
Director may renew a provisional sports gaming license for one 4075
additional period not to exceed three months. 4076

(D) " 4077

The motion was _____ agreed to.

SYNOPSIS 4078

Universal start date for sports gaming; initial licenses 4079

Section 3 4080

Requires the Executive Director of the Ohio Casino Control 4081
Commission to designate a universal start date for sports gaming 4082
in Ohio that is not later than January 1, 2023, and prohibits 4083
any person from offering sports gaming before that date. 4084

Requires the Executive Director to set a series of 4085
deadlines by which persons must apply for sports gaming licenses 4086
in order to begin operating under the licenses on the universal 4087
start date. 4088

Allows the Executive Director to issue provisional sports 4089
gaming licenses through June 30, 2023. 4090

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

In line 5 of the title, after "3123.90" insert ", 3770.03, 3770.06, 4091
3770.07"; after "3770.073" insert ", 3770.10" 4092

In line 7 of the title, after "5747.063" insert ", 5747.064" 4093

In line 12 of the title, after "3376.08" insert ", 3770.23, 3770.24, 4094
3770.25" 4095

In line 16 of the title, delete ", 3775.17" 4096

In line 31, after "3123.90" insert ", 3770.03, 3770.06, 3770.07"; 4097
after "3770.073" insert ", 3770.10" 4098

In line 33, after "5747.063" insert ", 5747.064" 4099

In line 36, after "3376.08" insert ", 3770.23, 3770.24, 3770.25" 4100

In line 39, delete ", 3775.17" 4101

In line 889, after "Code" insert "and "lottery sports gaming" has 4102
the same meaning as in section 3770.23 of the Revised Code" 4103

In line 981, after "terminal" insert "or from lottery sports gaming 4104
offered in a video lottery terminal facility" 4105

After line 3877, insert: 4106

"Sec. 3770.03. (A) The state lottery commission shall 4107
promulgate rules under which a statewide lottery may be 4108
conducted, which includes, and since the original enactment of 4109
this section has included, the authority for the commission to 4110
operate video lottery terminal games. Any reference in this 4111
chapter to tickets shall not be construed to in any way limit 4112
the authority of the commission to operate video lottery 4113
terminal games or lottery sports gaming. Nothing in this chapter 4114
shall restrict the authority of the commission to promulgate 4115
rules related to the operation of games utilizing video lottery 4116
terminals as described in section 3770.21 of the Revised Code. 4117
The rules shall be promulgated pursuant to Chapter 119. of the 4118
Revised Code, except that instant game rules shall be 4119
promulgated pursuant to section 111.15 of the Revised Code but 4120
are not subject to division (D) of that section. Subjects 4121
covered in these rules shall include, but need not be limited 4122
to, the following: 4123

(1) The type of lottery to be conducted; 4124

(2) The prices of tickets in the lottery; 4125

(3) The number, nature, and value of prize awards, the 4126
manner and frequency of prize drawings, and the manner in which 4127
prizes shall be awarded to holders of winning tickets. 4128

(B) The commission shall promulgate rules, in addition to 4129
those described in division (A) of this section, pursuant to 4130
Chapter 119. of the Revised Code under which a statewide lottery 4131
and statewide joint lottery games may be conducted. Subjects 4132
covered in these rules shall include, but not be limited to, the 4133
following: 4134

(1) The locations at which lottery tickets may be sold and 4135
the manner in which they are to be sold. These rules may 4136
authorize the sale of lottery tickets by commission personnel or 4137

other licensed individuals from traveling show wagons at the 4138
state fair, and at any other expositions the director of the 4139
commission considers acceptable. These rules shall prohibit 4140
commission personnel or other licensed individuals from 4141
soliciting from an exposition the right to sell lottery tickets 4142
at that exposition, but shall allow commission personnel or 4143
other licensed individuals to sell lottery tickets at an 4144
exposition if the exposition requests commission personnel or 4145
licensed individuals to do so. These rules may also address the 4146
accessibility of sales agent locations to commission products in 4147
accordance with the "Americans with Disabilities Act of 1990," 4148
104 Stat. 327, 42 U.S.C.A. 12101 et seq. 4149

(2) The manner in which lottery sales revenues are to be 4150
collected, including authorization for the director to impose 4151
penalties for failure by lottery sales agents to transfer 4152
revenues to the commission in a timely manner; 4153

(3) The amount of compensation to be paid to licensed 4154
lottery sales agents; 4155

(4) The substantive criteria for the licensing of lottery 4156
sales agents consistent with section 3770.05 of the Revised 4157
Code, and procedures for revoking or suspending their licenses 4158
consistent with Chapter 119. of the Revised Code. If 4159
circumstances, such as the nonpayment of funds owed by a lottery 4160
sales agent, or other circumstances related to the public 4161
safety, convenience, or trust, require immediate action, the 4162
director may suspend a license without affording an opportunity 4163
for a prior hearing under section 119.07 of the Revised Code. 4164

(5) Special game rules to implement any agreements signed 4165
by the governor that the director enters into with other lottery 4166
jurisdictions under division (J) of section 3770.02 of the 4167
Revised Code to conduct statewide joint lottery games. The rules 4168

shall require that the entire net proceeds of those games that
remain, after associated operating expenses, prize
disbursements, lottery sales agent bonuses, commissions, and
reimbursements, and any other expenses necessary to comply with
the agreements or the rules are deducted from the gross proceeds
of those games, be transferred to the lottery profits education
fund under division (B) of section 3770.06 of the Revised Code.

(6) Any other subjects the commission determines are
necessary for the operation of video lottery terminal games,
including the establishment of any fees, fines, payment
schedules, or the establishment of a voluntary exclusion
program.

(C) Chapter 2915. of the Revised Code does not apply to,
affect, or prohibit lotteries conducted pursuant to this
chapter.

(D) The commission may promulgate rules, in addition to
those described in divisions (A) and (B) of this section, that
establish standards governing the display of advertising and
celebrity images on lottery tickets and on other items that are
used in the conduct of, or to promote, the statewide lottery and
statewide joint lottery games. Any revenue derived from the sale
of advertising displayed on lottery tickets and on those other
items shall be considered, for purposes of section 3770.06 of
the Revised Code, to be related proceeds in connection with the
statewide lottery or gross proceeds from statewide joint lottery
games, as applicable.

(E) (1) The commission shall meet with the director at
least once each month and shall convene other meetings at the
request of the chairperson or any five of the members. No action
taken by the commission shall be binding unless at least five of
the members present vote in favor of the action. A written

record shall be made of the proceedings of each meeting and 4200
shall be transmitted forthwith to the governor, the president of 4201
the senate, the senate minority leader, the speaker of the house 4202
of representatives, and the house minority leader. 4203

(2) The director shall present to the commission a report 4204
each month, showing the total revenues, prize disbursements, and 4205
operating expenses of the state lottery for the preceding month. 4206
As soon as practicable after the end of each fiscal year, the 4207
commission shall prepare and transmit to the governor and the 4208
general assembly a report of lottery revenues, prize 4209
disbursements, and operating expenses for the preceding fiscal 4210
year and any recommendations for legislation considered 4211
necessary by the commission. 4212

Sec. 3770.06. (A) There is hereby created the state 4213
lottery gross revenue fund, which shall be in the custody of the 4214
treasurer of state but shall not be part of the state treasury. 4215
All gross revenues received from sales of lottery tickets, 4216
fines, fees, and related proceeds in connection with the 4217
statewide lottery, all gross proceeds of lottery sports gaming 4218
described in sections 3770.23 to 3770.25 of the Revised Code, 4219
and all gross proceeds from statewide joint lottery games shall 4220
be deposited into the fund. The treasurer of state shall invest 4221
any portion of the fund not needed for immediate use in the same 4222
manner as, and subject to all provisions of law with respect to 4223
the investment of, state funds. The treasurer of state shall 4224
disburse money from the fund on order of the director of the 4225
state lottery commission or the director's designee. 4226

Except for gross proceeds from statewide joint lottery 4227
games, all revenues of the state lottery gross revenue fund that 4228
are not paid to holders of winning lottery tickets, that are not 4229
required to meet short-term prize liabilities, that are not 4230

credited to lottery sales agents in the form of bonuses, 4231
commissions, or reimbursements, that are not paid to financial 4232
institutions to reimburse those institutions for sales agent 4233
nonsufficient funds, and that are collected from sales agents 4234
for remittance to insurers under contract to provide sales agent 4235
bonding services shall be transferred to the state lottery fund, 4236
which is hereby created in the state treasury. In addition, all 4237
revenues of the state lottery gross revenue fund that represent 4238
the gross proceeds from the statewide joint lottery games and 4239
that are not paid to holders of winning lottery tickets, that 4240
are not required to meet short-term prize liabilities, that are 4241
not credited to lottery sales agents in the form of bonuses, 4242
commissions, or reimbursements, and that are not necessary to 4243
cover operating expenses associated with those games or to 4244
otherwise comply with the agreements signed by the governor that 4245
the director enters into under division (J) of section 3770.02 4246
of the Revised Code or the rules the commission adopts under 4247
division (B) (5) of section 3770.03 of the Revised Code shall be 4248
transferred to the state lottery fund. All investment earnings 4249
of the fund shall be credited to the fund. Moneys shall be 4250
disbursed from the fund pursuant to vouchers approved by the 4251
director. Total disbursements for monetary prize awards to 4252
holders of winning lottery tickets in connection with the 4253
statewide lottery, other than lottery sports gaming, and 4254
purchases of goods and services awarded as prizes to holders of 4255
winning lottery tickets shall be of an amount equal to at least 4256
fifty per cent of the total revenue accruing from the sale of 4257
lottery tickets. 4258

(B) Pursuant to Section 6 of Article XV, Ohio 4259
Constitution, there is hereby established in the state treasury 4260
the lottery profits education fund. Whenever, in the judgment of 4261
the director of the state lottery commission, the amount to the 4262

credit of the state lottery fund that does not represent 4263
proceeds from statewide joint lottery games is in excess of that 4264
needed to meet the maturing obligations of the commission and as 4265
working capital for its further operations, the director of the 4266
state lottery commission shall recommend the amount of the 4267
excess to be transferred to the lottery profits education fund, 4268
and the director of budget and management may transfer the 4269
excess to the lottery profits education fund in connection with 4270
the statewide lottery. In addition, whenever, in the judgment of 4271
the director of the state lottery commission, the amount to the 4272
credit of the state lottery fund that represents proceeds from 4273
statewide joint lottery games equals the entire net proceeds of 4274
those games as described in division (B) (5) of section 3770.03 4275
of the Revised Code and the rules adopted under that division, 4276
the director of the state lottery commission shall recommend the 4277
amount of the proceeds to be transferred to the lottery profits 4278
education fund, and the director of budget and management may 4279
transfer those proceeds to the lottery profits education fund. 4280
Investment earnings of the lottery profits education fund shall 4281
be credited to the fund. 4282

The lottery profits education fund shall be used solely 4283
for the support of elementary, secondary, vocational, and 4284
special education programs as determined in appropriations made 4285
by the general assembly, or as provided in applicable bond 4286
proceedings for the payment of debt service on obligations 4287
issued to pay costs of capital facilities, including those for a 4288
system of common schools throughout the state pursuant to 4289
section 2n of Article VIII, Ohio Constitution. When determining 4290
the availability of money in the lottery profits education fund, 4291
the director of budget and management may consider all balances 4292
and estimated revenues of the fund. 4293

(C) There is hereby established in the state treasury the 4294

deferred prizes trust fund. With the approval of the director of 4295
budget and management, an amount sufficient to fund annuity 4296
prizes shall be transferred from the state lottery fund and 4297
credited to the trust fund. The treasurer of state shall credit 4298
all earnings arising from investments purchased under this 4299
division to the trust fund. Within sixty days after the end of 4300
each fiscal year, the treasurer of state shall certify to the 4301
director of budget and management whether the actuarial amount 4302
of the trust fund is sufficient over the fund's life for 4303
continued funding of all remaining deferred prize liabilities as 4304
of the last day of the fiscal year just ended. Also, within that 4305
sixty days, the director of budget and management shall certify 4306
the amount of investment earnings necessary to have been 4307
credited to the trust fund during the fiscal year just ending to 4308
provide for such continued funding of deferred prizes. Any 4309
earnings credited in excess of the latter certified amount shall 4310
be transferred to the lottery profits education fund. 4311

To provide all or a part of the amounts necessary to fund 4312
deferred prizes awarded by the commission in connection with the 4313
statewide lottery, the treasurer of state, in consultation with 4314
the commission, may invest moneys contained in the deferred 4315
prizes trust fund which represents proceeds from the statewide 4316
lottery in obligations of the type permitted for the investment 4317
of state funds but whose maturities are thirty years or less. 4318
Notwithstanding the requirements of any other section of the 4319
Revised Code, to provide all or part of the amounts necessary to 4320
fund deferred prizes awarded by the commission in connection 4321
with statewide joint lottery games, the treasurer of state, in 4322
consultation with the commission, may invest moneys in the trust 4323
fund which represent proceeds derived from the statewide joint 4324
lottery games in accordance with the rules the commission adopts 4325
under division (B) (5) of section 3770.03 of the Revised Code. 4326

Investments of the trust fund are not subject to the provisions 4327
of division (A) (11) of section 135.143 of the Revised Code 4328
limiting to twenty-five per cent the amount of the state's total 4329
average portfolio that may be invested in debt interests other 4330
than commercial paper and limiting to five per cent the amount 4331
that may be invested in debt interests, including commercial 4332
paper, of a single issuer. 4333

All purchases made under this division shall be effected 4334
on a delivery versus payment method and shall be in the custody 4335
of the treasurer of state. 4336

The treasurer of state may retain an investment advisor, 4337
if necessary. The commission shall pay any costs incurred by the 4338
treasurer of state in retaining an investment advisor. 4339

(D) The auditor of state shall conduct annual audits of 4340
all funds and any other audits as the auditor of state or the 4341
general assembly considers necessary. The auditor of state may 4342
examine all records, files, and other documents of the 4343
commission, and records of lottery sales agents that pertain to 4344
their activities as agents, for purposes of conducting 4345
authorized audits. 4346

(E) The state lottery commission shall establish an 4347
internal audit plan before the beginning of each fiscal year, 4348
subject to the approval of the office of internal audit in the 4349
office of budget and management. At the end of each fiscal year, 4350
the commission shall prepare and submit an annual report to the 4351
office of internal audit for the office's review and approval, 4352
specifying the internal audit work completed by the end of that 4353
fiscal year and reporting on compliance with the annual internal 4354
audit plan. 4355

(F) Whenever, in the judgment of the director of budget 4356
and management, an amount of net state lottery proceeds is 4357

necessary to be applied to the payment of debt service on 4358
obligations, all as defined in sections 151.01 and 151.03 of the 4359
Revised Code, the director shall transfer that amount directly 4360
from the state lottery fund or from the lottery profits 4361
education fund to the bond service fund defined in those 4362
sections. The provisions of this division are subject to any 4363
prior pledges or obligation of those amounts to the payment of 4364
bond service charges as defined in division (C) of section 4365
3318.21 of the Revised Code, as referred to in division (B) of 4366
this section. 4367

Sec. 3770.07. (A) (1) Except as provided in division (A) (2) 4368
of this section, lottery prize awards shall be claimed by the 4369
holder of the winning lottery product, or by the executor or 4370
administrator, or the trustee of a trust, of the estate of a 4371
deceased holder of a winning lottery product, in a manner to be 4372
determined by the state lottery commission, within one hundred 4373
eighty days after the date on which the prize award was 4374
announced if the lottery game is an online game, ~~and~~ within one 4375
hundred eighty days after the close of the game if the lottery 4376
game is an instant game, and within one hundred eighty days 4377
after the end of the sporting event or series of sporting events 4378
on which the wager was placed if the lottery game is lottery 4379
sports gaming. 4380

Any lottery prize award with a value that meets or exceeds 4381
the reportable winnings amounts set by 26 U.S.C. 6041, or a 4382
subsequent analogous section of the Internal Revenue Code, shall 4383
not be claimed by or paid to any person, as defined in section 4384
1.59 of the Revised Code or as defined by rule or order of the 4385
state lottery commission, until the name, address, and social 4386
security number of each beneficial owner of the prize award are 4387
documented for the commission. Except when a beneficial owner 4388
otherwise consents in writing, in the case of a claim for a 4389

lottery prize award made by one or more beneficial owners using 4390
a trust, the name, address, and social security number of each 4391
such beneficial owner in the commission's records as a result of 4392
such a disclosure are confidential and shall not be subject to 4393
inspection or copying under section 149.43 of the Revised Code 4394
as a public record. 4395

Except as otherwise provided in division (A)(1) of this 4396
section or as otherwise provided by law, the name and address of 4397
any individual claiming a lottery prize award are subject to 4398
inspection or copying under section 149.43 of the Revised Code 4399
as a public record. 4400

(2) An eligible person serving on active military duty in 4401
any branch of the United States armed forces during a war or 4402
national emergency declared in accordance with federal law may 4403
submit a delayed claim for a lottery prize award. The eligible 4404
person shall do so by notifying the state lottery commission 4405
about the claim not later than the ~~five-three~~ hundred ~~fortieth-~~ 4406
~~sixtieth~~ day after the ~~date on which the prize award was~~ 4407
~~announced if the lottery game is an online game or after the~~ 4408
~~date on which the lottery game closed if the lottery game is an~~ 4409
~~instant game~~ applicable deadline specified under division (A)(1) 4410
of this section. 4411

(3) If no valid claim to a lottery prize award is made 4412
within the prescribed period, the prize money, the cost of goods 4413
and services awarded as prizes, or, if goods or services awarded 4414
as prizes are resold by the state lottery commission, the 4415
proceeds from their sale shall be returned to the state lottery 4416
fund and distributed in accordance with section 3770.06 of the 4417
Revised Code. 4418

(4) The state lottery commission may share with other 4419
governmental agencies the name, address, and social security 4420

number of a beneficial owner disclosed to the commission under 4421
division (A) (1) of this section, as authorized under sections 4422
3770.071 and 3770.073 of the Revised Code. Any shared 4423
information as disclosed pursuant to those sections that is made 4424
confidential by division (A) (1) of this section remains 4425
confidential and shall not be subject to inspection or copying 4426
under section 149.43 of the Revised Code as a public record 4427
unless the applicable beneficial owner otherwise provides 4428
written consent. 4429

(5) As used in this division: 4430

(a) "Eligible person" means a person who is entitled to a 4431
lottery prize award and who falls into either of the following 4432
categories: 4433

(i) While on active military duty in this state, the 4434
person, as the result of a war or national emergency declared in 4435
accordance with federal law, is transferred out of this state 4436
~~before the one hundred eightieth day after the date on which the~~ 4437
~~winner of the lottery prize award is selected~~ applicable 4438
deadline specified under division (A) (1) of this section. 4439

(ii) While serving in the reserve forces in this state, 4440
the person, as the result of a war or national emergency 4441
declared in accordance with federal law, is placed on active 4442
military duty and is transferred out of this state before the- 4443
~~expiration of the one hundred eightieth day after the date on-~~ 4444
~~which the prize drawing occurs for an online game or before the-~~ 4445
~~expiration of the one hundred eightieth day following the close-~~ 4446
~~of an instant game as determined by the commission~~ applicable 4447
deadline specified under division (A) (1) of this section. 4448

(b) "Active military duty" means that a person is covered 4449
by the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 4450
50 U.S.C. 501 et seq., as amended, or the "Uniformed Services 4451

Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 4452
38 U.S.C. 4301 et seq., as amended. 4453

(c) "Each beneficial owner" means the ultimate recipient 4454
or, if there is more than one, each ultimate recipient of a 4455
lottery prize award. 4456

(B) If a prize winner, as defined in section 3770.10 of 4457
the Revised Code, is under eighteen years of age or, in the case 4458
of lottery sports gaming, under twenty-one years of age, or is 4459
under some other legal disability, and the prize money or the 4460
cost of goods or services awarded as a prize exceeds one 4461
thousand dollars, the director of the state lottery commission 4462
shall order that payment be made to the order of the legal 4463
guardian of that prize winner. If the amount of the prize money 4464
or the cost of goods or services awarded as a prize is one 4465
thousand dollars or less, the director may order that payment be 4466
made to the order of the adult member, if any, of that prize 4467
winner's family legally responsible for the care of that prize 4468
winner. 4469

(C) No right of any prize winner, as defined in section 4470
3770.10 of the Revised Code, to a prize award shall be the 4471
subject of a security interest or used as collateral. 4472

(D) (1) No right of any prize winner, as defined in section 4473
3770.10 of the Revised Code, to a prize award shall be 4474
assignable except as follows: when the payment is to be made to 4475
the executor or administrator, or the trustee of a trust, of the 4476
estate of a prize winner; when the award of a prize is disputed, 4477
any person may be awarded a prize award to which another has 4478
claimed title, pursuant to the order of a court of competent 4479
jurisdiction; when a person is awarded a prize award to which 4480
another has claimed title, pursuant to the order of a federal 4481
bankruptcy court under Title 11 of the United States Code; or as 4482

provided in sections 3770.10 to 3770.14 of the Revised Code. 4483

(2) (a) No right of any prize winner, as defined in section 4484
3770.10 of the Revised Code, to a prize award with a remaining 4485
unpaid balance of less than one hundred thousand dollars shall 4486
be subject to garnishment, attachment, execution, withholding, 4487
or deduction except as provided in sections 3119.80, 3119.81, 4488
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 4489
director is to make a payment pursuant to section 3770.071 or 4490
3770.073 of the Revised Code. 4491

(b) No right of any prize winner, as defined in section 4492
3770.10 of the Revised Code, to a prize award with an unpaid 4493
balance of one hundred thousand dollars or more shall be subject 4494
to garnishment, attachment, execution, withholding, or deduction 4495
except as follows: as provided in sections 3119.80, 3119.81, 4496
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 4497
director is to make a payment pursuant to section 3770.071 or 4498
3770.073 of the Revised Code; or pursuant to the order of a 4499
court of competent jurisdiction located in this state in a 4500
proceeding in which the state lottery commission is a named 4501
party, in which case the garnishment, attachment, execution, 4502
withholding, or deduction pursuant to the order shall be 4503
subordinate to any payments to be made pursuant to section 4504
3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 4505
3770.073 of the Revised Code. 4506

(3) The state lottery commission may adopt and amend rules 4507
pursuant to Chapter 119. of the Revised Code as necessary to 4508
implement division (D) of this section, to provide for payments 4509
from prize awards subject to garnishment, attachment, execution, 4510
withholding, or deduction, and to comply with any applicable 4511
requirements of federal law. 4512

(4) Upon making payments from a prize award as required by 4513

division (D) of this section, the director and the state lottery
commission are discharged from all further liability for those
payments, whether they are made to an executor, administrator,
trustee, judgment creditor, or another person, or to the prize
winner, as defined in section 3770.10 of the Revised Code.

(5) The state lottery commission shall adopt rules
pursuant to section 3770.03 of the Revised Code concerning the
payment of prize awards upon the death of a prize winner, as
defined in section 3770.10 of the Revised Code. Upon the death
of a prize winner, the remainder of the prize winner's prize
award, to the extent it is not subject to a transfer agreement
under sections 3770.10 to 3770.14 of the Revised Code, may be
paid to the executor, administrator, or trustee in the form of a
discounted lump sum cash settlement.

(E) No lottery prize award shall be awarded to or for any
officer or employee of the state lottery commission, any officer
or employee of the auditor of state actively auditing,
coordinating, or observing commission drawings, or any blood
relative or spouse of such an officer or employee of the
commission or auditor of state living as a member of the
officer's or employee's household, nor shall any such officer,
employee, blood relative, or spouse attempt to claim a lottery
prize award.

(F) The director may prohibit vendors to the state lottery
commission and their employees from being awarded a lottery
prize award.

(G) Upon the payment of prize awards pursuant to a
provision of this section, other than a provision of division
(D) of this section, the director and the state lottery
commission are discharged from all further liability for their
payment. Installment payments of lottery prize awards shall be

paid by official check or warrant, and they shall be sent by 4545
mail delivery to the prize winner's address within the United 4546
States or by electronic funds transfer to an established bank 4547
account located within the United States, or the prize winner 4548
may pick them up at an office of the commission." 4549

After line 3975, insert: 4550

"Sec. 3770.10. As used in sections 3770.07 to 3770.073 and 4551
3770.10 to 3770.14 of the Revised Code: 4552

(A) "Court of competent jurisdiction" means either the 4553
general division or the probate division of the court of common 4554
pleas of the county in which the prize winner or transferor 4555
resides, or, if the prize winner or transferor is not a resident 4556
of this state, either the general division or the probate 4557
division of the court of common pleas of Franklin county or a 4558
federal court having jurisdiction over the lottery prize award. 4559

(B) "Discounted present value" means the present value of 4560
the future payments of a lottery prize award that is determined 4561
by discounting those payments to the present, using the most 4562
recently published applicable federal rate for determining the 4563
present value of an annuity as issued by the United States 4564
internal revenue service and assuming daily compounding. 4565

(C) "Independent professional advice" means the advice of 4566
an attorney, a certified public accountant, an actuary, or any 4567
other licensed professional adviser if all of the following 4568
apply: 4569

(1) The prize winner has engaged the services of the 4570
licensed professional adviser to render advice concerning the 4571
legal and other implications of a transfer of the lottery prize 4572
award. 4573

(2) The licensed professional adviser is not affiliated in 4574

any manner with or compensated in any manner by the transferee 4575
of the lottery prize award. 4576

(3) The compensation of the licensed professional adviser 4577
is not affected by whether or not a transfer of a lottery prize 4578
award occurs. 4579

(D) "Prize winner" means any person that holds the right 4580
to receive all or any part of a lottery prize award as a result 4581
of being any of the following: 4582

(1) A person who is a claimant under division (A) of 4583
section 3770.07 of the Revised Code; 4584

(2) A person who is entitled to a prize award and who is 4585
under a legal disability as described in division (B) of section 4586
3770.07 of the Revised Code; 4587

(3) A person who was awarded a prize award to which 4588
another has claimed title by a federal bankruptcy court order or 4589
other court order referred to in division (D) of section 3770.07 4590
of the Revised Code; 4591

(4) A person who is receiving payments upon the death of a 4592
prize winner as provided in division (D) of section 3770.07 of 4593
the Revised Code. 4594

(E) "Transfer" means any form of sale, assignment, or 4595
redirection of payment of all or any part of a lottery prize 4596
award for consideration. 4597

(F) "Transfer agreement" means an agreement that is 4598
complete and valid, and that provides for the transfer of all or 4599
any part of a lottery prize award from a transferor to a 4600
transferee. A transfer agreement is incomplete and invalid 4601
unless the agreement contains both of the following: 4602

(1) A statement, signed by the transferor under penalties 4603

of perjury, that the transferor irrevocably agrees that the 4604
transferor is subject to the tax imposed by Chapter 5733. or 4605
5747. of the Revised Code with respect to gain or income which 4606
the transferor will recognize in connection with the transfer. 4607
If the transferor is a pass-through entity, as defined in 4608
section 5733.04 of the Revised Code, each investor in the pass- 4609
through entity shall also sign under penalties of perjury a 4610
statement that the investor irrevocably agrees that the investor 4611
is subject to the tax imposed by Chapter 5733. or 5747. of the 4612
Revised Code with respect to gain or income which the transferor 4613
and the investor will recognize in connection with the transfer. 4614

(2) A statement, signed by the transferee, that the 4615
transferee irrevocably agrees that the transferee is subject to 4616
the withholding requirements imposed by division (C) of section 4617
3770.072 of the Revised Code and that the transferee is subject 4618
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 4619
with respect to gain or income which the transferee will 4620
recognize in connection with lottery prize awards to be received 4621
as a result of the transfer. If the transferee is a pass-through 4622
entity, as defined in section 5733.04 of the Revised Code, each 4623
investor in the pass-through entity shall also sign under 4624
penalties of perjury a statement setting forth that the investor 4625
irrevocably agrees that the investor is subject to the 4626
withholding requirements imposed by division (C) of section 4627
3770.072 of the Revised Code and is subject to the tax imposed 4628
by Chapter 5733. or 5747. of the Revised Code with respect to 4629
gain or income which the transferee and the investor will 4630
recognize in connection with lottery prize awards to be received 4631
as a result of the transfer. 4632

(G) "Transferee" means a party acquiring or proposing to 4633
acquire all or any part of a lottery prize award through a 4634
transfer. 4635

(H) "Transferor" means either a prize winner or a transferee in an earlier transfer whose interest is acquired by or is sought to be acquired by a transferee or a new transferee through a transfer.

(I) "Lottery prize award" includes winnings from lottery sports gaming.

Sec. 3770.23. As used in sections 3770.23 to 3770.25 of the Revised Code:

(A) "Sports gaming," "type C sports gaming proprietor," and "type C sports gaming host" have the same meanings as in section 3775.01 of the Revised Code.

(B) "Lottery sports gaming" means sports gaming conducted by a type C sports gaming proprietor on behalf of the state lottery commission and offered through lottery sales agents that are licensed as type C sports gaming hosts.

Sec. 3770.24. (A) The state lottery commission shall operate lottery sports gaming as part of the statewide lottery in accordance with this section and with Chapter 3775. of the Revised Code. The state lottery commission may adopt rules under Chapter 119. of the Revised Code, in consultation with the Ohio casino control commission, to implement sections 3770.23 to 3770.25 of the Revised Code, so long as those rules are not in conflict with the rules of the Ohio casino control commission.

(B)(1) Each type C sports gaming proprietor shall contract with the state lottery commission to operate lottery sports gaming on behalf of the state lottery commission in exchange for a portion of the state's proceeds from lottery sports gaming.

(2) All provisions of Chapter 3775. of the Revised Code that apply to type C sports gaming proprietors and type C sports gaming hosts apply to those persons when they operate or offer

lottery sports gaming. 4666

(3) A type C sports gaming proprietor may adapt any existing self-service or clerk-operated lottery terminals owned or operated by the sports gaming proprietor or the state lottery commission also to serve as lottery sports gaming terminals, subject to the rules of the Ohio casino control commission and the state lottery commission. 4667
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Sec. 3770.25. (A) The state lottery commission shall offer lottery sports gaming only at type C sports gaming hosts' facilities on self-service or clerk-operated terminals, and only to individuals who are at least twenty-one years of age and who are physically present on the premises of the facility. 4673
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(B) All of the following apply concerning lottery sports gaming: 4678
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(1) If a type C sports gaming proprietor intends to install more than two terminals in any type C sports gaming host's facility, the type C sports gaming proprietor shall notify the Ohio casino control commission of that fact not later than seven days before installing the additional terminals. The commission may disallow the installation of more than two terminals in the facility, in accordance with the commission's rules. 4680
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(2) The self-service terminal or the clerk, as applicable, shall verify that the lottery sports gaming participant is at least twenty-one years of age. 4688
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(3) A type C sports gaming proprietor may offer only the following types of wagers on sporting events, as approved by the Ohio casino control commission: 4691
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(a) Spread wagers; 4694

<u>(b) Over-under wagers;</u>	4695
<u>(c) Moneyline wagers;</u>	4696
<u>(d) Parlay wagers that are based on not more than four</u> <u>component wagers.</u>	4697 4698
<u>(4) A self-service terminal or clerk shall accept wagers</u> <u>only by cash, credit card, debit card, or electronic payment</u> <u>account. As used in this section, "electronic payment account"</u> <u>means an account maintained with a third party for purposes of</u> <u>making electronic payments, such as paypal, google pay, or apple</u> <u>pay, that is intended for general use and not only for sports</u> <u>gaming purposes.</u>	4699 4700 4701 4702 4703 4704 4705
<u>(5) A self-service terminal or clerk shall not accept</u> <u>wagers aggregating more than seven hundred dollars in a calendar</u> <u>week from any one participant.</u>	4706 4707 4708
<u>(6) The rules of the Ohio casino control commission and</u> <u>the state lottery commission concerning lottery sports gaming</u> <u>shall apply identically in all applicable respects to lottery</u> <u>sports gaming offered on a self-service terminal and to lottery</u> <u>sports gaming offered on a clerk-operated terminal.</u>	4709 4710 4711 4712 4713
<u>(C) (1) A participant whose winnings from lottery sports</u> <u>gaming are of an amount that is not subject to withholding under</u> <u>section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised</u> <u>Code may receive the participant's winnings by any of the</u> <u>following methods:</u>	4714 4715 4716 4717 4718
<u>(a) As a credit to the participant's credit card, debit</u> <u>card, or electronic payment account.</u>	4719 4720
<u>(b) In cash from any type C sports gaming host;</u>	4721
<u>(c) By any additional method permitted by the state</u> <u>lottery commission by rule.</u>	4722 4723

(2) A participant whose winnings from lottery sports gaming are of an amount that is subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code may receive the participant's winnings in the same manner as any other lottery prize award of an amount that is subject to withholding under those sections."

In line 4345, after "proprietors," insert "the state lottery commission,"

After line 4684, insert:

"(D) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code."

In line 4685, delete "(D) (1)" and insert "(E) (1)"

In line 4697, delete "(E)" and insert "(F)"

In line 4700, delete "(F)" and insert "(G)"

In line 4705, delete "(G)" and insert "(H)"

In line 4710, delete "(H)" and insert "(I)"

In line 4721, delete "(I)" and insert "(J)"

In line 4724, delete "(J)" and insert "(K)"

In line 4727, delete "(K) (1)" and insert "(L) (1)"; delete "(K) (2)" and insert "(L) (2)"

In line 4745, delete "(L) (1)" and insert "(M) (1)"

In line 4747, delete "(a) With respect to sports gaming offered by a type A"

In line 4748, delete "or type B sports gaming proprietor, except" and insert "Except"

In line 4749, delete "(L) (3)" and insert "(M) (3)"; after "section"

insert "and in section 3770.25 of the Revised Code" 4750

Delete lines 4755 through 4758 4751

In line 4763, after "terminals" insert ", other than lottery sports gaming authorized under sections 3770.23 to 3770.25 of the Revised Code" 4752
4753

In line 4769, delete "(M)" and insert "(N)" 4754

In line 4778, delete "(N)" and insert "(O)" 4755

In line 4782, delete "(O)" and insert "(P)" 4756

In line 4788, delete "(P)" and insert "(Q)" 4757

In line 4790, delete "(Q)" and insert "(R)" 4758

In line 4794, delete "(R)" and insert "(S)" 4759

In line 4796, delete "(S) (1)" and insert "(T) (1)" 4760

In line 4813, delete "(T)" and insert "(U)" 4761

In line 4817, delete "(U)" and insert "(V)" 4762

In line 4820, delete "(V)" and insert "(W)" 4763

In line 4823, delete "(W)" and insert "(X)" 4764

In line 4825, after "self-service" insert "or clerk-operated" 4765

In line 4827, delete "(X)" and insert "(Y)" 4766

In line 4832, delete "(Y)" and insert "(Z)" 4767

In line 4835, delete "(Z)" and insert "(AA)" 4768

In line 4839, after "chapter" insert "or by sections 3770.23 to 3770.25 of the Revised Code" 4769
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In line 5054, after "(A)" insert "(1)"; delete "permitted under" and insert "otherwise provided in division (A) (2) of this" 4771
4772

In line 5055, delete "3770.23 of the Revised Code" 4773

After line 5058, insert:	4774
<u>"(2) The state lottery commission is not required to</u>	4775
<u>receive a sports gaming license in order to operate lottery</u>	4776
<u>sports gaming under sections 3770.23 to 3770.25 of the Revised</u>	4777
<u>Code."</u>	4778
In line 5173, after " <u>self-service</u> " insert " <u>or clerk-operated</u> "	4779
In line 5174, after " <u>facilities</u> " insert " <u>under section 3770.25 of</u>	4780
<u>the Revised Code"</u>	4781
In line 5175, delete " <u>three</u> " and insert " <u>two</u> "	4782
In line 5177, after " <u>time.</u> " insert " <u>However, if only one eligible</u>	4783
<u>and suitable person applies for a type C sports gaming proprietor license,</u>	4784
<u>the commission shall issue the license."</u>	4785
In line 5613, after " <u>self-service</u> " insert " <u>or clerk-operated</u> "	4786
In line 5631, delete " <u>two</u> " and insert " <u>one</u> "	4787
In line 5641, delete " <u>or the state lottery commission</u> "	4788
In line 5650, delete " <u>host</u> " and insert " <u>proprietor</u> "	4789
In line 5806, after " <u>Withhold</u> " insert " <u>all required</u> "	4790
Delete line 5807	4791
In line 5808, delete " <u>5747.063 of the Revised Code</u> "	4792
Delete lines 6004 through 6048	4793
In line 6049, delete " <u>3775.14</u> " and insert " <u>3775.13</u> "	4794
In line 6055, after " <u>proprietor</u> " insert " <u>and to the state lottery</u>	4795
<u>commission"</u>	4796
In line 6102, after " <u>commission</u> " insert " <u>or the state lottery</u>	4797
<u>commission"</u>	4798

In line 6124, after "proprietor" insert "and to the state lottery commission"; after "commission" insert ", the state lottery commission," 4799
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In line 6138, delete "3775.15" and insert "3775.14" 4801

In line 6175, delete "3775.14" and insert "3775.13" 4802

In line 6199, delete "3775.16" and insert "3775.15" 4803

In line 6210, delete "3775.17" and insert "3775.16" 4804

In line 6267, delete "3775.14" and insert "3775.13" 4805

In line 6323, after "commission" insert "or the state lottery commission" 4806
4807

In line 6327, after "commission" insert "or the state lottery commission" 4808
4809

In line 6332, after "commission" insert "or the state lottery commission" 4810
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In line 6336, after "commission" insert "or the state lottery commission" 4812
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In line 6340, delete "Chapter 3770." and insert "sections 3770.23 to 3770.25" 4814
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In line 6343, delete "a sports gaming proprietor" and insert "the person" 4816
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In line 6350, delete "a sports gaming proprietor" and insert "the person" 4818
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After line 6884, insert: 4820

"**Sec. 5747.064.** The requirements imposed under this 4821
section are in addition to the municipal income tax withholding 4822
requirements under section 718.031 of the Revised Code. 4823

(A) As used in this section, ~~"video~~: 4824

(1) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code. 4825
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(2) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code. 4827
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(B) If a person's prize award from a video lottery terminal or from lottery sports gaming offered in a video lottery terminal facility is an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the lottery sales agent shall deduct and withhold Ohio income tax from the person's prize award at a rate of four per cent of the amount won. The lottery sales agent shall issue, to a person from whose prize award an amount has been deducted or withheld, a receipt for the amount deducted and withheld, and also shall obtain from the person additional information that will be necessary for the lottery sales agent to prepare the returns required by this section. 4829
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(C) Amounts deducted and withheld by a lottery sales agent are held in trust for the benefit of the state. 4842
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(1) On or before the tenth day of each month, the lottery sales agent shall file a return electronically with the tax commissioner identifying the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding month, the amount of the prize award from which each such amount was withheld, and any other information required by the commissioner. With the return, the lottery sales agent shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month. 4844
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(2) A lottery sales agent shall maintain a record of all receipts issued under division (B) of this section and shall 4854
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make those records available to the commissioner upon request. 4856
Such records shall be maintained in accordance with section 4857
5747.17 of the Revised Code and any rules adopted pursuant 4858
thereto. 4859

(3) Annually, on or before the thirty-first day of 4860
January, a lottery sales agent shall file an annual return 4861
electronically with the tax commissioner indicating the total 4862
amount deducted and withheld during the preceding calendar year. 4863
The lottery sales agent shall remit electronically with the 4864
annual return any amount that was deducted and withheld and that 4865
was not previously remitted. If the identity of a person and the 4866
amount deducted and withheld with respect to that person were 4867
omitted on a monthly return, that information shall be indicated 4868
on the annual return. 4869

(4) (a) A lottery sales agent who fails to file a return 4870
and remit the amounts deducted and withheld is personally liable 4871
for the amount deducted and withheld and not remitted. The 4872
commissioner may impose a penalty of up to one thousand dollars 4873
if a return is filed late, if amounts deducted and withheld are 4874
remitted late, if a return is not filed, or if amounts deducted 4875
and withheld are not remitted. Interest accrues on past due 4876
amounts deducted and withheld at the rate prescribed in section 4877
5703.47 of the Revised Code. The commissioner may collect past 4878
due amounts deducted and withheld and penalties and interest 4879
thereon by assessment under section 5747.13 of the Revised Code 4880
as if they were income taxes collected by an employer. 4881

(b) If a lottery sales agent ceases to operate video 4882
lottery terminals, the amounts deducted and withheld and any 4883
penalties and interest thereon are immediately due and payable. 4884
A successor of the lottery sales agent that purchases the video 4885
lottery terminals from the agent shall withhold an amount of the 4886

purchase money that is sufficient to cover the amounts deducted 4887
and withheld and penalties and interest thereon until the 4888
predecessor lottery sales agent produces either a receipt from 4889
the tax commissioner showing that the amounts deducted and 4890
withheld and penalties and interest thereon have been paid or a 4891
certificate from the commissioner indicating that no amounts 4892
deducted and withheld or penalties and interest thereon are due. 4893
If the successor fails to withhold purchase money, the successor 4894
is personally liable for payment of the amounts deducted and 4895
withheld and penalties and interest thereon, up to the amount of 4896
the purchase money. 4897

(D) (1) Annually, on or before the thirty-first day of 4898
January, a lottery sales agent shall issue an information return 4899
to each person with respect to whom an amount has been deducted 4900
and withheld during the preceding calendar year. The information 4901
return shall show the total amount deducted from the person's 4902
prize award by the lottery sales agent during the preceding 4903
year. 4904

(2) Annually, on or before the thirty-first day of 4905
January, a lottery sales agent shall provide to the tax 4906
commissioner a copy of each information return issued under 4907
division (D) (1) of this section for the preceding calendar year. 4908
The commissioner may require that such copies be transmitted 4909
electronically. 4910

(E) Amounts deducted and withheld shall be allowed as a 4911
credit against payment of the tax imposed by section 5747.02 of 4912
the Revised Code and shall be treated as taxes paid for purposes 4913
of section 5747.09 of the Revised Code. This division applies 4914
only to the person for whom the amount is deducted and withheld. 4915

(F) The failure of a lottery sales agent to deduct and 4916
withhold the required amount from a person's prize award does 4917

not relieve the person from liability for the tax imposed by 4918
section 5747.02 of the Revised Code with respect to that income. 4919
Compliance with this section does not relieve a lottery sales 4920
agent or a person who has a prize award from compliance with 4921
relevant provisions of federal tax laws. 4922

(G) The commissioner shall prescribe the form of the 4923
receipt and returns required by this section and may promulgate 4924
any rules necessary to administer the section." 4925

After line 7731, insert: 4926

"(3) Receipts received from the operation of lottery 4927
sports gaming on behalf of the state under sections 3770.23 to 4928
3770.25 of the Revised Code." 4929

In line 7732, delete "(3) (i)" and insert "(4) (a)" 4930

In line 7735, delete "(ii)" and insert "(b)" 4931

In line 7963, delete "3775.13" and insert "3775.14" 4932

In line 8225, after "3123.90" insert ", 3770.03, 3770.06, 3770.07"; 4933
after "3770.073" insert ", 3770.10" 4934

In line 8227, after "5747.063" insert ", 5747.064" 4935

In line 8248, delete "section 3775.13" and insert "sections 3770.23 4936
to 3770.25" 4937

The motion was _____ agreed to.

SYNOPSIS 4938

Lottery sports gaming 4939

R.C. 718.031, 3770.03, 3770.06, 3770.07, 3770.10, 3770.23, 4940

3770.24, 3770.25, 3772.03, 3775.01, 3775.02, 3775.03, 3775.04, 4941
3775.07, 3775.10, 3775.13, 3775.14, 3775.99, 5747.064, 5753.01, 4942
and 5753.04 4943

Requires the State Lottery Commission (LOT) to operate 4944
lottery sports gaming as part of the statewide lottery under the 4945
oversight of the Ohio Casino Control Commission (OCCC). 4946

Requires OCCC to license at least two type C sports gaming 4947
proprietors, unless only one eligible and suitable person 4948
applies. 4949

Requires LOT to contract with each type C sports gaming 4950
proprietor to operate lottery sports gaming on behalf of LOT in 4951
exchange for a portion of the state's proceeds from lottery 4952
sports gaming. 4953

Maintains OCCC regulation of type C sports gaming 4954
proprietors and hosts. 4955

Allows type C sports gaming to be offered through self- 4956
service or clerk-operated terminals, instead of only self- 4957
service terminals. 4958

Makes several changes concerning type C sports gaming, 4959
including the number and location of the terminals, the types of 4960
wagers they may offer, the accepted methods of payment, and the 4961
methods of paying out winnings to patrons. 4962

Reduces the license fee for a type C sports gaming host 4963
from \$2,000 to \$1,000 every three years. 4964

Specifically excludes any receipts that a type C sports 4965
gaming proprietor receives from lottery sports gaming from the 4966
bill's tax on sports gaming receipts. 4967

Am. H. B. No. 29
As Passed by the Senate

_____ moved to amend as follows:

After line 8239, insert: 4968

"Section 4. (A) The Joint Committee on Sports Gaming is 4969
established. The Committee consists of six members. The Speaker 4970
of the House of Representatives shall appoint to the Committee 4971
three members of the House of Representatives, and the President 4972
of the Senate shall appoint to the Committee three members of 4973
the Senate. Not more than two members appointed from each 4974
chamber may be members of the same political party. The Speaker 4975
of the House of Representatives and the President of the Senate 4976
shall designate co-chairpersons of the Committee. 4977

(B) The Committee shall monitor the implementation of 4978
sports gaming under this act and shall report its 4979
recommendations, if any, to the General Assembly. 4980

(C) Any study, or any expense incurred, in furtherance of 4981
the Committee's objectives shall be paid for from, or out of, 4982
the Casino Control Commission Fund or other appropriation 4983
provided by law. The members shall receive no additional 4984
compensation, but shall be reimbursed for actual and necessary 4985
expenses incurred in the performance of their official duties. 4986

(D) The Committee ceases to exist on the date that is two	4987
years after the effective date of this section."	4988
In line 8240, delete "4" and insert "5"	4989
In line 8258, delete "5" and insert "6"	4990
In line 8284, delete "6" and insert "7"	4991
In line 8329, delete "7" and insert "8"	4992
In line 8336, delete "8" and insert "9"	4993
In line 8342, delete "9" and insert "10"	4994

The motion was _____ agreed to.

SYNOPSIS 4995

Joint Committee on Sports Gaming 4996

Section 4 4997

Creates the Joint Committee on Sports Gaming, consisting 4998
of three members of the House of Representatives and three 4999
members of the Senate. 5000

Requires the Committee to monitor the implementation of 5001
sports gaming under the bill and to report its recommendations, 5002
if any, to the General Assembly. 5003

Specifies that the Committee ceases to exist two years 5004
after the bill takes effect. 5005