

As Reported by the House State Government Committee

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 122

**Representatives Wagoner, McGregor, Martin, Wagner, T. Patton, Hoops,
Uecker, Seitz, Combs, Gibbs, Flowers, Collier, D. Evans, Calvert, Reidelbach,
Setzer, Strahorn, Garrison, Latta, C. Evans, Kearns, Blasdel, Law, Gilb,
Webster, Ujvagi, Harwood, Daniels, Carmichael, Walcher, Hartnett,
D. Stewart, Book**

—

A BILL

To amend sections 3770.07 and 3770.071 and to enact 1
section 3123.89 of the Revised Code to prohibit 2
the claiming and payment of a lottery prize award 3
with a value in excess of \$599 until the 4
beneficial owner's name, address, and Social 5
Security number are disclosed to the State Lottery 6
Commission, and to make changes in the procedure 7
for the deduction of support from lottery prize 8
awards. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3770.07 and 3770.071 be amended and 10
section 3123.89 of the Revised Code be enacted to read as follows: 11

Sec. 3123.89. (A) Subject to section 3770.071 of the Revised 12
Code, a child support enforcement agency that determines that an 13
obligor who is the recipient of a lottery prize award is subject 14
to a final and enforceable determination of default made under 15
sections 3123.01 to 3123.07 of the Revised Code shall issue an 16

intercept directive to the director of the state lottery
commission. A copy of this intercept directive shall be sent to
the obligor.

17
18
19

(B) The intercept directive shall require the director or the
director's designee to transmit an amount or amounts from the
proceeds of the specified lottery prize award to the office of
child support in the department of job and family services. The
intercept directive also shall contain all of the following
information:

20
21
22
23
24
25

(1) The name, address, and social security number or taxpayer
identification number of the obligor;

26
27

(2) A statement that the obligor has been determined to be in
default under a support order;

28
29

(3) The amount of the arrearage owed by the obligor as
determined by the agency.

30
31

(C) After receipt of an intercept directive and in accordance
with section 3770.071 of the Revised Code, the director or the
director's designee shall deduct the amount or amounts specified
from the proceeds of the lottery prize award referred to in the
directive and transmit the amounts to the office of child support.

32
33
34
35
36

Sec. 3770.07. (A)(1) Except as provided in division (A)(2) of
this section, lottery prize awards shall be claimed by the holder
of the winning lottery ticket, or by the executor or
administrator, or the trustee of a trust, of the estate of a
deceased holder of a winning lottery ticket, in a manner to be
determined by the state lottery commission, within one hundred
eighty days after the date on which the prize award was announced
if the lottery game is an ~~on-line~~ online game, and within one
hundred eighty days after the close of the game if the lottery
game is an instant game. No lottery prize award with a value that

37
38
39
40
41
42
43
44
45
46

exceeds five hundred ninety-nine dollars shall be claimed by or 47
paid to any person, as defined in section 1.59 of the Revised Code 48
or as defined by rule or order of the state lottery commission, 49
until the name, address, and social security number of each 50
beneficial owner of the prize award are disclosed to the 51
commission. Except with a beneficial owner's permission, the name, 52
address, and social security number of that beneficial owner in 53
the commission's records as a result of that disclosure shall not 54
be subject to inspection or copying under section 149.43 of the 55
Revised Code as a public record. Except as otherwise provided in 56
division (A)(1) of this section or as otherwise provided by law, 57
the name and address of any individual claiming a lottery prize 58
award are subject to inspection or copying under section 149.43 of 59
the Revised Code as a public record. 60

(2) An eligible person serving on active military duty in any 61
branch of the United States armed forces during a war or national 62
emergency declared in accordance with federal law may submit a 63
delayed claim for a lottery prize award. The eligible person shall 64
do so by notifying the state lottery commission about the claim 65
not later than the five hundred fortieth day after the date on 66
which the prize award was announced if the lottery game is an 67
~~en-line~~ online game or after the date on which the lottery game 68
closed if the lottery game is an instant game. 69

(3) If no valid claim to a lottery prize award is made within 70
the prescribed period, the prize money, the cost of goods and 71
services awarded as prizes, or, if goods or services awarded as 72
prizes are resold by the state lottery commission, the proceeds 73
from their sale shall be returned to the state lottery fund and 74
distributed in accordance with section 3770.06 of the Revised 75
Code. 76

(4) As used in this division: 77

(a) "Eligible person" means a person who is entitled to a 78

lottery prize award and who falls into either of the following
categories:

(i) While on active military duty in this state, the person,
as the result of a war or national emergency declared in
accordance with federal law, is transferred out of this state
before the one hundred eightieth day after the date on which the
winner of the lottery prize award is selected.

(ii) While serving in the reserve forces in this state, the
person, as the result of a war or national emergency declared in
accordance with federal law, is placed on active military duty and
is transferred out of this state before the expiration of the one
hundred eightieth day after the date on which the prize drawing
occurs for an ~~on-line~~ online game or before the expiration of the
one hundred eightieth day following the close of an instant game
as determined by the commission.

(b) "Active military duty" means that a person is covered by
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50
U.S.C. 501 et seq., as amended, or the "Uniformed Services
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149,
38 U.S.C. 4301 et seq., as amended.

(c) "Each beneficial owner" means the ultimate recipient or,
if there is more than one, each ultimate recipient of a lottery
prize award.

(B) If a prize winner, as defined in section 3770.10 of the
Revised Code, is under eighteen years of age, or is under some
other legal disability, and the prize money or the cost of goods
or services awarded as a prize exceeds one thousand dollars, the
director of the state lottery commission shall order that payment
be made to the order of the legal guardian of that prize winner.
If the amount of the prize money or the cost of goods or services
awarded as a prize is one thousand dollars or less, the director

79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109

may order that payment be made to the order of the adult member, 110
if any, of that prize winner's family legally responsible for the 111
care of that prize winner. 112

(C) No right of any prize winner, as defined in section 113
3770.10 of the Revised Code, to a prize award shall be the subject 114
of a security interest or used as collateral. 115

(D)(1) No right of any prize winner, as defined in section 116
3770.10 of the Revised Code, to a prize award shall be assignable, 117
or subject to garnishment, attachment, execution, withholding, or 118
deduction, except as follows: as provided in sections 3119.80, 119
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when 120
the payment is to be made to the executor or administrator, or the 121
trustee of a trust, of the estate of a winning ticket holder; when 122
the award of a prize is disputed, any person may be awarded a 123
prize award to which another has claimed title, pursuant to the 124
order of a court of competent jurisdiction; when a person is 125
awarded a prize award to which another has claimed title, pursuant 126
to the order of a federal bankruptcy court under Title 11 of the 127
United States Code; when the director is to make a payment 128
pursuant to section 3770.071 or 3770.073 of the Revised Code; or 129
as provided in sections 3770.10 to 3770.14 of the Revised Code. 130

(2) The state lottery commission shall adopt rules pursuant 131
to section 3770.03 of the Revised Code concerning the payment of 132
prize awards upon the death of a prize winner, as defined in 133
section 3770.10 of the Revised Code. Upon the death of a prize 134
winner, the remainder of the prize winner's prize award, to the 135
extent it is not subject to a transfer agreement under sections 136
3770.10 to 3770.14 of the Revised Code, may be paid to the 137
executor, administrator, or trustee in the form of a discounted 138
lump sum cash settlement. 139

(E) No lottery prize award shall be awarded to or for any 140

officer or employee of the state lottery commission, any officer 141
or employee of the auditor of state actively coordinating and 142
certifying commission drawings, or any blood relative or spouse of 143
such an officer or employee of the commission or auditor of state 144
living as a member of the officer's or employee's household, nor 145
shall any such officer, employee, blood relative, or spouse 146
attempt to claim a lottery prize award. 147

(F) The director may prohibit vendors to the state lottery 148
commission and their employees from being awarded a lottery prize 149
award. 150

(G) Upon the payment of prize awards pursuant to this 151
section, the director and the state lottery commission are 152
discharged from all further liability for their payment. 153

Sec. 3770.071. (A)(1) If the amount of the prize money or the 154
cost of goods or services awarded as a lottery prize award is six 155
hundred dollars or more, the director of the state lottery 156
commission, or the director's designee, shall require the person 157
entitled to the prize award to affirm in writing, under oath, 158
whether or not the person is in default under a support order. The 159
director or the director's designee also may take any additional 160
appropriate steps to determine if the person entitled to the prize 161
award is in default under a support order. If the person entitled 162
to the prize award affirms that the person is in default under a 163
support order, or if the director or the director's designee 164
determines that the person is in default under a support order, 165
the director or the director's designee shall temporarily withhold 166
payment of the prize award and ~~inform~~ notify the ~~court~~ child 167
support enforcement agency that ~~issued~~ administers the support 168
order that the person is entitled to a prize award, of the amount 169
of the prize award, and, if the prize award is to be paid in 170
annual installments, of the number of installments. 171

~~After (2) Upon receipt of the notice from the director or the~~ 172
~~director's designee, the court shall give the person notice of the~~ 173
~~director's notice, schedule a hearing to determine if the person~~ 174
~~is in default and the amount of the default, and give the person~~ 175
~~notice of the date, time, and location of the hearing~~ child 176
support enforcement agency shall conduct an investigation to 177
determine whether the person entitled to the lottery prize award 178
is subject to a final and enforceable determination of default 179
made under sections 3123.01 to 3123.07 of the Revised Code. If the 180
~~court at the hearing~~ agency determines that the person is ~~in~~ 181
~~default so subject,~~ it shall issue an ~~order~~ intercept directive as 182
described in section 3123.89 of the Revised Code to the director 183
at lottery commission headquarters requiring the director or the 184
director's designee to deduct from any unpaid prize award or any 185
annual installment payment of ~~the~~ an unpaid prize award, a 186
specified amount for ~~child support or spousal~~ support in 187
satisfaction of the support order under which the person is in 188
default. To the extent possible, the amount specified to be 189
deducted under the ~~order issued under this section~~ intercept 190
directive shall satisfy the amount ordered for ~~support or spousal~~ 191
support in the support order under which the person is in default. 192
~~Within~~ 193

A child support enforcement agency shall issue an intercept 194
directive within thirty days from the date the director or the 195
director's designee notifies the agency under division (A)(1) of 196
this section. Within thirty days after the date on which the ~~court~~ 197
~~agency~~ issues the ~~order under this section to the director~~ 198
intercept directive, the director or the director's designee shall 199
pay the amount specified in ~~that order~~ the intercept directive to 200
the office of child support in the department of job and family 201
services. ~~If~~ But, if the prize award is to be paid in annual 202
installments, the director or the director's designee, on the date 203

the next installment payment is due, shall ~~pay~~ deduct the amount 204
specified in the ~~court order issued under this section~~ intercept 205
directive from that installment and, if necessary, any subsequent 206
annual installments, at the time ~~such~~ those installments become 207
due and owing to the prize winner, and pay the amount to the 208
office of child support. 209

(B) As used in this section: 210

(1) "Support order" has the same meaning as in section 211
3119.01 of the Revised Code. 212

(2) "Default" has the same meaning as in section 3121.01 of 213
the Revised Code. 214

(C) No person shall knowingly make a false affirmation or 215
oath required by division (A) of this section. 216

Section 2. That existing sections 3770.07 and 3770.071 of the 217
Revised Code are hereby repealed. 218