

**As Re-Reported by the House Finance and Appropriations
Committee**

**128th General Assembly
Regular Session
2009-2010**

Sub. H. B. No. 519

Representatives Yuko, Book

**Cosponsors: Representatives Luckie, Celeste, Garland, Weddington,
Driehaus**

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A B I L L

To amend sections 101.70, 102.02, 102.03, 109.32,	1
109.572, 109.71, 109.77, 109.79, 121.60, 1705.48,	2
2915.01, 2915.02, 2915.061, 2915.08, 2915.081,	3
2915.082, 2915.09, 2915.091, 2915.093, 2915.10,	4
2915.101, 2915.13, 3793.02, 4301.355, 4301.62,	5
4303.181, 4303.182, 4303.30, 5502.03, 5703.052,	6
5703.19, 5703.21, 5703.70, 5747.02, and 5747.98,	7
to enact sections 121.54, 122.045, 2915.083,	8
2915.14, 3517.1015, 3769.081, 3772.01 to 3772.03,	9
3772.031, 3772.032, 3772.033, 3772.034, 3772.04,	10
3772.05, 3772.051, 3772.06, 3772.061, 3772.062,	11
3772.07, 3772.08, 3772.081, 3772.09, 3772.091,	12
3772.10, 3772.11, 3772.111, 3772.12, 3772.121,	13
3772.13, 3772.131, 3772.14 to 3772.32, 3772.99,	14
3793.032, 5747.063, 5753.01 to 5753.06, 5753.061,	15
and 5753.07 to 5753.10, and to repeal section	16
2915.06 of the Revised Code to create the Ohio	17
Casino Control Commission and related provisions	18
and to set forth casino gaming statutes under Ohio	19
Constitution, Article XV, Section 6(C), to make	20
changes to bingo and instant bingo laws, to create	21

charity card rooms, and to make an appropriation. 22

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

Section 1. That sections 101.70, 102.02, 102.03, 109.32, 23
109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2915.01, 24
2915.02, 2915.061, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 25
2915.093, 2915.10, 2915.101, 2915.13, 3793.02, 4301.355, 4301.62, 26
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 27
5703.70, 5747.02, and 5747.98 be amended and sections 121.54, 28
122.045, 2915.083, 2915.14, 3517.1015, 3769.081, 3772.01, 3772.02, 29
3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 30
3772.051, 3772.06, 3772.061, 3772.062, 3772.07, 3772.08, 3772.081, 31
3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.12, 3772.121, 32
3772.13, 3772.131, 3772.14, 3772.15, 3772.16, 3772.17, 3772.18, 33
3772.19, 3772.20, 3772.21, 3772.22, 3772.23, 3772.24, 3772.25, 34
3772.26, 3772.27, 3772.28, 3772.29, 3772.30, 3772.31, 3772.32, 35
3772.99, 3793.032, 5747.063, 5753.01, 5753.02, 5753.03, 5753.04, 36
5753.05, 5753.06, 5753.061, 5753.07, 5753.08, 5753.09, and 5753.10 37
of the Revised Code be enacted to read as follows: 38

Sec. 101.70. As used in sections 101.70 to 101.79 and 101.99 39
of the Revised Code: 40

(A) "Person" means any individual, partnership, trust, 41
estate, business trust, association, or corporation; any labor 42
organization or manufacturer association; any department, 43
commission, board, publicly supported college or university, 44
division, institution, bureau, or other instrumentality of the 45
state; or any county, township, municipal corporation, school 46
district, or other political subdivision of the state. "Person" 47
includes the Ohio casino control commission, a member of the 48
commission, the executive director of the commission, an employee 49
of the commission, and an agent of the commission. 50

(B) "Legislation" means bills, resolutions, amendments, 51
nominations, and any other matter pending before the general 52
assembly, any matter pending before the controlling board, or the 53
executive approval or veto of any bill acted upon by the general 54
assembly. 55

(C) "Compensation" means a salary, gift, payment, benefit, 56
subscription, loan, advance, reimbursement, or deposit of money or 57
anything of value; or a contract, promise, or agreement, whether 58
or not legally enforceable, to make compensation. 59

(D) "Expenditure" means any of the following that is made to, 60
at the request of, for the benefit of, or on behalf of any member 61
of the general assembly, any member of the controlling board, the 62
governor, the director of a department created under section 63
121.02 of the Revised Code, or any member of the staff of any 64
public officer or employee listed in this division: 65

(1) A payment, distribution, loan, advance, deposit, 66
reimbursement, or gift of money, real estate, or anything of 67
value, including, but not limited to, food and beverages, 68
entertainment, lodging, or transportation; 69

(2) A contract, promise, or agreement to make an expenditure, 70
whether or not legally enforceable; 71

(3) The purchase, sale, or gift of services or any other 72
thing of value. 73

"Expenditure" does not include a contribution, gift, or grant to a 74
foundation or other charitable organization that is exempt from 75
federal income taxation under subsection 501(c)(3) of the Internal 76
Revenue Code. "Expenditure" does not include the purchase, sale, 77
or gift of services or any other thing of value that is available 78
to the general public on the same terms as it is available to the 79
persons listed in this division, or an offer or sale of securities 80
to any person listed in this division that is governed by 81

regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, 82
adopted under the authority of the "Securities Act of 1933," 48 83
Stat. 74, 15 U.S.C.A. and following, or that is governed by a 84
comparable provision under state law. 85

(E) "Actively advocate" means to promote, advocate, or oppose 86
the passage, modification, defeat, or executive approval or veto 87
of any legislation by direct communication with any member of the 88
general assembly, any member of the controlling board, the 89
governor, the director of any department listed in section 121.02 90
of the Revised Code, or any member of the staff of any public 91
officer or employee listed in this division. "Actively advocate" 92
does not include the action of any person not engaged by an 93
employer who has a direct interest in legislation if the person, 94
acting under Section 3 of Article I, Ohio Constitution, assembles 95
together with other persons to consult for their common good, 96
instructs a public officer or employee who is listed in this 97
division, or petitions that public officer or employee for the 98
redress of grievances. 99

(F) "Legislative agent" means any individual, except a member 100
of the general assembly, a member of the staff of the general 101
assembly, the governor, lieutenant governor, attorney general, 102
secretary of state, treasurer of state, or auditor of state, who 103
is engaged during at least a portion of ~~his~~ the individual's time 104
to actively advocate as one of ~~his~~ the individual's main purposes. 105
An individual engaged by the Ohio casino control commission, a 106
member of the commission, the executive director of the 107
commission, or an employee or agent of the commission to actively 108
advocate is a "legislative agent" even if the individual does not 109
during at least a portion of the individual's time actively 110
advocate as one of the individual's main purposes. 111

(G) "Employer" means any person who, directly or indirectly, 112
engages a legislative agent. 113

(H) "Engage" means to make any arrangement, and "engagement" 114
means any arrangement, whereby an individual is employed or 115
retained for compensation to act for or on behalf of an employer 116
to actively advocate. 117

(I) "Financial transaction" means a transaction or activity 118
that is conducted or undertaken for profit and arises from the 119
joint ownership or the ownership or part ownership in common of 120
any real or personal property or any commercial or business 121
enterprise of whatever form or nature between the following: 122

(1) A legislative agent, ~~his~~ an employer of a legislative 123
agent, or a member of the immediate family of the legislative 124
agent or ~~his~~ a legislative agent's employer; and 125

(2) Any member of the general assembly, any member of the 126
controlling board, the governor, the director of a department 127
created under section 121.02 of the Revised Code, or any member of 128
the staff of a public officer or employee listed in division 129
(I)(2) of this section. 130

"Financial transaction" does not include any transaction or 131
activity described in division (I) of this section if it is 132
available to the general public on the same terms, or if it is an 133
offer or sale of securities to any person listed in division 134
(I)(2) of this section that is governed by regulation D, 17 C.F.R. 135
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 136
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 137
following, or that is governed by a comparable provision under 138
state law. 139

(J) "Staff" means any state employee whose official duties 140
are to formulate policy and who exercises administrative or 141
supervisory authority or who authorizes the expenditure of state 142
funds. 143

Sec. 102.02. (A) Except as otherwise provided in division (H) 144
of this section, all of the following shall file with the 145
appropriate ethics commission the disclosure statement described 146
in this division on a form prescribed by the appropriate 147
commission: every person who is elected to or is a candidate for a 148
state, county, or city office and every person who is appointed to 149
fill a vacancy for an unexpired term in such an elective office; 150
all members of the state board of education; the director, 151
assistant directors, deputy directors, division chiefs, or persons 152
of equivalent rank of any administrative department of the state; 153
the president or other chief administrative officer of every state 154
institution of higher education as defined in section 3345.011 of 155
the Revised Code; the executive director and the members of the 156
capitol square review and advisory board appointed or employed 157
pursuant to section 105.41 of the Revised Code; all members of the 158
Ohio casino control commission, the executive director of the 159
commission, all professional employees of the commission, and all 160
technical employees of the commission who perform an internal 161
audit function; the chief executive officer and the members of the 162
board of each state retirement system; each employee of a state 163
retirement board who is a state retirement system investment 164
officer licensed pursuant to section 1707.163 of the Revised Code; 165
the members of the Ohio retirement study council appointed 166
pursuant to division (C) of section 171.01 of the Revised Code; 167
employees of the Ohio retirement study council, other than 168
employees who perform purely administrative or clerical functions; 169
the administrator of workers' compensation and each member of the 170
bureau of workers' compensation board of directors; the bureau of 171
workers' compensation director of investments; the chief 172
investment officer of the bureau of workers' compensation; the 173
director appointed by the workers' compensation council; all 174
members of the board of commissioners on grievances and discipline 175

of the supreme court and the ethics commission created under 176
section 102.05 of the Revised Code; every business manager, 177
treasurer, or superintendent of a city, local, exempted village, 178
joint vocational, or cooperative education school district or an 179
educational service center; every person who is elected to or is a 180
candidate for the office of member of a board of education of a 181
city, local, exempted village, joint vocational, or cooperative 182
education school district or of a governing board of an 183
educational service center that has a total student count of 184
twelve thousand or more as most recently determined by the 185
department of education pursuant to section 3317.03 of the Revised 186
Code; every person who is appointed to the board of education of a 187
municipal school district pursuant to division (B) or (F) of 188
section 3311.71 of the Revised Code; all members of the board of 189
directors of a sanitary district that is established under Chapter 190
6115. of the Revised Code and organized wholly for the purpose of 191
providing a water supply for domestic, municipal, and public use, 192
and that includes two municipal corporations in two counties; 193
every public official or employee who is paid a salary or wage in 194
accordance with schedule C of section 124.15 or schedule E-2 of 195
section 124.152 of the Revised Code; members of the board of 196
trustees and the executive director of the southern Ohio 197
agricultural and community development foundation; all members 198
appointed to the Ohio livestock care standards board under section 199
904.02 of the Revised Code; and every other public official or 200
employee who is designated by the appropriate ethics commission 201
pursuant to division (B) of this section. 202

The disclosure statement shall include all of the following: 203

(1) The name of the person filing the statement and each 204
member of the person's immediate family and all names under which 205
the person or members of the person's immediate family do 206
business; 207

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 208
and except as otherwise provided in section 102.022 of the Revised 209
Code, identification of every source of income, other than income 210
from a legislative agent identified in division (A)(2)(b) of this 211
section, received during the preceding calendar year, in the 212
person's own name or by any other person for the person's use or 213
benefit, by the person filing the statement, and a brief 214
description of the nature of the services for which the income was 215
received. If the person filing the statement is a member of the 216
general assembly, the statement shall identify the amount of every 217
source of income received in accordance with the following ranges 218
of amounts: zero or more, but less than one thousand dollars; one 219
thousand dollars or more, but less than ten thousand dollars; ten 220
thousand dollars or more, but less than twenty-five thousand 221
dollars; twenty-five thousand dollars or more, but less than fifty 222
thousand dollars; fifty thousand dollars or more, but less than 223
one hundred thousand dollars; and one hundred thousand dollars or 224
more. Division (A)(2)(a) of this section shall not be construed to 225
require a person filing the statement who derives income from a 226
business or profession to disclose the individual items of income 227
that constitute the gross income of that business or profession, 228
except for those individual items of income that are attributable 229
to the person's or, if the income is shared with the person, the 230
partner's, solicitation of services or goods or performance, 231
arrangement, or facilitation of services or provision of goods on 232
behalf of the business or profession of clients, including 233
corporate clients, who are legislative agents. A person who files 234
the statement under this section shall disclose the identity of 235
and the amount of income received from a person who the public 236
official or employee knows or has reason to know is doing or 237
seeking to do business of any kind with the public official's or 238
employee's agency. 239

(b) If the person filing the statement is a member of the 240

general assembly, the statement shall identify every source of 241
income and the amount of that income that was received from a 242
legislative agent during the preceding calendar year, in the 243
person's own name or by any other person for the person's use or 244
benefit, by the person filing the statement, and a brief 245
description of the nature of the services for which the income was 246
received. Division (A)(2)(b) of this section requires the 247
disclosure of clients of attorneys or persons licensed under 248
section 4732.12 of the Revised Code, or patients of persons 249
certified under section 4731.14 of the Revised Code, if those 250
clients or patients are legislative agents. Division (A)(2)(b) of 251
this section requires a person filing the statement who derives 252
income from a business or profession to disclose those individual 253
items of income that constitute the gross income of that business 254
or profession that are received from legislative agents. 255

(c) Except as otherwise provided in division (A)(2)(c) of 256
this section, division (A)(2)(a) of this section applies to 257
attorneys, physicians, and other persons who engage in the 258
practice of a profession and who, pursuant to a section of the 259
Revised Code, the common law of this state, a code of ethics 260
applicable to the profession, or otherwise, generally are required 261
not to reveal, disclose, or use confidences of clients, patients, 262
or other recipients of professional services except under 263
specified circumstances or generally are required to maintain 264
those types of confidences as privileged communications except 265
under specified circumstances. Division (A)(2)(a) of this section 266
does not require an attorney, physician, or other professional 267
subject to a confidentiality requirement as described in division 268
(A)(2)(c) of this section to disclose the name, other identity, or 269
address of a client, patient, or other recipient of professional 270
services if the disclosure would threaten the client, patient, or 271
other recipient of professional services, would reveal details of 272
the subject matter for which legal, medical, or professional 273

advice or other services were sought, or would reveal an otherwise 274
privileged communication involving the client, patient, or other 275
recipient of professional services. Division (A)(2)(a) of this 276
section does not require an attorney, physician, or other 277
professional subject to a confidentiality requirement as described 278
in division (A)(2)(c) of this section to disclose in the brief 279
description of the nature of services required by division 280
(A)(2)(a) of this section any information pertaining to specific 281
professional services rendered for a client, patient, or other 282
recipient of professional services that would reveal details of 283
the subject matter for which legal, medical, or professional 284
advice was sought or would reveal an otherwise privileged 285
communication involving the client, patient, or other recipient of 286
professional services. 287

(3) The name of every corporation on file with the secretary 288
of state that is incorporated in this state or holds a certificate 289
of compliance authorizing it to do business in this state, trust, 290
business trust, partnership, or association that transacts 291
business in this state in which the person filing the statement or 292
any other person for the person's use and benefit had during the 293
preceding calendar year an investment of over one thousand dollars 294
at fair market value as of the thirty-first day of December of the 295
preceding calendar year, or the date of disposition, whichever is 296
earlier, or in which the person holds any office or has a 297
fiduciary relationship, and a description of the nature of the 298
investment, office, or relationship. Division (A)(3) of this 299
section does not require disclosure of the name of any bank, 300
savings and loan association, credit union, or building and loan 301
association with which the person filing the statement has a 302
deposit or a withdrawable share account. 303

(4) All fee simple and leasehold interests to which the 304
person filing the statement holds legal title to or a beneficial 305

interest in real property located within the state, excluding the 306
person's residence and property used primarily for personal 307
recreation; 308

(5) The names of all persons residing or transacting business 309
in the state to whom the person filing the statement owes, in the 310
person's own name or in the name of any other person, more than 311
one thousand dollars. Division (A)(5) of this section shall not be 312
construed to require the disclosure of debts owed by the person 313
resulting from the ordinary conduct of a business or profession or 314
debts on the person's residence or real property used primarily 315
for personal recreation, except that the superintendent of 316
financial institutions shall disclose the names of all 317
state-chartered savings and loan associations and of all service 318
corporations subject to regulation under division (E)(2) of 319
section 1151.34 of the Revised Code to whom the superintendent in 320
the superintendent's own name or in the name of any other person 321
owes any money, and that the superintendent and any deputy 322
superintendent of banks shall disclose the names of all 323
state-chartered banks and all bank subsidiary corporations subject 324
to regulation under section 1109.44 of the Revised Code to whom 325
the superintendent or deputy superintendent owes any money. 326

(6) The names of all persons residing or transacting business 327
in the state, other than a depository excluded under division 328
(A)(3) of this section, who owe more than one thousand dollars to 329
the person filing the statement, either in the person's own name 330
or to any person for the person's use or benefit. Division (A)(6) 331
of this section shall not be construed to require the disclosure 332
of clients of attorneys or persons licensed under section 4732.12 333
or 4732.15 of the Revised Code, or patients of persons certified 334
under section 4731.14 of the Revised Code, nor the disclosure of 335
debts owed to the person resulting from the ordinary conduct of a 336
business or profession. 337

(7) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a

meeting or convention of a national or state organization to which 370
any state agency, including, but not limited to, any legislative 371
agency or state institution of higher education as defined in 372
section 3345.011 of the Revised Code, pays membership dues, or any 373
political subdivision or any office or agency of a political 374
subdivision pays membership dues, that are incurred in connection 375
with the person's official duties and that exceed one hundred 376
dollars aggregated per calendar year; 377

(10) If the disclosure statement is filed by a public 378
official or employee described in division (B)(2) of section 379
101.73 of the Revised Code or division (B)(2) of section 121.63 of 380
the Revised Code who receives a statement from a legislative 381
agent, executive agency lobbyist, or employer that contains the 382
information described in division (F)(2) of section 101.73 of the 383
Revised Code or division (G)(2) of section 121.63 of the Revised 384
Code, all of the nondisputed information contained in the 385
statement delivered to that public official or employee by the 386
legislative agent, executive agency lobbyist, or employer under 387
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 388
the Revised Code. 389

A person may file a statement required by this section in 390
person or by mail. A person who is a candidate for elective office 391
shall file the statement no later than the thirtieth day before 392
the primary, special, or general election at which the candidacy 393
is to be voted on, whichever election occurs soonest, except that 394
a person who is a write-in candidate shall file the statement no 395
later than the twentieth day before the earliest election at which 396
the person's candidacy is to be voted on. A person who holds 397
elective office shall file the statement on or before the 398
fifteenth day of April of each year unless the person is a 399
candidate for office. A person who is appointed to fill a vacancy 400
for an unexpired term in an elective office shall file the 401

statement within fifteen days after the person qualifies for 402
office. Other persons shall file an annual statement on or before 403
the fifteenth day of April or, if appointed or employed after that 404
date, within ninety days after appointment or employment. No 405
person shall be required to file with the appropriate ethics 406
commission more than one statement or pay more than one filing fee 407
for any one calendar year. 408

The appropriate ethics commission, for good cause, may extend 409
for a reasonable time the deadline for filing a statement under 410
this section. 411

A statement filed under this section is subject to public 412
inspection at locations designated by the appropriate ethics 413
commission except as otherwise provided in this section. 414

(B) The Ohio ethics commission, the joint legislative ethics 415
committee, and the board of commissioners on grievances and 416
discipline of the supreme court, using the rule-making procedures 417
of Chapter 119. of the Revised Code, may require any class of 418
public officials or employees under its jurisdiction and not 419
specifically excluded by this section whose positions involve a 420
substantial and material exercise of administrative discretion in 421
the formulation of public policy, expenditure of public funds, 422
enforcement of laws and rules of the state or a county or city, or 423
the execution of other public trusts, to file an annual statement 424
on or before the fifteenth day of April under division (A) of this 425
section. The appropriate ethics commission shall send the public 426
officials or employees written notice of the requirement by the 427
fifteenth day of February of each year the filing is required 428
unless the public official or employee is appointed after that 429
date, in which case the notice shall be sent within thirty days 430
after appointment, and the filing shall be made not later than 431
ninety days after appointment. 432

Except for disclosure statements filed by members of the 433

board of trustees and the executive director of the southern Ohio 434
agricultural and community development foundation, disclosure 435
statements filed under this division with the Ohio ethics 436
commission by members of boards, commissions, or bureaus of the 437
state for which no compensation is received other than reasonable 438
and necessary expenses shall be kept confidential. Disclosure 439
statements filed with the Ohio ethics commission under division 440
(A) of this section by business managers, treasurers, and 441
superintendents of city, local, exempted village, joint 442
vocational, or cooperative education school districts or 443
educational service centers shall be kept confidential, except 444
that any person conducting an audit of any such school district or 445
educational service center pursuant to section 115.56 or Chapter 446
117. of the Revised Code may examine the disclosure statement of 447
any business manager, treasurer, or superintendent of that school 448
district or educational service center. The Ohio ethics commission 449
shall examine each disclosure statement required to be kept 450
confidential to determine whether a potential conflict of interest 451
exists for the person who filed the disclosure statement. A 452
potential conflict of interest exists if the private interests of 453
the person, as indicated by the person's disclosure statement, 454
might interfere with the public interests the person is required 455
to serve in the exercise of the person's authority and duties in 456
the person's office or position of employment. If the commission 457
determines that a potential conflict of interest exists, it shall 458
notify the person who filed the disclosure statement and shall 459
make the portions of the disclosure statement that indicate a 460
potential conflict of interest subject to public inspection in the 461
same manner as is provided for other disclosure statements. Any 462
portion of the disclosure statement that the commission determines 463
does not indicate a potential conflict of interest shall be kept 464
confidential by the commission and shall not be made subject to 465
public inspection, except as is necessary for the enforcement of 466

Chapters 102. and 2921. of the Revised Code and except as 467
otherwise provided in this division. 468

(C) No person shall knowingly fail to file, on or before the 469
applicable filing deadline established under this section, a 470
statement that is required by this section. 471

(D) No person shall knowingly file a false statement that is 472
required to be filed under this section. 473

(E)(1) Except as provided in divisions (E)(2) and (3) of this 474
section, the statement required by division (A) or (B) of this 475
section shall be accompanied by a filing fee of forty dollars. 476

(2) The statement required by division (A) of this section 477
shall be accompanied by the following filing fee to be paid by the 478
person who is elected or appointed to, or is a candidate for, any 479
of the following offices: 480

For state office, except member of the		481
state board of education	\$65	482
For office of member of general assembly	\$40	483
For county office	\$40	484
For city office	\$25	485
For office of member of the state board		486
of education	\$25	487
For office of member of the Ohio		488
livestock care standards board	\$25	489
For office of member of a city, local,		490
exempted village, or cooperative		491
education board of		492
education or educational service		493
center governing board	\$20	494
For position of business manager,		495
treasurer, or superintendent of a		496
city, local, exempted village, joint		497

vocational, or cooperative education 498
school district or 499
educational service center \$20 500

(3) No judge of a court of record or candidate for judge of a 501
court of record, and no referee or magistrate serving a court of 502
record, shall be required to pay the fee required under division 503
(E)(1) or (2) or (F) of this section. 504

(4) For any public official who is appointed to a nonelective 505
office of the state and for any employee who holds a nonelective 506
position in a public agency of the state, the state agency that is 507
the primary employer of the state official or employee shall pay 508
the fee required under division (E)(1) or (F) of this section. 509

(F) If a statement required to be filed under this section is 510
not filed by the date on which it is required to be filed, the 511
appropriate ethics commission shall assess the person required to 512
file the statement a late filing fee of ten dollars for each day 513
the statement is not filed, except that the total amount of the 514
late filing fee shall not exceed two hundred fifty dollars. 515

(G)(1) The appropriate ethics commission other than the Ohio 516
ethics commission and the joint legislative ethics committee shall 517
deposit all fees it receives under divisions (E) and (F) of this 518
section into the general revenue fund of the state. 519

(2) The Ohio ethics commission shall deposit all receipts, 520
including, but not limited to, fees it receives under divisions 521
(E) and (F) of this section and all moneys it receives from 522
settlements under division (G) of section 102.06 of the Revised 523
Code, into the Ohio ethics commission fund, which is hereby 524
created in the state treasury. All moneys credited to the fund 525
shall be used solely for expenses related to the operation and 526
statutory functions of the commission. 527

(3) The joint legislative ethics committee shall deposit all 528

receipts it receives from the payment of financial disclosure 529
statement filing fees under divisions (E) and (F) of this section 530
into the joint legislative ethics committee investigative fund. 531

(H) Division (A) of this section does not apply to a person 532
elected or appointed to the office of precinct, ward, or district 533
committee member under Chapter 3517. of the Revised Code; a 534
presidential elector; a delegate to a national convention; village 535
or township officials and employees; any physician or psychiatrist 536
who is paid a salary or wage in accordance with schedule C of 537
section 124.15 or schedule E-2 of section 124.152 of the Revised 538
Code and whose primary duties do not require the exercise of 539
administrative discretion; or any member of a board, commission, 540
or bureau of any county or city who receives less than one 541
thousand dollars per year for serving in that position. 542

Sec. 102.03. (A)(1) No present or former public official or 543
employee shall, during public employment or service or for twelve 544
months thereafter, represent a client or act in a representative 545
capacity for any person on any matter in which the public official 546
or employee personally participated as a public official or 547
employee through decision, approval, disapproval, recommendation, 548
the rendering of advice, investigation, or other substantial 549
exercise of administrative discretion. 550

(2) For twenty-four months after the conclusion of service, 551
no former commissioner or attorney examiner of the public 552
utilities commission shall represent a public utility, as defined 553
in section 4905.02 of the Revised Code, or act in a representative 554
capacity on behalf of such a utility before any state board, 555
commission, or agency. 556

(3) For twenty-four months after the conclusion of employment 557
or service, no former public official or employee who personally 558
participated as a public official or employee through decision, 559

approval, disapproval, recommendation, the rendering of advice, 560
the development or adoption of solid waste management plans, 561
investigation, inspection, or other substantial exercise of 562
administrative discretion under Chapter 343. or 3734. of the 563
Revised Code shall represent a person who is the owner or operator 564
of a facility, as defined in section 3734.01 of the Revised Code, 565
or who is an applicant for a permit or license for a facility 566
under that chapter, on any matter in which the public official or 567
employee personally participated as a public official or employee. 568

(4) For a period of one year after the conclusion of 569
employment or service as a member or employee of the general 570
assembly, no former member or employee of the general assembly 571
shall represent, or act in a representative capacity for, any 572
person on any matter before the general assembly, any committee of 573
the general assembly, or the controlling board. Division (A)(4) of 574
this section does not apply to or affect a person who separates 575
from service with the general assembly on or before December 31, 576
1995. As used in division (A)(4) of this section "person" does not 577
include any state agency or political subdivision of the state. 578

(5) As used in divisions (A)(1), (2), and (3) of this 579
section, "matter" includes any case, proceeding, application, 580
determination, issue, or question, but does not include the 581
proposal, consideration, or enactment of statutes, rules, 582
ordinances, resolutions, or charter or constitutional amendments. 583
As used in division (A)(4) of this section, "matter" includes the 584
proposal, consideration, or enactment of statutes, resolutions, or 585
constitutional amendments. As used in division (A) of this 586
section, "represent" includes any formal or informal appearance 587
before, or any written or oral communication with, any public 588
agency on behalf of any person. 589

(6) Nothing contained in division (A) of this section shall 590
prohibit, during such period, a former public official or employee 591

from being retained or employed to represent, assist, or act in a 592
representative capacity for the public agency by which the public 593
official or employee was employed or on which the public official 594
or employee served. 595

(7) Division (A) of this section shall not be construed to 596
prohibit the performance of ministerial functions, including, but 597
not limited to, the filing or amendment of tax returns, 598
applications for permits and licenses, incorporation papers, and 599
other similar documents. 600

(8) No present or former Ohio casino control commission 601
official shall, during public service or for twelve months 602
thereafter, represent a client, be employed or compensated by a 603
person regulated by the commission, or act in a representative 604
capacity for any person on any matter before or concerning the 605
commission. 606

No present or former commission employee shall, during public 607
employment or for twelve months thereafter, represent a client or 608
act in a representative capacity on any matter in which the 609
employee personally participated as a commission employee through 610
decision, approval, disapproval, recommendation, the rendering of 611
advice, investigation, or other substantial exercise of 612
administrative discretion. 613

(B) No present or former public official or employee shall 614
disclose or use, without appropriate authorization, any 615
information acquired by the public official or employee in the 616
course of the public official's or employee's official duties that 617
is confidential because of statutory provisions, or that has been 618
clearly designated to the public official or employee as 619
confidential when that confidential designation is warranted 620
because of the status of the proceedings or the circumstances 621
under which the information was received and preserving its 622
confidentiality is necessary to the proper conduct of government 623

business. 624

(C) No public official or employee shall participate within 625
the scope of duties as a public official or employee, except 626
through ministerial functions as defined in division (A) of this 627
section, in any license or rate-making proceeding that directly 628
affects the license or rates of any person, partnership, trust, 629
business trust, corporation, or association in which the public 630
official or employee or immediate family owns or controls more 631
than five per cent. No public official or employee shall 632
participate within the scope of duties as a public official or 633
employee, except through ministerial functions as defined in 634
division (A) of this section, in any license or rate-making 635
proceeding that directly affects the license or rates of any 636
person to whom the public official or employee or immediate 637
family, or a partnership, trust, business trust, corporation, or 638
association of which the public official or employee or the public 639
official's or employee's immediate family owns or controls more 640
than five per cent, has sold goods or services totaling more than 641
one thousand dollars during the preceding year, unless the public 642
official or employee has filed a written statement acknowledging 643
that sale with the clerk or secretary of the public agency and the 644
statement is entered in any public record of the agency's 645
proceedings. This division shall not be construed to require the 646
disclosure of clients of attorneys or persons licensed under 647
section 4732.12 or 4732.15 of the Revised Code, or patients of 648
persons certified under section 4731.14 of the Revised Code. 649

(D) No public official or employee shall use or authorize the 650
use of the authority or influence of office or employment to 651
secure anything of value or the promise or offer of anything of 652
value that is of such a character as to manifest a substantial and 653
improper influence upon the public official or employee with 654
respect to that person's duties. 655

(E) No public official or employee shall solicit or accept 656
anything of value that is of such a character as to manifest a 657
substantial and improper influence upon the public official or 658
employee with respect to that person's duties. 659

(F) No person shall promise or give to a public official or 660
employee anything of value that is of such a character as to 661
manifest a substantial and improper influence upon the public 662
official or employee with respect to that person's duties. 663

(G) In the absence of bribery or another offense under the 664
Revised Code or a purpose to defraud, contributions made to a 665
campaign committee, political party, legislative campaign fund, 666
political action committee, or political contributing entity on 667
behalf of an elected public officer or other public official or 668
employee who seeks elective office shall be considered to accrue 669
ordinarily to the public official or employee for the purposes of 670
divisions (D), (E), and (F) of this section. 671

As used in this division, "contributions," "campaign 672
committee," "political party," "legislative campaign fund," 673
"political action committee," and "political contributing entity" 674
have the same meanings as in section 3517.01 of the Revised Code. 675

(H)(1) No public official or employee, except for the 676
president or other chief administrative officer of or a member of 677
a board of trustees of a state institution of higher education as 678
defined in section 3345.011 of the Revised Code, who is required 679
to file a financial disclosure statement under section 102.02 of 680
the Revised Code shall solicit or accept, and no person shall give 681
to that public official or employee, an honorarium. Except as 682
provided in division (H)(2) of this section, this division and 683
divisions (D), (E), and (F) of this section do not prohibit a 684
public official or employee who is required to file a financial 685
disclosure statement under section 102.02 of the Revised Code from 686
accepting and do not prohibit a person from giving to that public 687

official or employee the payment of actual travel expenses, 688
including any expenses incurred in connection with the travel for 689
lodging, and meals, food, and beverages provided to the public 690
official or employee at a meeting at which the public official or 691
employee participates in a panel, seminar, or speaking engagement 692
or provided to the public official or employee at a meeting or 693
convention of a national organization to which any state agency, 694
including, but not limited to, any state legislative agency or 695
state institution of higher education as defined in section 696
3345.011 of the Revised Code, pays membership dues. Except as 697
provided in division (H)(2) of this section, this division and 698
divisions (D), (E), and (F) of this section do not prohibit a 699
public official or employee who is not required to file a 700
financial disclosure statement under section 102.02 of the Revised 701
Code from accepting and do not prohibit a person from promising or 702
giving to that public official or employee an honorarium or the 703
payment of travel, meal, and lodging expenses if the honorarium, 704
expenses, or both were paid in recognition of demonstrable 705
business, professional, or esthetic interests of the public 706
official or employee that exist apart from public office or 707
employment, including, but not limited to, such a demonstrable 708
interest in public speaking and were not paid by any person or 709
other entity, or by any representative or association of those 710
persons or entities, that is regulated by, doing business with, or 711
seeking to do business with the department, division, institution, 712
board, commission, authority, bureau, or other instrumentality of 713
the governmental entity with which the public official or employee 714
serves. 715

(2) No person who is a member of the board of a state 716
retirement system, a state retirement system investment officer, 717
or an employee of a state retirement system whose position 718
involves substantial and material exercise of discretion in the 719
investment of retirement system funds shall solicit or accept, and 720

no person shall give to that board member, officer, or employee, 721
payment of actual travel expenses, including expenses incurred 722
with the travel for lodging, meals, food, and beverages. 723

(I) A public official or employee may accept travel, meals, 724
and lodging or expenses or reimbursement of expenses for travel, 725
meals, and lodging in connection with conferences, seminars, and 726
similar events related to official duties if the travel, meals, 727
and lodging, expenses, or reimbursement is not of such a character 728
as to manifest a substantial and improper influence upon the 729
public official or employee with respect to that person's duties. 730
The house of representatives and senate, in their code of ethics, 731
and the Ohio ethics commission, under section 111.15 of the 732
Revised Code, may adopt rules setting standards and conditions for 733
the furnishing and acceptance of such travel, meals, and lodging, 734
expenses, or reimbursement. 735

A person who acts in compliance with this division and any 736
applicable rules adopted under it, or any applicable, similar 737
rules adopted by the supreme court governing judicial officers and 738
employees, does not violate division (D), (E), or (F) of this 739
section. This division does not preclude any person from seeking 740
an advisory opinion from the appropriate ethics commission under 741
section 102.08 of the Revised Code. 742

(J) For purposes of divisions (D), (E), and (F) of this 743
section, the membership of a public official or employee in an 744
organization shall not be considered, in and of itself, to be of 745
such a character as to manifest a substantial and improper 746
influence on the public official or employee with respect to that 747
person's duties. As used in this division, "organization" means a 748
church or a religious, benevolent, fraternal, or professional 749
organization that is tax exempt under subsection 501(a) and 750
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 751
"Internal Revenue Code of 1986." This division does not apply to a 752

public official or employee who is an employee of an organization, 753
serves as a trustee, director, or officer of an organization, or 754
otherwise holds a fiduciary relationship with an organization. 755
This division does not allow a public official or employee who is 756
a member of an organization to participate, formally or 757
informally, in deliberations, discussions, or voting on a matter 758
or to use his official position with regard to the interests of 759
the organization on the matter if the public official or employee 760
has assumed a particular responsibility in the organization with 761
respect to the matter or if the matter would affect that person's 762
personal, pecuniary interests. 763

(K) It is not a violation of this section for a prosecuting 764
attorney to appoint assistants and employees in accordance with 765
division (B) of section 309.06 and section 2921.421 of the Revised 766
Code, for a chief legal officer of a municipal corporation or an 767
official designated as prosecutor in a municipal corporation to 768
appoint assistants and employees in accordance with sections 769
733.621 and 2921.421 of the Revised Code, for a township law 770
director appointed under section 504.15 of the Revised Code to 771
appoint assistants and employees in accordance with sections 772
504.151 and 2921.421 of the Revised Code, or for a coroner to 773
appoint assistants and employees in accordance with division (B) 774
of section 313.05 of the Revised Code. 775

As used in this division, "chief legal officer" has the same 776
meaning as in section 733.621 of the Revised Code. 777

(L) No present public official or employee with a casino 778
gaming regulatory function shall indirectly invest, by way of an 779
entity the public official or employee has an ownership interest 780
or control in, or directly invest in a casino operator, management 781
company, holding company, casino facility, or gaming-related 782
vendor. No present public official or employee with a casino 783
gaming regulatory function shall directly or indirectly have a 784

financial interest in, have an ownership interest in, be the 785
creditor or hold a debt instrument issued by, or have an interest 786
in a contractual or service relationship with a casino operator, 787
management company, holding company, casino facility, or 788
gaming-related vendor. This section does not prohibit or limit 789
permitted passive investing by the public official or employee. 790

As used in this division, "passive investing" means 791
investment by the public official or employee by means of a mutual 792
fund in which the public official or employee has no control of 793
the investments or investment decisions. "Casino operator," 794
"holding company," "management company," "casino facility," and 795
"gaming-related vendor" have the same meanings as in section 796
3772.01 of the Revised Code. 797

(M) A member of the Ohio casino control commission, the 798
executive director of the commission, or an employee of the 799
commission shall not: 800

(1) Accept anything of value, including but not limited to a 801
gift, gratuity, emolument, or employment from a casino operator, 802
management company, or other person subject to the jurisdiction of 803
the commission, or from an officer, attorney, agent, or employee 804
of a casino operator, management company, or other person subject 805
to the jurisdiction of the commission; 806

(2) Solicit, suggest, request, or recommend, directly or 807
indirectly, to a casino operator, management company, or other 808
person subject to the jurisdiction of the commission, or to an 809
officer, attorney, agent, or employee of a casino operator, 810
management company, or other person subject to the jurisdiction of 811
the commission, the appointment of a person to an office, place, 812
position, or employment; 813

(3) Participate in casino gaming or any other amusement or 814
activity at a casino facility in this state or at an affiliate 815

gaming facility of a licensed casino operator, wherever located. 816

In addition to the penalty provided in section 102.99 of the 817
Revised Code, whoever violates division (M)(1), (2), or (3) of 818
this section forfeits the individual's office or employment. 819

Sec. 109.32. All annual filing fees obtained by the attorney 820
general pursuant to section 109.31 of the Revised Code, all 821
receipts obtained from the sale of the charitable foundations 822
directory, all registration fees received by the attorney general, 823
bond forfeitures, awards of costs and attorney's fees, and civil 824
penalties assessed under Chapter 1716. of the Revised Code, and 825
all license fees received by the attorney general under section 826
2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the Revised Code 827
shall be paid into the state treasury to the credit of the 828
charitable law fund. The charitable law fund shall be used insofar 829
as its moneys are available for the expenses of the charitable law 830
section of the office of the attorney general, except that all 831
annual license fees that are received by the attorney general 832
under section 2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the 833
Revised Code and that are credited to the fund shall be used by 834
the attorney general, or any law enforcement agency in cooperation 835
with the attorney general, for the purposes specified in division 836
~~(H)~~(I) of section 2915.10 of the Revised Code and to administer 837
and enforce Chapter 2915. of the Revised Code. The expenses of the 838
charitable law section in excess of moneys available in the 839
charitable law fund shall be paid out of regular appropriations to 840
the office of the attorney general. 841

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 842
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 843
a completed form prescribed pursuant to division (C)(1) of this 844
section, and a set of fingerprint impressions obtained in the 845
manner described in division (C)(2) of this section, the 846

superintendent of the bureau of criminal identification and 847
investigation shall conduct a criminal records check in the manner 848
described in division (B) of this section to determine whether any 849
information exists that indicates that the person who is the 850
subject of the request previously has been convicted of or pleaded 851
guilty to any of the following: 852

(a) A violation of section 2903.01, 2903.02, 2903.03, 853
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 854
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 855
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 856
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 857
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 858
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 859
2925.06, or 3716.11 of the Revised Code, felonious sexual 860
penetration in violation of former section 2907.12 of the Revised 861
Code, a violation of section 2905.04 of the Revised Code as it 862
existed prior to July 1, 1996, a violation of section 2919.23 of 863
the Revised Code that would have been a violation of section 864
2905.04 of the Revised Code as it existed prior to July 1, 1996, 865
had the violation been committed prior to that date, or a 866
violation of section 2925.11 of the Revised Code that is not a 867
minor drug possession offense; 868

(b) A violation of an existing or former law of this state, 869
any other state, or the United States that is substantially 870
equivalent to any of the offenses listed in division (A)(1)(a) of 871
this section. 872

(2) On receipt of a request pursuant to section 5123.081 of 873
the Revised Code with respect to an applicant for employment in 874
any position with the department of developmental disabilities, 875
pursuant to section 5126.28 of the Revised Code with respect to an 876
applicant for employment in any position with a county board of 877
developmental disabilities, or pursuant to section 5126.281 of the 878

Revised Code with respect to an applicant for employment in a 879
direct services position with an entity contracting with a county 880
board for employment, a completed form prescribed pursuant to 881
division (C)(1) of this section, and a set of fingerprint 882
impressions obtained in the manner described in division (C)(2) of 883
this section, the superintendent of the bureau of criminal 884
identification and investigation shall conduct a criminal records 885
check. The superintendent shall conduct the criminal records check 886
in the manner described in division (B) of this section to 887
determine whether any information exists that indicates that the 888
person who is the subject of the request has been convicted of or 889
pleaded guilty to any of the following: 890

(a) A violation of section 2903.01, 2903.02, 2903.03, 891
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 892
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 893
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 894
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 895
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 896
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 897
2925.03, or 3716.11 of the Revised Code; 898

(b) An existing or former municipal ordinance or law of this 899
state, any other state, or the United States that is substantially 900
equivalent to any of the offenses listed in division (A)(2)(a) of 901
this section. 902

(3) On receipt of a request pursuant to section 173.27, 903
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 904
completed form prescribed pursuant to division (C)(1) of this 905
section, and a set of fingerprint impressions obtained in the 906
manner described in division (C)(2) of this section, the 907
superintendent of the bureau of criminal identification and 908
investigation shall conduct a criminal records check with respect 909
to any person who has applied for employment in a position for 910

which a criminal records check is required by those sections. The 911
superintendent shall conduct the criminal records check in the 912
manner described in division (B) of this section to determine 913
whether any information exists that indicates that the person who 914
is the subject of the request previously has been convicted of or 915
pleaded guilty to any of the following: 916

(a) A violation of section 2903.01, 2903.02, 2903.03, 917
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 918
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 919
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 920
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 921
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 922
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 923
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 924
2925.22, 2925.23, or 3716.11 of the Revised Code; 925

(b) An existing or former law of this state, any other state, 926
or the United States that is substantially equivalent to any of 927
the offenses listed in division (A)(3)(a) of this section. 928

(4) On receipt of a request pursuant to section 3701.881 of 929
the Revised Code with respect to an applicant for employment with 930
a home health agency as a person responsible for the care, 931
custody, or control of a child, a completed form prescribed 932
pursuant to division (C)(1) of this section, and a set of 933
fingerprint impressions obtained in the manner described in 934
division (C)(2) of this section, the superintendent of the bureau 935
of criminal identification and investigation shall conduct a 936
criminal records check. The superintendent shall conduct the 937
criminal records check in the manner described in division (B) of 938
this section to determine whether any information exists that 939
indicates that the person who is the subject of the request 940
previously has been convicted of or pleaded guilty to any of the 941
following: 942

(a) A violation of section 2903.01, 2903.02, 2903.03, 943
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 944
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 945
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 946
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 947
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 948
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 949
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 950
violation of section 2925.11 of the Revised Code that is not a 951
minor drug possession offense; 952

(b) An existing or former law of this state, any other state, 953
or the United States that is substantially equivalent to any of 954
the offenses listed in division (A)(4)(a) of this section. 955

(5) On receipt of a request pursuant to section 5111.032, 956
5111.033, or 5111.034 of the Revised Code, a completed form 957
prescribed pursuant to division (C)(1) of this section, and a set 958
of fingerprint impressions obtained in the manner described in 959
division (C)(2) of this section, the superintendent of the bureau 960
of criminal identification and investigation shall conduct a 961
criminal records check. The superintendent shall conduct the 962
criminal records check in the manner described in division (B) of 963
this section to determine whether any information exists that 964
indicates that the person who is the subject of the request 965
previously has been convicted of, has pleaded guilty to, or has 966
been found eligible for intervention in lieu of conviction for any 967
of the following, regardless of the date of the conviction, the 968
date of entry of the guilty plea, or the date the person was found 969
eligible for intervention in lieu of conviction: 970

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 971
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 972
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 973
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 974

2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 975
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 976
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 977
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 978
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 979
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 980
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 981
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 982
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 983
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 984
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 985
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 986
penetration in violation of former section 2907.12 of the Revised 987
Code, a violation of section 2905.04 of the Revised Code as it 988
existed prior to July 1, 1996, a violation of section 2919.23 of 989
the Revised Code that would have been a violation of section 990
2905.04 of the Revised Code as it existed prior to July 1, 1996, 991
had the violation been committed prior to that date; 992

(b) A violation of an existing or former municipal ordinance 993
or law of this state, any other state, or the United States that 994
is substantially equivalent to any of the offenses listed in 995
division (A)(5)(a) of this section. 996

(6) On receipt of a request pursuant to section 3701.881 of 997
the Revised Code with respect to an applicant for employment with 998
a home health agency in a position that involves providing direct 999
care to an older adult, a completed form prescribed pursuant to 1000
division (C)(1) of this section, and a set of fingerprint 1001
impressions obtained in the manner described in division (C)(2) of 1002
this section, the superintendent of the bureau of criminal 1003
identification and investigation shall conduct a criminal records 1004
check. The superintendent shall conduct the criminal records check 1005
in the manner described in division (B) of this section to 1006

determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any offense specified in section 3319.31 of the Revised Code.

(8) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been

convicted of or pleaded guilty to any of the following: 1039

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1040
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1041
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1042
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1043
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1044
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1045
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1046
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1047
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1048
of the Revised Code, a violation of section 2905.04 of the Revised 1049
Code as it existed prior to July 1, 1996, a violation of section 1050
2919.23 of the Revised Code that would have been a violation of 1051
section 2905.04 of the Revised Code as it existed prior to July 1, 1052
1996, had the violation been committed prior to that date, a 1053
violation of section 2925.11 of the Revised Code that is not a 1054
minor drug possession offense, two or more OVI or OVUAC violations 1055
committed within the three years immediately preceding the 1056
submission of the application or petition that is the basis of the 1057
request, or felonious sexual penetration in violation of former 1058
section 2907.12 of the Revised Code; 1059

(b) A violation of an existing or former law of this state, 1060
any other state, or the United States that is substantially 1061
equivalent to any of the offenses listed in division (A)(8)(a) of 1062
this section. 1063

(9) Upon receipt of a request pursuant to section 5104.012 or 1064
5104.013 of the Revised Code, a completed form prescribed pursuant 1065
to division (C)(1) of this section, and a set of fingerprint 1066
impressions obtained in the manner described in division (C)(2) of 1067
this section, the superintendent of the bureau of criminal 1068
identification and investigation shall conduct a criminal records 1069
check in the manner described in division (B) of this section to 1070

determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(9)(a) of this section.

(10) Upon receipt of a request pursuant to section 5153.111

of the Revised Code, a completed form prescribed pursuant to 1103
division (C)(1) of this section, and a set of fingerprint 1104
impressions obtained in the manner described in division (C)(2) of 1105
this section, the superintendent of the bureau of criminal 1106
identification and investigation shall conduct a criminal records 1107
check in the manner described in division (B) of this section to 1108
determine whether any information exists that indicates that the 1109
person who is the subject of the request previously has been 1110
convicted of or pleaded guilty to any of the following: 1111

(a) A violation of section 2903.01, 2903.02, 2903.03, 1112
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1113
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1114
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1115
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1116
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1117
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1118
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1119
felonious sexual penetration in violation of former section 1120
2907.12 of the Revised Code, a violation of section 2905.04 of the 1121
Revised Code as it existed prior to July 1, 1996, a violation of 1122
section 2919.23 of the Revised Code that would have been a 1123
violation of section 2905.04 of the Revised Code as it existed 1124
prior to July 1, 1996, had the violation been committed prior to 1125
that date, or a violation of section 2925.11 of the Revised Code 1126
that is not a minor drug possession offense; 1127

(b) A violation of an existing or former law of this state, 1128
any other state, or the United States that is substantially 1129
equivalent to any of the offenses listed in division (A)(10)(a) of 1130
this section. 1131

(11) On receipt of a request for a criminal records check 1132
from an individual pursuant to section 4749.03 or 4749.06 of the 1133
Revised Code, accompanied by a completed copy of the form 1134

prescribed in division (C)(1) of this section and a set of 1135
fingerprint impressions obtained in a manner described in division 1136
(C)(2) of this section, the superintendent of the bureau of 1137
criminal identification and investigation shall conduct a criminal 1138
records check in the manner described in division (B) of this 1139
section to determine whether any information exists indicating 1140
that the person who is the subject of the request has been 1141
convicted of or pleaded guilty to a felony in this state or in any 1142
other state. If the individual indicates that a firearm will be 1143
carried in the course of business, the superintendent shall 1144
require information from the federal bureau of investigation as 1145
described in division (B)(2) of this section. The superintendent 1146
shall report the findings of the criminal records check and any 1147
information the federal bureau of investigation provides to the 1148
director of public safety. 1149

(12) On receipt of a request pursuant to section 1321.37, 1150
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1151
Code, a completed form prescribed pursuant to division (C)(1) of 1152
this section, and a set of fingerprint impressions obtained in the 1153
manner described in division (C)(2) of this section, the 1154
superintendent of the bureau of criminal identification and 1155
investigation shall conduct a criminal records check with respect 1156
to any person who has applied for a license, permit, or 1157
certification from the department of commerce or a division in the 1158
department. The superintendent shall conduct the criminal records 1159
check in the manner described in division (B) of this section to 1160
determine whether any information exists that indicates that the 1161
person who is the subject of the request previously has been 1162
convicted of or pleaded guilty to any of the following: a 1163
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 1164
2925.03 of the Revised Code; any other criminal offense involving 1165
theft, receiving stolen property, embezzlement, forgery, fraud, 1166
passing bad checks, money laundering, or drug trafficking, or any 1167

criminal offense involving money or securities, as set forth in 1168
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1169
the Revised Code; or any existing or former law of this state, any 1170
other state, or the United States that is substantially equivalent 1171
to those offenses. 1172

(13) On receipt of a request for a criminal records check 1173
from the treasurer of state under section 113.041 of the Revised 1174
Code or from an individual under section 4701.08, 4715.101, 1175
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1176
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1177
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1178
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1179
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1180
a completed form prescribed under division (C)(1) of this section 1181
and a set of fingerprint impressions obtained in the manner 1182
described in division (C)(2) of this section, the superintendent 1183
of the bureau of criminal identification and investigation shall 1184
conduct a criminal records check in the manner described in 1185
division (B) of this section to determine whether any information 1186
exists that indicates that the person who is the subject of the 1187
request has been convicted of or pleaded guilty to any criminal 1188
offense in this state or any other state. The superintendent shall 1189
send the results of a check requested under section 113.041 of the 1190
Revised Code to the treasurer of state and shall send the results 1191
of a check requested under any of the other listed sections to the 1192
licensing board specified by the individual in the request. 1193

(14) On receipt of a request pursuant to section 1121.23, 1194
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1195
Code, a completed form prescribed pursuant to division (C)(1) of 1196
this section, and a set of fingerprint impressions obtained in the 1197
manner described in division (C)(2) of this section, the 1198
superintendent of the bureau of criminal identification and 1199

investigation shall conduct a criminal records check in the manner 1200
described in division (B) of this section to determine whether any 1201
information exists that indicates that the person who is the 1202
subject of the request previously has been convicted of or pleaded 1203
guilty to any criminal offense under any existing or former law of 1204
this state, any other state, or the United States. 1205

(15) On receipt of a request for a criminal records check 1206
from an appointing or licensing authority under section 3772.07 of 1207
the Revised Code, a completed form prescribed under division 1208
(C)(1) of this section, and a set of fingerprint impressions 1209
obtained in the manner prescribed in division (C)(2) of this 1210
section, the superintendent of the bureau of criminal 1211
identification and investigation shall conduct a criminal records 1212
check in the manner described in division (B) of this section to 1213
determine whether any information exists that indicates that the 1214
person who is the subject of the request previously has been 1215
convicted of or pleaded guilty or no contest to any offense under 1216
any existing or former law of this state, any other state, or the 1217
United States that is a disqualifying offense as defined in 1218
section 3772.07 of the Revised Code or substantially equivalent to 1219
such an offense. 1220

(16) Not later than thirty days after the date the 1221
superintendent receives a request of a type described in division 1222
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 1223
~~or~~ (14), or (15) of this section, the completed form, and the 1224
fingerprint impressions, the superintendent shall send the person, 1225
board, or entity that made the request any information, other than 1226
information the dissemination of which is prohibited by federal 1227
law, the superintendent determines exists with respect to the 1228
person who is the subject of the request that indicates that the 1229
person previously has been convicted of or pleaded guilty to any 1230
offense listed or described in division (A)(1), (2), (3), (4), 1231

(5), (6), (7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of 1232
this section, as appropriate. The superintendent shall send the 1233
person, board, or entity that made the request a copy of the list 1234
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 1235
(7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of this section, 1236
as appropriate. If the request was made under section 3701.881 of 1237
the Revised Code with regard to an applicant who may be both 1238
responsible for the care, custody, or control of a child and 1239
involved in providing direct care to an older adult, the 1240
superintendent shall provide a list of the offenses specified in 1241
divisions (A)(4) and (6) of this section. 1242

Not later than thirty days after the superintendent receives 1243
a request for a criminal records check pursuant to section 113.041 1244
of the Revised Code, the completed form, and the fingerprint 1245
impressions, the superintendent shall send the treasurer of state 1246
any information, other than information the dissemination of which 1247
is prohibited by federal law, the superintendent determines exist 1248
with respect to the person who is the subject of the request that 1249
indicates that the person previously has been convicted of or 1250
pleaded guilty to any criminal offense in this state or any other 1251
state. 1252

(B) The superintendent shall conduct any criminal records 1253
check requested under section 113.041, 121.08, 173.27, 173.394, 1254
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1255
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1256
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 1257
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1258
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1259
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1260
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1261
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1262
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1263

5126.281, or 5153.111 of the Revised Code as follows: 1264

(1) The superintendent shall review or cause to be reviewed 1265
any relevant information gathered and compiled by the bureau under 1266
division (A) of section 109.57 of the Revised Code that relates to 1267
the person who is the subject of the request, including, if the 1268
criminal records check was requested under section 113.041, 1269
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1270
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1271
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1272
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1273
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1274
5153.111 of the Revised Code, any relevant information contained 1275
in records that have been sealed under section 2953.32 of the 1276
Revised Code; 1277

(2) If the request received by the superintendent asks for 1278
information from the federal bureau of investigation, the 1279
superintendent shall request from the federal bureau of 1280
investigation any information it has with respect to the person 1281
who is the subject of the request, including fingerprint-based 1282
checks of national crime information databases as described in 42 1283
U.S.C. 671 if the request is made pursuant to section 2151.86, 1284
5104.012, or 5104.013 of the Revised Code or if any other Revised 1285
Code section requires fingerprint-based checks of that nature, and 1286
shall review or cause to be reviewed any information the 1287
superintendent receives from that bureau. If a request under 1288
section 3319.39 of the Revised Code asks only for information from 1289
the federal bureau of investigation, the superintendent shall not 1290
conduct the review prescribed by division (B)(1) of this section. 1291

(3) The superintendent or the superintendent's designee may 1292
request criminal history records from other states or the federal 1293
government pursuant to the national crime prevention and privacy 1294
compact set forth in section 109.571 of the Revised Code. 1295

(C)(1) The superintendent shall prescribe a form to obtain 1296
the information necessary to conduct a criminal records check from 1297
any person for whom a criminal records check is requested under 1298
section 113.041 of the Revised Code or required by section 121.08, 1299
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1300
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1301
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 1302
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 1303
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1304
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 1305
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 1306
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1307
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1308
5126.281, or 5153.111 of the Revised Code. The form that the 1309
superintendent prescribes pursuant to this division may be in a 1310
tangible format, in an electronic format, or in both tangible and 1311
electronic formats. 1312

(2) The superintendent shall prescribe standard impression 1313
sheets to obtain the fingerprint impressions of any person for 1314
whom a criminal records check is requested under section 113.041 1315
of the Revised Code or required by section 121.08, 173.27, 1316
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1317
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1318
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 1319
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1320
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1321
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1322
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1323
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1324
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1325
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1326
records check is requested under or required by any of those 1327
sections shall obtain the fingerprint impressions at a county 1328

sheriff's office, municipal police department, or any other entity 1329
with the ability to make fingerprint impressions on the standard 1330
impression sheets prescribed by the superintendent. The office, 1331
department, or entity may charge the person a reasonable fee for 1332
making the impressions. The standard impression sheets the 1333
superintendent prescribes pursuant to this division may be in a 1334
tangible format, in an electronic format, or in both tangible and 1335
electronic formats. 1336

(3) Subject to division (D) of this section, the 1337
superintendent shall prescribe and charge a reasonable fee for 1338
providing a criminal records check requested under section 1339
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1340
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1341
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1342
3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 1343
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1344
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 1345
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 1346
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 1347
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1348
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 1349
person making a criminal records request under any of those 1350
sections shall pay the fee prescribed pursuant to this division. A 1351
person making a request under section 3701.881 of the Revised Code 1352
for a criminal records check for an applicant who may be both 1353
responsible for the care, custody, or control of a child and 1354
involved in providing direct care to an older adult shall pay one 1355
fee for the request. In the case of a request under section 1356
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 1357
of the Revised Code, the fee shall be paid in the manner specified 1358
in that section. 1359

(4) The superintendent of the bureau of criminal 1360

identification and investigation may prescribe methods of 1361
forwarding fingerprint impressions and information necessary to 1362
conduct a criminal records check, which methods shall include, but 1363
not be limited to, an electronic method. 1364

(D) A determination whether any information exists that 1365
indicates that a person previously has been convicted of or 1366
pleaded guilty to any offense listed or described in division 1367
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1368
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1369
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), ~~or~~ (A)(14), or 1370
(A)(15) of this section, or that indicates that a person 1371
previously has been convicted of or pleaded guilty to any criminal 1372
offense in this state or any other state regarding a criminal 1373
records check of a type described in division (A)(13) of this 1374
section, and that is made by the superintendent with respect to 1375
information considered in a criminal records check in accordance 1376
with this section is valid for the person who is the subject of 1377
the criminal records check for a period of one year from the date 1378
upon which the superintendent makes the determination. During the 1379
period in which the determination in regard to a person is valid, 1380
if another request under this section is made for a criminal 1381
records check for that person, the superintendent shall provide 1382
the information that is the basis for the superintendent's initial 1383
determination at a lower fee than the fee prescribed for the 1384
initial criminal records check. 1385

(E) As used in this section: 1386

(1) "Criminal records check" means any criminal records check 1387
conducted by the superintendent of the bureau of criminal 1388
identification and investigation in accordance with division (B) 1389
of this section. 1390

(2) "Minor drug possession offense" has the same meaning as 1391
in section 2925.01 of the Revised Code. 1392

(3) "Older adult" means a person age sixty or older.	1393
(4) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	1394 1395 1396 1397 1398
Sec. 109.71. There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one member who is the special agent in charge of a field office of the federal bureau of investigation in this state; and one member from the department of education, trade and industrial education services, law enforcement training.	1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410
This section does not confer any arrest authority or any ability or authority to detain a person, write or issue any citation, or provide any disposition alternative, as granted under Chapter 2935. of the Revised Code.	1411 1412 1413 1414
As used in sections 109.71 to 109.801 of the Revised Code:	1415
(A) "Peace officer" means:	1416
(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is	1417 1418 1419 1420 1421 1422

commissioned and employed as a peace officer by a political 1423
subdivision of this state or by a metropolitan housing authority, 1424
and whose primary duties are to preserve the peace, to protect 1425
life and property, and to enforce the laws of this state, 1426
ordinances of a municipal corporation, resolutions of a township, 1427
or regulations of a board of county commissioners or board of 1428
township trustees, or any of those laws, ordinances, resolutions, 1429
or regulations; 1430

(2) A police officer who is employed by a railroad company 1431
and appointed and commissioned by the secretary of state pursuant 1432
to sections 4973.17 to 4973.22 of the Revised Code; 1433

(3) Employees of the department of taxation engaged in the 1434
enforcement of Chapter 5743. of the Revised Code and designated by 1435
the tax commissioner for peace officer training for purposes of 1436
the delegation of investigation powers under section 5743.45 of 1437
the Revised Code; 1438

(4) An undercover drug agent; 1439

(5) Enforcement agents of the department of public safety 1440
whom the director of public safety designates under section 1441
5502.14 of the Revised Code; 1442

(6) An employee of the department of natural resources who is 1443
a natural resources law enforcement staff officer designated 1444
pursuant to section 1501.013, a park officer designated pursuant 1445
to section 1541.10, a forest officer designated pursuant to 1446
section 1503.29, a preserve officer designated pursuant to section 1447
1517.10, a wildlife officer designated pursuant to section 1448
1531.13, or a state watercraft officer designated pursuant to 1449
section 1547.521 of the Revised Code; 1450

(7) An employee of a park district who is designated pursuant 1451
to section 511.232 or 1545.13 of the Revised Code; 1452

(8) An employee of a conservancy district who is designated 1453

pursuant to section 6101.75 of the Revised Code;	1454
(9) A police officer who is employed by a hospital that	1455
employs and maintains its own proprietary police department or	1456
security department, and who is appointed and commissioned by the	1457
secretary of state pursuant to sections 4973.17 to 4973.22 of the	1458
Revised Code;	1459
(10) Veterans' homes police officers designated under section	1460
5907.02 of the Revised Code;	1461
(11) A police officer who is employed by a qualified	1462
nonprofit corporation police department pursuant to section	1463
1702.80 of the Revised Code;	1464
(12) A state university law enforcement officer appointed	1465
under section 3345.04 of the Revised Code or a person serving as a	1466
state university law enforcement officer on a permanent basis on	1467
June 19, 1978, who has been awarded a certificate by the executive	1468
director of the Ohio peace officer training commission attesting	1469
to the person's satisfactory completion of an approved state,	1470
county, municipal, or department of natural resources peace	1471
officer basic training program;	1472
(13) A special police officer employed by the department of	1473
mental health pursuant to section 5119.14 of the Revised Code or	1474
the department of developmental disabilities pursuant to section	1475
5123.13 of the Revised Code;	1476
(14) A member of a campus police department appointed under	1477
section 1713.50 of the Revised Code;	1478
(15) A member of a police force employed by a regional	1479
transit authority under division (Y) of section 306.35 of the	1480
Revised Code;	1481
(16) Investigators appointed by the auditor of state pursuant	1482
to section 117.091 of the Revised Code and engaged in the	1483

enforcement of Chapter 117. of the Revised Code; 1484

(17) A special police officer designated by the 1485
superintendent of the state highway patrol pursuant to section 1486
5503.09 of the Revised Code or a person who was serving as a 1487
special police officer pursuant to that section on a permanent 1488
basis on October 21, 1997, and who has been awarded a certificate 1489
by the executive director of the Ohio peace officer training 1490
commission attesting to the person's satisfactory completion of an 1491
approved state, county, municipal, or department of natural 1492
resources peace officer basic training program; 1493

(18) A special police officer employed by a port authority 1494
under section 4582.04 or 4582.28 of the Revised Code or a person 1495
serving as a special police officer employed by a port authority 1496
on a permanent basis on May 17, 2000, who has been awarded a 1497
certificate by the executive director of the Ohio peace officer 1498
training commission attesting to the person's satisfactory 1499
completion of an approved state, county, municipal, or department 1500
of natural resources peace officer basic training program; 1501

(19) A special police officer employed by a municipal 1502
corporation who has been awarded a certificate by the executive 1503
director of the Ohio peace officer training commission for 1504
satisfactory completion of an approved peace officer basic 1505
training program and who is employed on a permanent basis on or 1506
after March 19, 2003, at a municipal airport, or other municipal 1507
air navigation facility, that has scheduled operations, as defined 1508
in section 119.3 of Title 14 of the Code of Federal Regulations, 1509
14 C.F.R. 119.3, as amended, and that is required to be under a 1510
security program and is governed by aviation security rules of the 1511
transportation security administration of the United States 1512
department of transportation as provided in Parts 1542. and 1544. 1513
of Title 49 of the Code of Federal Regulations, as amended; 1514

(20) A police officer who is employed by an owner or operator 1515

of an amusement park that has an average yearly attendance in 1516
excess of six hundred thousand guests and that employs and 1517
maintains its own proprietary police department or security 1518
department, and who is appointed and commissioned by a judge of 1519
the appropriate municipal court or county court pursuant to 1520
section 4973.17 of the Revised Code; 1521

(21) A police officer who is employed by a bank, savings and 1522
loan association, savings bank, credit union, or association of 1523
banks, savings and loan associations, savings banks, or credit 1524
unions, who has been appointed and commissioned by the secretary 1525
of state pursuant to sections 4973.17 to 4973.22 of the Revised 1526
Code, and who has been awarded a certificate by the executive 1527
director of the Ohio peace officer training commission attesting 1528
to the person's satisfactory completion of a state, county, 1529
municipal, or department of natural resources peace officer basic 1530
training program; 1531

(22) An investigator, as defined in section 109.541 of the 1532
Revised Code, of the bureau of criminal identification and 1533
investigation who is commissioned by the superintendent of the 1534
bureau as a special agent for the purpose of assisting law 1535
enforcement officers or providing emergency assistance to peace 1536
officers pursuant to authority granted under that section; 1537

(23) A state fire marshal law enforcement officer appointed 1538
under section 3737.22 of the Revised Code or a person serving as a 1539
state fire marshal law enforcement officer on a permanent basis on 1540
or after July 1, 1982, who has been awarded a certificate by the 1541
executive director of the Ohio peace officer training commission 1542
attesting to the person's satisfactory completion of an approved 1543
state, county, municipal, or department of natural resources peace 1544
officer basic training program; 1545

(24) A gaming agent employed under section 3772.03 of the 1546
Revised Code. 1547

(B) "Undercover drug agent" has the same meaning as in 1548
division (B)(2) of section 109.79 of the Revised Code. 1549

(C) "Crisis intervention training" means training in the use 1550
of interpersonal and communication skills to most effectively and 1551
sensitively interview victims of rape. 1552

(D) "Missing children" has the same meaning as in section 1553
2901.30 of the Revised Code. 1554

Sec. 109.77. (A) As used in this section, "felony" has the 1555
same meaning as in section 109.511 of the Revised Code. 1556

(B)(1) Notwithstanding any general, special, or local law or 1557
charter to the contrary, and except as otherwise provided in this 1558
section, no person shall receive an original appointment on a 1559
permanent basis as any of the following unless the person 1560
previously has been awarded a certificate by the executive 1561
director of the Ohio peace officer training commission attesting 1562
to the person's satisfactory completion of an approved state, 1563
county, municipal, or department of natural resources peace 1564
officer basic training program: 1565

(a) A peace officer of any county, township, municipal 1566
corporation, regional transit authority, or metropolitan housing 1567
authority; 1568

(b) A natural resources law enforcement staff officer, park 1569
officer, forest officer, preserve officer, wildlife officer, or 1570
state watercraft officer of the department of natural resources; 1571

(c) An employee of a park district under section 511.232 or 1572
1545.13 of the Revised Code; 1573

(d) An employee of a conservancy district who is designated 1574
pursuant to section 6101.75 of the Revised Code; 1575

(e) A state university law enforcement officer; 1576

(f) A special police officer employed by the department of
mental health pursuant to section 5119.14 of the Revised Code or
the department of developmental disabilities pursuant to section
5123.13 of the Revised Code;

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(g) An enforcement agent of the department of public safety
whom the director of public safety designates under section
5502.14 of the Revised Code;

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(h) A special police officer employed by a port authority
under section 4582.04 or 4582.28 of the Revised Code;

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(i) A special police officer employed by a municipal
corporation at a municipal airport, or other municipal air
navigation facility, that has scheduled operations, as defined in
section 119.3 of Title 14 of the Code of Federal Regulations, 14
C.F.R. 119.3, as amended, and that is required to be under a
security program and is governed by aviation security rules of the
transportation security administration of the United States
department of transportation as provided in Parts 1542. and 1544.
of Title 49 of the Code of Federal Regulations, as amended;

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(j) A gaming agent employed under section 3772.03 of the
Revised Code.

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(2) Every person who is appointed on a temporary basis or for
a probationary term or on other than a permanent basis as any of
the following shall forfeit the appointed position unless the
person previously has completed satisfactorily or, within the time
prescribed by rules adopted by the attorney general pursuant to
section 109.74 of the Revised Code, satisfactorily completes a
state, county, municipal, or department of natural resources peace
officer basic training program for temporary or probationary
officers and is awarded a certificate by the director attesting to
the satisfactory completion of the program:

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(a) A peace officer of any county, township, municipal

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corporation, regional transit authority, or metropolitan housing authority; 1608
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(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources; 1610
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(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code; 1613
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(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code; 1615
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(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code; 1617
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(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code; 1621
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(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; 1624
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(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended. 1626
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(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program 1635
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is to be completed by peace officers appointed on a permanent or 1638
temporary, probationary, or other nonpermanent basis, shall 1639
include training in the handling of the offense of domestic 1640
violence, other types of domestic violence-related offenses and 1641
incidents, and protection orders and consent agreements issued or 1642
approved under section 2919.26 or 3113.31 of the Revised Code and 1643
crisis intervention training. The requirement to complete training 1644
in the handling of the offense of domestic violence, other types 1645
of domestic violence-related offenses and incidents, and 1646
protection orders and consent agreements issued or approved under 1647
section 2919.26 or 3113.31 of the Revised Code does not apply to 1648
any person serving as a peace officer on March 27, 1979, and the 1649
requirement to complete training in crisis intervention does not 1650
apply to any person serving as a peace officer on April 4, 1985. 1651
Any person who is serving as a peace officer on April 4, 1985, who 1652
terminates that employment after that date, and who subsequently 1653
is hired as a peace officer by the same or another law enforcement 1654
agency shall complete training in crisis intervention as 1655
prescribed by rules adopted by the attorney general pursuant to 1656
section 109.742 of the Revised Code. No peace officer shall have 1657
employment as a peace officer terminated and then be reinstated 1658
with intent to circumvent this section. 1659

(4) Division (B) of this section does not apply to any person 1660
serving on a permanent basis on March 28, 1985, as a park officer, 1661
forest officer, preserve officer, wildlife officer, or state 1662
watercraft officer of the department of natural resources or as an 1663
employee of a park district under section 511.232 or 1545.13 of 1664
the Revised Code, to any person serving on a permanent basis on 1665
March 6, 1986, as an employee of a conservancy district designated 1666
pursuant to section 6101.75 of the Revised Code, to any person 1667
serving on a permanent basis on January 10, 1991, as a preserve 1668
officer of the department of natural resources, to any person 1669
employed on a permanent basis on July 2, 1992, as a special police 1670

officer by the department of mental health pursuant to section 1671
5119.14 of the Revised Code or by the department of developmental 1672
disabilities pursuant to section 5123.13 of the Revised Code, to 1673
any person serving on a permanent basis on May 17, 2000, as a 1674
special police officer employed by a port authority under section 1675
4582.04 or 4582.28 of the Revised Code, to any person serving on a 1676
permanent basis on March 19, 2003, as a special police officer 1677
employed by a municipal corporation at a municipal airport or 1678
other municipal air navigation facility described in division 1679
(A)(19) of section 109.71 of the Revised Code, to any person 1680
serving on a permanent basis on June 19, 1978, as a state 1681
university law enforcement officer pursuant to section 3345.04 of 1682
the Revised Code and who, immediately prior to June 19, 1978, was 1683
serving as a special police officer designated under authority of 1684
that section, or to any person serving on a permanent basis on 1685
September 20, 1984, as a liquor control investigator, known after 1686
June 30, 1999, as an enforcement agent of the department of public 1687
safety, engaged in the enforcement of Chapters 4301. and 4303. of 1688
the Revised Code. 1689

(5) Division (B) of this section does not apply to any person 1690
who is appointed as a regional transit authority police officer 1691
pursuant to division (Y) of section 306.35 of the Revised Code if, 1692
on or before July 1, 1996, the person has completed satisfactorily 1693
an approved state, county, municipal, or department of natural 1694
resources peace officer basic training program and has been 1695
awarded a certificate by the executive director of the Ohio peace 1696
officer training commission attesting to the person's satisfactory 1697
completion of such an approved program and if, on July 1, 1996, 1698
the person is performing peace officer functions for a regional 1699
transit authority. 1700

(C) No person, after September 20, 1984, shall receive an 1701
original appointment on a permanent basis as a veterans' home 1702

police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following:

(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program approved by the Ohio peace officer training commission prior to employment as a bailiff, deputy bailiff, or criminal investigator;

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in the case of a criminal investigator, by the state public defender and has received training in the use of firearms that the Ohio

peace officer training commission determines is equivalent to the 1735
training that otherwise is required by division (D) of this 1736
section. 1737

(E)(1) Before a person seeking a certificate completes an 1738
approved peace officer basic training program, the executive 1739
director of the Ohio peace officer training commission shall 1740
request the person to disclose, and the person shall disclose, any 1741
previous criminal conviction of or plea of guilty of that person 1742
to a felony. 1743

(2) Before a person seeking a certificate completes an 1744
approved peace officer basic training program, the executive 1745
director shall request a criminal history records check on the 1746
person. The executive director shall submit the person's 1747
fingerprints to the bureau of criminal identification and 1748
investigation, which shall submit the fingerprints to the federal 1749
bureau of investigation for a national criminal history records 1750
check. 1751

Upon receipt of the executive director's request, the bureau 1752
of criminal identification and investigation and the federal 1753
bureau of investigation shall conduct a criminal history records 1754
check on the person and, upon completion of the check, shall 1755
provide a copy of the criminal history records check to the 1756
executive director. The executive director shall not award any 1757
certificate prescribed in this section unless the executive 1758
director has received a copy of the criminal history records check 1759
on the person to whom the certificate is to be awarded. 1760

(3) The executive director of the commission shall not award 1761
a certificate prescribed in this section to a person who has been 1762
convicted of or has pleaded guilty to a felony or who fails to 1763
disclose any previous criminal conviction of or plea of guilty to 1764
a felony as required under division (E)(1) of this section. 1765

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, before completion of an approved peace officer basic training program, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997;

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the

executive director shall reinstate the certificate awarded to the 1798
person under this section. If the person files an appeal from that 1799
person's conviction of the felony and the conviction is upheld by 1800
the highest court to which the appeal is taken or if the person 1801
does not file a timely appeal, the executive director shall revoke 1802
the certificate awarded to the person under this section. 1803

(G)(1) If a person is awarded a certificate under this 1804
section and the certificate is revoked pursuant to division (E)(4) 1805
or (F) of this section, the person shall not be eligible to 1806
receive, at any time, a certificate attesting to the person's 1807
satisfactory completion of a peace officer basic training program. 1808

(2) The revocation or suspension of a certificate under 1809
division (E)(4) or (F) of this section shall be in accordance with 1810
Chapter 119. of the Revised Code. 1811

(H)(1) A person who was employed as a peace officer of a 1812
county, township, or municipal corporation of the state on January 1813
1, 1966, and who has completed at least sixteen years of full-time 1814
active service as such a peace officer, or equivalent service as 1815
determined by the executive director of the Ohio peace officer 1816
training commission, may receive an original appointment on a 1817
permanent basis and serve as a peace officer of a county, 1818
township, or municipal corporation, or as a state university law 1819
enforcement officer, without complying with the requirements of 1820
division (B) of this section. 1821

(2) Any person who held an appointment as a state highway 1822
trooper on January 1, 1966, may receive an original appointment on 1823
a permanent basis and serve as a peace officer of a county, 1824
township, or municipal corporation, or as a state university law 1825
enforcement officer, without complying with the requirements of 1826
division (B) of this section. 1827

(I) No person who is appointed as a peace officer of a 1828

county, township, or municipal corporation on or after April 9, 1829
1985, shall serve as a peace officer of that county, township, or 1830
municipal corporation unless the person has received training in 1831
the handling of missing children and child abuse and neglect cases 1832
from an approved state, county, township, or municipal police 1833
officer basic training program or receives the training within the 1834
time prescribed by rules adopted by the attorney general pursuant 1835
to section 109.741 of the Revised Code. 1836

(J) No part of any approved state, county, or municipal basic 1837
training program for bailiffs and deputy bailiffs of courts of 1838
record and no part of any approved state, county, or municipal 1839
basic training program for criminal investigators employed by the 1840
state public defender shall be used as credit toward the 1841
completion by a peace officer of any part of the approved state, 1842
county, or municipal peace officer basic training program that the 1843
peace officer is required by this section to complete 1844
satisfactorily. 1845

(K) This section does not apply to any member of the police 1846
department of a municipal corporation in an adjoining state 1847
serving in this state under a contract pursuant to section 737.04 1848
of the Revised Code. 1849

Sec. 109.79. (A) The Ohio peace officer training commission 1850
shall establish and conduct a training school for law enforcement 1851
officers of any political subdivision of the state or of the state 1852
public defender's office. The school shall be known as the Ohio 1853
peace officer training academy. No bailiff or deputy bailiff of a 1854
court of record of this state and no criminal investigator 1855
employed by the state public defender shall be permitted to attend 1856
the academy for training unless the employing court of the bailiff 1857
or deputy bailiff or the state public defender, whichever is 1858
applicable, has authorized the bailiff, deputy bailiff, or 1859

investigator to attend the academy. 1860

The Ohio peace officer training commission shall develop the 1861
training program, which shall include courses in both the civil 1862
and criminal functions of law enforcement officers, a course in 1863
crisis intervention with six or more hours of training, and 1864
training in the handling of missing children and child abuse and 1865
neglect cases, and shall establish rules governing qualifications 1866
for admission to the academy. The commission may require 1867
competitive examinations to determine fitness of prospective 1868
trainees, so long as the examinations or other criteria for 1869
admission to the academy are consistent with the provisions of 1870
Chapter 124. of the Revised Code. 1871

The Ohio peace officer training commission shall determine 1872
tuition costs sufficient in the aggregate to pay the costs of 1873
operating the academy. The costs of acquiring and equipping the 1874
academy shall be paid from appropriations made by the general 1875
assembly to the Ohio peace officer training commission for that 1876
purpose, from gifts or grants received for that purpose, or from 1877
fees for goods related to the academy. 1878

The Ohio peace officer training commission shall create a 1879
gaming-related curriculum for gaming agents. The Ohio peace 1880
officer training commission shall use money distributed to the 1881
Ohio peace officer training academy from the Ohio law enforcement 1882
training fund to first support the academy's training programs for 1883
gaming agents and gaming-related curriculum. The Ohio peace 1884
officer training commission may utilize existing training programs 1885
in other states that specialize in training gaming agents. 1886

The law enforcement officers, during the period of their 1887
training, shall receive compensation as determined by the 1888
political subdivision that sponsors them or, if the officer is a 1889
criminal investigator employed by the state public defender, as 1890
determined by the state public defender. The political subdivision 1891

may pay the tuition costs of the law enforcement officers they 1892
sponsor and the state public defender may pay the tuition costs of 1893
criminal investigators of that office who attend the academy. 1894

If trainee vacancies exist, the academy may train and issue 1895
certificates of satisfactory completion to peace officers who are 1896
employed by a campus police department pursuant to section 1713.50 1897
of the Revised Code, by a qualified nonprofit corporation police 1898
department pursuant to section 1702.80 of the Revised Code, or by 1899
a railroad company, who are amusement park police officers 1900
appointed and commissioned by a judge of the appropriate municipal 1901
court or county court pursuant to section 4973.17 of the Revised 1902
Code, or who are bank, savings and loan association, savings bank, 1903
credit union, or association of banks, savings and loan 1904
associations, savings banks, or credit unions, or hospital police 1905
officers appointed and commissioned by the secretary of state 1906
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 1907
provided that no such officer shall be trained at the academy 1908
unless the officer meets the qualifications established for 1909
admission to the academy and the qualified nonprofit corporation 1910
police department; bank, savings and loan association, savings 1911
bank, credit union, or association of banks, savings and loan 1912
associations, savings banks, or credit unions; railroad company; 1913
hospital; or amusement park or the private college or university 1914
that established the campus police department prepays the entire 1915
cost of the training. A qualified nonprofit corporation police 1916
department; bank, savings and loan association, savings bank, 1917
credit union, or association of banks, savings and loan 1918
associations, savings banks, or credit unions; railroad company; 1919
hospital; or amusement park or a private college or university 1920
that has established a campus police department is not entitled to 1921
reimbursement from the state for any amount paid for the cost of 1922
training the bank, savings and loan association, savings bank, 1923
credit union, or association of banks, savings and loan 1924

associations, savings banks, or credit unions peace officers; the 1925
railroad company's peace officers; or the peace officers of the 1926
qualified nonprofit corporation police department, campus police 1927
department, hospital, or amusement park. 1928

The academy shall permit investigators employed by the state 1929
medical board to take selected courses that the board determines 1930
are consistent with its responsibilities for initial and 1931
continuing training of investigators as required under sections 1932
4730.26 and 4731.05 of the Revised Code. The board shall pay the 1933
entire cost of training that investigators receive at the academy. 1934

(B) As used in this section: 1935

(1) "Law enforcement officers" include any undercover drug 1936
agent, any bailiff or deputy bailiff of a court of record, and any 1937
criminal investigator who is employed by the state public 1938
defender. 1939

(2) "Undercover drug agent" means any person who: 1940

(a) Is employed by a county, township, or municipal 1941
corporation for the purposes set forth in division (B)(2)(b) of 1942
this section but who is not an employee of a county sheriff's 1943
department, of a township constable, or of the police department 1944
of a municipal corporation or township; 1945

(b) In the course of the person's employment by a county, 1946
township, or municipal corporation, investigates and gathers 1947
information pertaining to persons who are suspected of violating 1948
Chapter 2925. or 3719. of the Revised Code, and generally does not 1949
wear a uniform in the performance of the person's duties. 1950

(3) "Crisis intervention training" has the same meaning as in 1951
section 109.71 of the Revised Code. 1952

(4) "Missing children" has the same meaning as in section 1953
2901.30 of the Revised Code. 1954

Sec. 121.54. As it relates in any way to state funds or public officials subject to the investigatory authority of the inspector general, the inspector general may investigate all wrongful acts or omissions that have been committed by or are being committed by any member of the Ohio casino control commission or its employees.

The inspector general shall conduct a program of random review of the processing of contracts associated with the commission. The random review program shall be designed by the inspector general. The program shall be confidential and may be altered by the inspector general at any time.

The inspector general shall take care to preserve the confidentiality of information contained in responses to questions or in books, records, or papers that are made confidential by law. In performing any investigation, the inspector general shall avoid interfering with the ongoing operations of the entities being investigated, except insofar as is reasonably necessary to successfully complete the investigation.

At the conclusion of an investigation conducted by the inspector general, the inspector general shall deliver to the executive director of the commission, depending on the subject of the investigation, and to the governor, any case for which remedial action is necessary. The inspector general shall maintain a public record of the activities of the inspector general to the extent permitted under this section, ensuring that the rights of the parties involved in each case are protected. The inspector general shall include in the annual report required under section 121.48 of the Revised Code a summary of the activities of the inspector general under this section during the previous year.

No person shall disclose any information that is designated as confidential in accordance with section 121.44 of the Revised

Code or any confidential information that is acquired in the 1986
course of an investigation conducted under this section to any 1987
person who is not legally entitled to disclosure of that 1988
information. 1989

As used in this section, "state agency" and "state employee" 1990
have the same meanings as in section 121.41 of the Revised Code. 1991

Sec. 121.60. As used in sections 121.60 to 121.69 of the 1992
Revised Code: 1993

(A) "Person" and "compensation" have the same meanings as in 1994
section 101.70 of the Revised Code. 1995

(B) "Expenditure" means any of the following that is made to, 1996
at the request of, for the benefit of, or on behalf of an elected 1997
executive official, the director of a department created under 1998
section 121.02 of the Revised Code, an executive agency official, 1999
or a member of the staff of any public officer or employee listed 2000
in this division: 2001

(1) A payment, distribution, loan, advance, deposit, 2002
reimbursement, or gift of money, real estate, or anything of 2003
value, including, but not limited to, food and beverages, 2004
entertainment, lodging, transportation, or honorariums; 2005

(2) A contract, promise, or agreement to make an expenditure, 2006
whether or not legally enforceable; 2007

(3) The purchase, sale, or gift of services or any other 2008
thing of value. "Expenditure" does not include a contribution, 2009
gift, or grant to a foundation or other charitable organization 2010
that is exempt from federal income taxation under subsection 2011
501(c)(3) of the Internal Revenue Code. "Expenditure" does not 2012
include the purchase, sale, or gift of services or any other thing 2013
of value that is available to the general public on the same terms 2014
as it is available to the persons listed in this division, or an 2015

offer or sale of securities to any person listed in this division 2016
that is governed by regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to 2017
~~2301.508~~ 230.508, adopted under the authority of the "Securities 2018
Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is 2019
governed by a comparable provision under state law. 2020

(C) "Employer" means any person who, directly or indirectly, 2021
engages an executive agency lobbyist. 2022

(D) "Engage" means to make any arrangement, and "engagement" 2023
means arrangement, whereby an individual is employed or retained 2024
for compensation to act for or on behalf of an employer to 2025
influence executive agency decisions or to conduct any executive 2026
agency lobbying activity. 2027

(E) "Financial transaction" means a transaction or activity 2028
that is conducted or undertaken for profit and arises from the 2029
joint ownership or the ownership or part ownership in common of 2030
any real or personal property or any commercial or business 2031
enterprise of whatever form or nature between the following: 2032

(1) An executive agency lobbyist, ~~his~~ the executive agency 2033
lobbyist's employer, or a member of the immediate family of the 2034
executive agency lobbyist or ~~his~~ the executive agency lobbyist's 2035
employer; and 2036

(2) Any elected executive official, the director of a 2037
department created under section 121.02 of the Revised Code, an 2038
executive agency official, or any member of the staff of a public 2039
officer or employee listed in division (E)(2) of this section. 2040

"Financial transaction" does not include any transaction or 2041
activity described in division (E) of this section if it is 2042
available to the general public on the same terms, or if it is an 2043
offer or sale of securities to any person listed in division 2044
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 2045
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 2046

of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 2047
following, or that is governed by a comparable provision under 2048
state law. 2049

(F) "Executive agency" means the office of an elected 2050
executive official, a department created under section 121.02 of 2051
the Revised Code, or any other state agency, department, board, or 2052
commission controlled or directed by an elected executive official 2053
or otherwise subject to ~~his~~ an elected executive official's 2054
authority. "Executive agency" does not include any court, the 2055
general assembly, or the controlling board. 2056

(G) "Executive agency decision" means a decision of an 2057
executive agency regarding the expenditure of funds of the state 2058
or of an executive agency with respect to the award of a contract, 2059
grant, lease, or other financial arrangement under which such 2060
funds are distributed or allocated, or a regulatory decision of an 2061
executive agency or any board or commission of the state. 2062
"Executive agency decision" does not include either of the 2063
following: 2064

(1) A purchasing decision for which a vendor has filed a 2065
statement certifying that ~~he~~ the vendor has not made campaign 2066
contributions in an amount such that section 3517.13 of the 2067
Revised Code would invalidate the decision, if that vendor has not 2068
engaged an executive agency lobbyist; 2069

(2) The award of a competitively bid contract for which bid 2070
specifications were prepared and for which at least three eligible 2071
competitive bids were received by the executive agency. 2072

(H) "Executive agency lobbyist" means any person engaged to 2073
influence executive agency decisions or to conduct executive 2074
agency lobbying activity as one of ~~his~~ the person's main purposes 2075
on a regular and substantial basis. "Executive agency lobbyist" 2076
does not include an elected or appointed officer or employee of a 2077

federal or state agency, state college, state university, or 2078
political subdivision who attempts to influence or affect 2079
executive agency decisions in ~~his~~ a fiduciary capacity as a 2080
representative of ~~his~~ the officer's or employee's agency, college, 2081
university, or political subdivision. 2082

(I) "Executive agency lobbying activity" means contacts made 2083
to promote, oppose, or otherwise influence the outcome of an 2084
executive agency decision by direct communication with an elected 2085
executive official, the director of any department listed in 2086
section 121.02 of the Revised Code, any executive agency official, 2087
~~or~~ a member of the staff of any public officer or employee listed 2088
in this division, or the Ohio casino control commission. "Lobbying 2089
activity" does not include any of the following: 2090

(1) The action of any person having a direct interest in 2091
executive agency decisions who, under Section 3 of Article I, Ohio 2092
Constitution, assembles together with other persons to consult for 2093
their common good, instructs a person listed in the first 2094
paragraph of division (I) of this section, or petitions such a 2095
person for the redress of grievances; 2096

(2) Contacts made for the sole purpose of gathering 2097
information contained in a public record; 2098

(3) Appearances before an executive agency to give testimony. 2099

(J) "Executive agency official" means an officer or employee 2100
of an executive agency whose principal duties are to formulate 2101
policy or to participate directly or indirectly in the 2102
preparation, review, or award of contracts, grants, leases, or 2103
other financial arrangements with an executive agency. 2104

(K) "Aggrieved party" means a party entitled to resort to a 2105
remedy. 2106

(L) "Elected executive official" means the governor, 2107
lieutenant governor, secretary of state, auditor of state, 2108

treasurer of state, and the attorney general. 2109

(M) "Staff" means any officer or employee of an executive 2110
agency whose official duties are to formulate policy and who 2111
exercises administrative or supervisory authority or who 2112
authorizes the expenditure of state funds. 2113

Sec. 122.045. The director of development shall establish, 2114
and thereafter shall maintain and improve, an urban workforce 2115
development initiative. The director shall use money in the urban 2116
workforce development fund, which is created in the state 2117
treasury, to establish and administer a competitive process for 2118
making grants under the initiative to one or more entities that 2119
meet criteria determined by the director. The director shall enter 2120
into contracts with grantees under which the grantees develop and 2121
administer programs that reimburse eligible employers for 2122
qualified wage expenditures incurred in connection with the hiring 2123
of eligible employees. The director shall determine what 2124
constitutes qualified wage expenditures. 2125

An individual is an "eligible employee" if the individual has 2126
been hired by an eligible employer who is eligible to receive 2127
reimbursements under the workforce development initiative, the 2128
individual, at the time of hiring, resides in the city in which 2129
the eligible employer's business is located, and the individual 2130
either: (1) was unemployed immediately before being hired by the 2131
eligible employer and, during the period of employment with the 2132
eligible employer, engages in a skills training program that has 2133
been approved by the director or (2) recently graduated from an 2134
educational program relevant to the employment that, upon 2135
completion of the program, granted a degree or certificate to the 2136
individual. The degree or certificate shall have been issued by a 2137
state institution of higher education as defined in section 2138
3345.011 of the Revised Code or otherwise approved by the 2139

director. 2140

An employer is an "eligible employer" if the employer 2141
operates a business that is located in an Ohio city having more 2142
than thirty thousand individuals whose incomes are below one 2143
hundred eighty-five per cent of the poverty rate determined by the 2144
United States bureau of the census in the 2006-2008 American 2145
community survey. 2146

The contracts between the director and the grantees shall 2147
obligate the grantees to encourage eligible employers to enter 2148
into partnerships with cooperative education programs and 2149
internship programs under section 3333.71 of the Revised Code in 2150
conjunction with participation in the urban workforce development 2151
initiative. 2152

The director shall adopt, and may amend and rescind, rules 2153
under Chapter 119. of the Revised Code as are necessary to carry 2154
out the urban workforce development initiative. 2155

Sec. 1705.48. Except as otherwise provided by this chapter or 2156
any other provision of the Revised Code, including, but not 2157
limited to, sections 3734.908, 5739.33, 5743.57, 5747.07, and 2158
~~5753.09~~ 5753.02 of the Revised Code, all of the following apply: 2159

(A) The debts, obligations, and liabilities of a limited 2160
liability company, whether arising in contract, tort, or 2161
otherwise, are solely the debts, obligations, and liabilities of 2162
the limited liability company. 2163

(B) Neither the members of the limited liability company nor 2164
any managers of the limited liability company are personally 2165
liable to satisfy any judgment, decree, or order of a court for, 2166
or are personally liable to satisfy in any other manner, a debt, 2167
obligation, or liability of the company solely by reason of being 2168
a member or manager of the limited liability company. 2169

(C) Nothing in this chapter affects any personal liability of 2170
a member of a limited liability company or any manager of a 2171
limited liability company for the member's or manager's own 2172
actions or omissions. 2173

(D) This chapter does not affect any statutory or common law 2174
of this or another state that pertains to the relationship between 2175
an individual who renders a professional service and a recipient 2176
of that service, including, but not limited to, any contract or 2177
tort liability arising out of acts or omissions committed or 2178
omitted during the course of rendering the professional service. 2179

Sec. 2915.01. As used in this chapter: 2180

(A) "Bookmaking" means the business of receiving or paying 2181
off bets. 2182

(B) "Bet" means the hazarding of anything of value upon the 2183
result of an event, undertaking, or contingency, but does not 2184
include a bona fide business risk. 2185

(C) "Scheme of chance" means a slot machine, lottery, numbers 2186
game, pool conducted for profit, or other scheme in which a 2187
participant gives a valuable consideration for a chance to win a 2188
prize, but does not include bingo, a skill-based amusement 2189
machine, or a pool not conducted for profit. 2190

(D) "Game of chance" means poker, craps, roulette, or other 2191
game in which a player gives anything of value in the hope of 2192
gain, the outcome of which is determined largely by chance, but 2193
does not include bingo. 2194

(E) "Game of chance conducted for profit" means any game of 2195
chance designed to produce income for the person who conducts or 2196
operates the game of chance, but does not include bingo. As used 2197
in this division, "income" includes consideration paid by 2198
participants for admission to any location where games of chance 2199

<u>are conducted.</u>	2200
(F) "Gambling device" means any of the following:	2201
(1) A book, totalizer, or other equipment for recording bets;	2202
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	2203 2204
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	2205 2206 2207
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	2208 2209
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	2210 2211
(G) "Gambling offense" means any of the following:	2212
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, <u>2915.083,</u> 2915.09, 2915.091, 2915.092, <u>2915.093, 2915.094,</u> 2915.10, or <u>2915.101, 2915.11, or 2915.13</u> of the Revised Code;	2213 2214 2215 2216
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	2217 2218 2219 2220 2221
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	2222 2223 2224
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	2225 2226 2227
(H) Except as otherwise provided in this chapter, "charitable	2228

organization" means any tax exempt religious, educational, 2229
veteran's, fraternal, sporting, service, nonprofit medical, 2230
volunteer rescue service, volunteer firefighter's, senior 2231
citizen's, historic railroad educational, youth athletic, amateur 2232
athletic, or youth athletic park organization. An organization is 2233
tax exempt if the organization is, and has received from the 2234
internal revenue service a determination letter that currently is 2235
in effect stating that the organization is, exempt from federal 2236
income taxation under subsection 501(a) and described in 2237
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 2238
501(c)(19) of the Internal Revenue Code, or if the organization is 2239
a sporting organization that is exempt from federal income 2240
taxation under subsection 501(a) and is described in subsection 2241
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 2242
organization, an organization, except a volunteer rescue service 2243
~~or~~, volunteer firefighter's, veteran's, or fraternal organization, 2244
shall have been in continuous existence as such in this state for 2245
a period of two years immediately preceding either the making of 2246
an application for a bingo license under section 2915.08 of the 2247
Revised Code or the conducting of any game of chance as provided 2248
in division (D) of section 2915.02 or in section 2915.14 or 2249
conducting a raffle as provided in section 2915.092 of the Revised 2250
Code. A charitable organization that is exempt from federal income 2251
taxation under subsection 501(a) and described in subsection 2252
501(c)(3) of the Internal Revenue Code and that is created by a 2253
veteran's organization, a fraternal organization, or a sporting 2254
organization does not have to have been in continuous existence as 2255
such in this state for a period of two years immediately preceding 2256
either the making of an application for a bingo license under 2257
section 2915.08 of the Revised Code or the conducting of any game 2258
of chance as provided in division (D) of section 2915.02 or in 2259
section 2915.14 of the Revised Code. 2260

(I) "Religious organization" means any church, body of 2261

communicants, or group that is not organized or operated for 2262
profit and that gathers in common membership for regular worship 2263
and religious observances. 2264

(J) "Educational organization" means any organization within 2265
this state that is not organized for profit, the primary purpose 2266
of which is to educate and develop the capabilities of individuals 2267
through instruction by means of operating or contributing to the 2268
support of a school, academy, college, or university. 2269

(K) "Veteran's organization" means any individual post or 2270
state headquarters of a national veteran's association or an 2271
auxiliary unit of any individual post of a national veteran's 2272
association, which post, state headquarters, or auxiliary unit ~~has~~ 2273
~~been in continuous existence in this state for at least two years~~ 2274
~~and is~~ incorporated as a nonprofit corporation and either has 2275
received a letter from the state headquarters of the national 2276
veteran's association indicating that the individual post or 2277
auxiliary unit is in good standing with the national veteran's 2278
association or has received a letter from the national veteran's 2279
association indicating that the state headquarters is in good 2280
standing with the national veteran's association. As used in this 2281
division, "national veteran's association" means any veteran's 2282
association that has been in continuous existence as such for a 2283
period of at least five years and either is incorporated by an act 2284
of the United States congress or has a national dues-paying 2285
membership of at least five thousand persons. 2286

(L) "Volunteer firefighter's organization" means any 2287
organization of volunteer firefighters, as defined in section 2288
146.01 of the Revised Code, that is organized and operated 2289
exclusively to provide financial support for a volunteer fire 2290
department or a volunteer fire company and that is recognized or 2291
ratified by a county, municipal corporation, or township. 2292

(M) "Fraternal organization" means any society, order, state 2293

headquarters, or association within this state, except a college 2294
or high school fraternity, that is not organized for profit, that 2295
is a branch, lodge, or chapter of a national or state 2296
organization, that exists exclusively for the common business or 2297
sodality of its members, ~~and that has been in continuous existence~~ 2298
~~in this state for a period of five years.~~ 2299

(N) "Volunteer rescue service organization" means any 2300
organization of volunteers organized to function as an emergency 2301
medical service organization, as defined in section 4765.01 of the 2302
Revised Code. 2303

(O) "Service organization" means either of the following: 2304

(1) Any organization, not organized for profit, that is 2305
organized and operated exclusively to provide, or to contribute to 2306
the support of organizations or institutions organized and 2307
operated exclusively to provide, medical and therapeutic services 2308
for persons who are crippled, born with birth defects, or have any 2309
other mental or physical defect or those organized and operated 2310
exclusively to protect, or to contribute to the support of 2311
organizations or institutions organized and operated exclusively 2312
to protect, animals from inhumane treatment or provide immediate 2313
shelter to victims of domestic violence; 2314

(2) Any organization that is described in subsection 2315
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2316
and is either a governmental unit or an organization that is tax 2317
exempt under subsection 501(a) and described in subsection 2318
501(c)(3) of the Internal Revenue Code and that is an 2319
organization, not organized for profit, that is organized and 2320
operated primarily to provide, or to contribute to the support of 2321
organizations or institutions organized and operated primarily to 2322
provide, medical and therapeutic services for persons who are 2323
crippled, born with birth defects, or have any other mental or 2324
physical defect. 2325

(P) "Nonprofit medical organization" means either of the 2326
following: 2327

(1) Any organization that has been incorporated as a 2328
nonprofit corporation for at least five years and that has 2329
continuously operated and will be operated exclusively to provide, 2330
or to contribute to the support of organizations or institutions 2331
organized and operated exclusively to provide, hospital, medical, 2332
research, or therapeutic services for the public; 2333

(2) Any organization that is described and qualified under 2334
subsection 501(c)(3) of the Internal Revenue Code, that has been 2335
incorporated as a nonprofit corporation for at least five years, 2336
and that has continuously operated and will be operated primarily 2337
to provide, or to contribute to the support of organizations or 2338
institutions organized and operated primarily to provide, 2339
hospital, medical, research, or therapeutic services for the 2340
public. 2341

(Q) "Senior citizen's organization" means any private 2342
organization, not organized for profit, that is organized and 2343
operated exclusively to provide recreational or social services 2344
for persons who are fifty-five years of age or older and that is 2345
described and qualified under subsection 501(c)(3) of the Internal 2346
Revenue Code. 2347

(R) "Charitable bingo game" means any bingo game described in 2348
division (S)(1) or (2) of this section that is conducted by a 2349
charitable organization that has obtained a license pursuant to 2350
section 2915.08 of the Revised Code and the proceeds of which are 2351
used for a charitable purpose. 2352

(S) "Bingo" means either of the following: 2353

(1) A game with all of the following characteristics: 2354

(a) The participants use bingo cards or sheets, including 2355
paper formats and electronic representation or image formats, that 2356

are divided into twenty-five spaces arranged in five horizontal 2357
and five vertical rows of spaces, with each space, except the 2358
central space, being designated by a combination of a letter and a 2359
number and with the central space being designated as a free 2360
space. 2361

(b) The participants cover the spaces on the bingo cards or 2362
sheets that correspond to combinations of letters and numbers that 2363
are announced by a bingo game operator. 2364

(c) A bingo game operator announces combinations of letters 2365
and numbers that appear on objects that a bingo game operator 2366
selects by chance, either manually or mechanically, from a 2367
receptacle that contains seventy-five objects at the beginning of 2368
each game, each object marked by a different combination of a 2369
letter and a number that corresponds to one of the seventy-five 2370
possible combinations of a letter and a number that can appear on 2371
the bingo cards or sheets. 2372

(d) The winner of the bingo game includes any participant who 2373
properly announces during the interval between the announcements 2374
of letters and numbers as described in division (S)(1)(c) of this 2375
section, that a predetermined and preannounced pattern of spaces 2376
has been covered on a bingo card or sheet being used by the 2377
participant. 2378

(2) Instant bingo, punch boards, and raffles. 2379

(T) "Conduct" means to back, promote, organize, manage, carry 2380
on, sponsor, or prepare for the operation of bingo or a game of 2381
chance. 2382

(U) "Bingo game operator" means any person, except security 2383
personnel, who performs work or labor at the site of bingo, 2384
including, but not limited to, collecting money from participants, 2385
handing out bingo cards or sheets or objects to cover spaces on 2386
bingo cards or sheets, selecting from a receptacle the objects 2387

that contain the combination of letters and numbers that appear on 2388
bingo cards or sheets, calling out the combinations of letters and 2389
numbers, distributing prizes, selling or redeeming instant bingo 2390
tickets or cards, supervising the operation of a punch board, 2391
selling raffle tickets, selecting raffle tickets from a receptacle 2392
and announcing the winning numbers in a raffle, and preparing, 2393
selling, and serving food or beverages. 2394

(V) "Participant" means any person who plays bingo. 2395

(W) "Bingo session" means a period that includes both of the 2396
following: 2397

(1) Not to exceed five continuous hours for the conduct of 2398
one or more games described in division (S)(1) of this section, 2399
instant bingo, and seal cards; 2400

(2) A period for the conduct of instant bingo and seal cards 2401
for not more than two hours before and not more than two hours 2402
after the period described in division (W)(1) of this section. 2403

(X) "Gross receipts" means all money or assets, including 2404
admission fees, that a person receives from bingo without the 2405
deduction of any amounts for prizes paid out or for the expenses 2406
of conducting bingo. "Gross receipts" does not include any money 2407
directly taken in from the sale of food or beverages by a 2408
charitable organization conducting bingo, or by a bona fide 2409
auxiliary unit or society of a charitable organization conducting 2410
bingo, provided ~~all~~ both of the following apply: 2411

~~(1) The auxiliary unit or society has been in existence as a 2412
bona fide auxiliary unit or society of the charitable organization 2413
for at least two years prior to conducting bingo. 2414~~

~~(2) The person who purchases the food or beverage receives 2415
nothing of value except the food or beverage and items customarily 2416
received with the purchase of that food or beverage. 2417~~

~~(3)~~(2) The food and beverages are sold at customary and 2418
reasonable prices. 2419

(Y) "Security personnel" includes any person who either is a 2420
sheriff, deputy sheriff, marshal, deputy marshal, township 2421
constable, or member of an organized police department of a 2422
municipal corporation or has successfully completed a peace 2423
officer's training course pursuant to sections 109.71 to 109.79 of 2424
the Revised Code and who is hired to provide security for the 2425
premises on which bingo is conducted. 2426

(Z) "Charitable purpose" means that the net profit of bingo, 2427
other than instant bingo, is used by, or is given, donated, or 2428
otherwise transferred to, any of the following: 2429

(1) Any organization that is described in subsection 2430
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2431
and is either a governmental unit or an organization that is tax 2432
exempt under subsection 501(a) and described in subsection 2433
501(c)(3) of the Internal Revenue Code; 2434

(2) A veteran's organization that is a post, chapter, or 2435
organization of veterans, or an auxiliary unit or society of, or a 2436
trust or foundation for, any such post, chapter, or organization 2437
organized in the United States or any of its possessions, at least 2438
seventy-five per cent of the members of which are veterans and 2439
substantially all of the other members of which are individuals 2440
who are spouses, widows, or widowers of veterans, or such 2441
individuals, provided that no part of the net earnings of such 2442
post, chapter, or organization inures to the benefit of any 2443
private shareholder or individual, and further provided that the 2444
net profit is used by the post, chapter, or organization for the 2445
charitable purposes set forth in division (B)(12) of section 2446
5739.02 of the Revised Code, is used for awarding scholarships to 2447
or for attendance at an institution mentioned in division (B)(12) 2448
of section 5739.02 of the Revised Code, is donated to a 2449

governmental agency, or is used for nonprofit youth activities, 2450
the purchase of United States or Ohio flags that are donated to 2451
schools, youth groups, or other bona fide nonprofit organizations, 2452
promotion of patriotism, or disaster relief; 2453

(3) A fraternal organization that has been in continuous 2454
existence in this state for fifteen years and that uses the net 2455
profit exclusively for religious, charitable, scientific, 2456
literary, or educational purposes, or for the prevention of 2457
cruelty to children or animals, if contributions for such use 2458
would qualify as a deductible charitable contribution under 2459
subsection 170 of the Internal Revenue Code; 2460

(4) A volunteer firefighter's organization that uses the net 2461
profit for the purposes set forth in division (L) of this section. 2462

(AA) "Internal Revenue Code" means the "Internal Revenue Code 2463
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 2464
amended. 2465

(BB) "Youth athletic organization" means any organization, 2466
not organized for profit, that is organized and operated 2467
exclusively to provide financial support to, or to operate, 2468
athletic activities for persons who are twenty-one years of age or 2469
younger by means of sponsoring, organizing, operating, or 2470
contributing to the support of an athletic team, club, league, or 2471
association. 2472

(CC) "Youth athletic park organization" means any 2473
organization, not organized for profit, that satisfies both of the 2474
following: 2475

(1) It owns, operates, and maintains playing fields that 2476
satisfy both of the following: 2477

(a) The playing fields are used at least one hundred days per 2478
year for athletic activities by one or more organizations, not 2479
organized for profit, each of which is organized and operated 2480

exclusively to provide financial support to, or to operate, 2481
athletic activities for persons who are eighteen years of age or 2482
younger by means of sponsoring, organizing, operating, or 2483
contributing to the support of an athletic team, club, league, or 2484
association. 2485

(b) The playing fields are not used for any profit-making 2486
activity at any time during the year. 2487

(2) It uses the proceeds of bingo it conducts exclusively for 2488
the operation, maintenance, and improvement of its playing fields 2489
of the type described in division (CC)(1) of this section. 2490

(DD) "Amateur athletic organization" means any organization, 2491
not organized for profit, that is organized and operated 2492
exclusively to provide financial support to, or to operate, 2493
athletic activities for persons who are training for amateur 2494
athletic competition that is sanctioned by a national governing 2495
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 2496
3045, 36 U.S.C.A. 373. 2497

(EE) "Bingo supplies" means bingo cards or sheets; instant 2498
bingo tickets or cards; electronic bingo aids; raffle tickets; 2499
punch boards; seal cards; instant bingo ticket dispensers; ~~and~~ 2500
devices for selecting or displaying the combination of bingo 2501
letters and numbers or raffle tickets; and durable bingo 2502
equipment. Items that are "bingo supplies" are not gambling 2503
devices if sold or otherwise provided, and used, in accordance 2504
with this chapter. For purposes of this chapter, "bingo supplies" 2505
are not to be considered equipment, such as tables and chairs, 2506
used to conduct a bingo game. 2507

(FF) "Instant bingo" means a form of bingo that uses folded 2508
or banded tickets or paper cards with perforated break-open tabs, 2509
a face of which is covered or otherwise hidden from view to 2510
conceal a number, letter, or symbol, or set of numbers, letters, 2511

or symbols, some of which have been designated in advance as prize winners, and games in which winners are determined by the random selection of one or more bingo numbers, by the use of a seal card or bingo blower. "Instant bingo" includes seal cards. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(GG) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(HH) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle.

(II) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(JJ) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(KK) "Net profit" means gross profit minus expenses.

(LL) "Expenses" means the reasonable amount of gross profit	2543
actually expended for all of the following:	2544
(1) The purchase or lease of bingo supplies;	2545
(2) The annual license fee required under section 2915.08 of	2546
the Revised Code;	2547
(3) Bank fees and service charges for a bingo session or game	2548
account described in section 2915.10 of the Revised Code;	2549
(4) Audits and accounting services;	2550
(5) Safes;	2551
(6) Cash registers;	2552
(7) Hiring security personnel;	2553
(8) Advertising bingo;	2554
(9) Renting premises in which to conduct a bingo session;	2555
(10) Tables and chairs;	2556
(11) Expenses for maintaining and operating a charitable	2557
organization's facilities, including, but not limited to, a post	2558
home, club house, lounge, tavern, or canteen and any grounds	2559
attached to the post home, club house, lounge, tavern, or canteen;	2560
(12) <u>Payment of real property taxes and assessments that are</u>	2561
<u>levied on a premises on which bingo is conducted;</u>	2562
<u>(13)</u> Any other product or service directly related to the	2563
conduct of bingo that is authorized in rules adopted by the	2564
attorney general under division (B)(1) of section 2915.08 of the	2565
Revised Code.	2566
(MM) "Person" has the same meaning as in section 1.59 of the	2567
Revised Code and includes any firm or any other legal entity,	2568
however organized.	2569
(NN) "Revoke" means to void permanently all rights and	2570

privileges of the holder of a license issued under section 2571
2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the Revised Code or 2572
a charitable gaming license issued by another jurisdiction. 2573

(OO) "Suspend" means to interrupt temporarily all rights and 2574
privileges of the holder of a license issued under section 2575
2915.08, 2915.081, ~~or~~ 2915.082, or 2915.083 of the Revised Code or 2576
a charitable gaming license issued by another jurisdiction. 2577

(PP) "Distributor" means any person who purchases or obtains 2578
bingo supplies and who does either of the following: 2579

(1) Sells, offers for sale, or otherwise provides or offers 2580
to provide the bingo supplies to another person for use in this 2581
state, except that this division does not apply to a licensed 2582
lessor providing durable bingo equipment to charitable 2583
organizations in compliance with section 2915.083 of the Revised 2584
Code; 2585

(2) Modifies, converts, adds to, or removes parts from the 2586
bingo supplies to further their promotion or sale for use in this 2587
state. 2588

(QQ) "Manufacturer" means any person who assembles completed 2589
bingo supplies from raw materials, other items, or subparts or who 2590
modifies, converts, adds to, or removes parts from bingo supplies 2591
to further their promotion or sale. 2592

(RR) "Gross annual revenues" means the annual gross receipts 2593
derived from the conduct of bingo described in division (S)(1) of 2594
this section plus the annual net profit derived from the conduct 2595
of bingo described in division (S)(2) of this section. 2596

(SS) "Instant bingo ticket dispenser" means a mechanical 2597
device that dispenses an instant bingo ticket or card as the sole 2598
item of value dispensed and that has the following 2599
characteristics: 2600

(1) It is activated upon the insertion of United States	2601
currency.	2602
(2) It performs no gaming functions.	2603
(3) It does not contain a video display monitor or generate	2604
noise.	2605
(4) It is not capable of displaying any numbers, letters,	2606
symbols, or characters in winning or losing combinations.	2607
(5) It does not simulate or display rolling or spinning	2608
reels.	2609
(6) It is incapable of determining whether a dispensed bingo	2610
ticket or card is a winning or nonwinning ticket or card and	2611
requires a winning ticket or card to be paid by a bingo game	2612
operator.	2613
(7) It may provide accounting and security features to aid in	2614
accounting for the instant bingo tickets or cards it dispenses.	2615
(8) It is not part of an electronic network and is not	2616
interactive.	2617
(TT)(1) "Electronic bingo aid" means an electronic device	2618
used by a participant to monitor bingo cards or sheets purchased	2619
at the time and place of a bingo session and that does all of the	2620
following:	2621
(a) It provides a means for a participant to input numbers	2622
and letters announced by a bingo caller.	2623
(b) It compares the numbers and letters entered by the	2624
participant to the bingo faces previously stored in the memory of	2625
the device.	2626
(c) It identifies a winning bingo pattern.	2627
(2) "Electronic bingo aid" does not include any device into	2628
which a coin, currency, token, or an equivalent is inserted to	2629

activate play. 2630

(UU) "Deal of instant bingo tickets" means a single game of 2631
instant bingo tickets all with the same serial number. 2632

(VV)(1) "Slot machine" means either of the following: 2633

(a) Any mechanical, electronic, video, or digital device that 2634
is capable of accepting anything of value, directly or indirectly, 2635
from or on behalf of a player who gives the thing of value in the 2636
hope of gain; 2637

(b) Any mechanical, electronic, video, or digital device that 2638
is capable of accepting anything of value, directly or indirectly, 2639
from or on behalf of a player to conduct ~~or dispense~~ bingo or a 2640
scheme or game of chance. 2641

(2) "Slot machine" does not include a skill-based amusement 2642
machine or an instant bingo ticket dispenser. 2643

(WW) "Net profit from the proceeds of the sale of instant 2644
bingo" means gross profit minus the ordinary, necessary, and 2645
reasonable expense expended for the purchase of instant bingo 2646
supplies and in the case of instant bingo conducted by a 2647
veteran's, fraternal, or sporting organization, the payment by a 2648
veteran's, fraternal, or sporting organization of real property 2649
taxes and assessments levied on the premises in which instant 2650
bingo is conducted. 2651

(XX) "Charitable instant bingo organization" means an 2652
organization that is exempt from federal income taxation under 2653
subsection 501(a) and described in subsection 501(c)(3) of the 2654
Internal Revenue Code and is a charitable organization as defined 2655
in this section. A "charitable instant bingo organization" does 2656
not include a charitable organization that is exempt from federal 2657
income taxation under subsection 501(a) and described in 2658
subsection 501(c)(3) of the Internal Revenue Code and that is 2659
created by a veteran's organization, a fraternal organization, or 2660

a sporting organization in regards to bingo conducted or assisted 2661
by a veteran's organization, a fraternal organization, or a 2662
sporting organization pursuant to section 2915.13 of the Revised 2663
Code. 2664

(YY) "Game flare" means the board or placard that accompanies 2665
each deal of instant bingo tickets and that has printed on or 2666
affixed to it the following information for the game: 2667

(1) The name of the game; 2668

(2) The manufacturer's name or distinctive logo; 2669

(3) The form number; 2670

(4) The ticket count; 2671

(5) The prize structure, including the number of winning 2672
instant bingo tickets by denomination and the respective winning 2673
symbol or number combinations for the winning instant bingo 2674
tickets; 2675

(6) The cost per play; 2676

(7) The serial number of the game. 2677

(ZZ) "Historic railroad educational organization" means an 2678
organization that is exempt from federal income taxation under 2679
subsection 501(a) and described in subsection 501(c)(3) of the 2680
Internal Revenue Code, that owns in fee simple the tracks and the 2681
right of way of a historic railroad that the organization restores 2682
or maintains and on which the organization provides excursions as 2683
part of a program to promote tourism and educate visitors 2684
regarding the role of railroad transportation in Ohio history, and 2685
that received as donations from a charitable organization that 2686
holds a license to conduct bingo under this chapter an amount 2687
equal to at least fifty per cent of that licensed charitable 2688
organization's net proceeds from the conduct of bingo during each 2689
of the five years preceding June 30, 2003. "Historic railroad" 2690

means all or a portion of the tracks and right-of-way of a 2691
railroad that was owned and operated by a for-profit common 2692
carrier in this state at any time prior to January 1, 1950. 2693

(AAA)~~(1)~~ "Skill-based amusement machine" means a mechanical, 2694
video, digital, or electronic device that rewards the player or 2695
players, ~~if at all, only with merchandise prizes or with~~ 2696
~~redeemable vouchers redeemable only for merchandise prizes,~~ 2697
provided that with respect to rewards for playing the game all of 2698
the following apply: 2699

~~(a) The wholesale value of a merchandise prize awarded as a~~ 2700
~~result of the single play of a machine does not exceed ten~~ 2701
~~dollars;~~ 2702

~~(b) Redeemable vouchers awarded for any single play of a~~ 2703
~~machine are not redeemable for a merchandise prize with a~~ 2704
~~wholesale value of more than ten dollars;~~ 2705

~~(c) Redeemable vouchers are not redeemable for a merchandise~~ 2706
~~prize that has a wholesale value of more than ten dollars times~~ 2707
~~the fewest number of single plays necessary to accrue the~~ 2708
~~redeemable vouchers required to obtain that prize; and~~ 2709

~~(d) Any redeemable vouchers or merchandise prizes are~~ 2710
~~distributed at the site of the skill based amusement machine at~~ 2711
~~the time of play.~~ 2712

~~(2) A device shall not be considered a skill based amusement~~ 2713
~~machine and shall be considered a slot machine if it pays cash or~~ 2714
~~one or more of the following apply:~~ 2715

~~(a) The ability of a player to succeed at the game is~~ 2716
~~impacted by the number or ratio of prior wins to prior losses of~~ 2717
~~players playing the game.~~ 2718

~~(b) Any reward of redeemable vouchers is not based solely on~~ 2719
~~the player achieving the object of the game or the player's score;~~ 2720

~~(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.~~

~~(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.~~

~~(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.~~

~~(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.~~

~~(3) All of the following apply to any machine that is operated as described in division (AAA)(1) of this section:~~

~~(a) As used in this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.~~

~~(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.~~

~~(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.~~

~~(4) For purposes of division (AAA)(1) of this section, the mere presence of a device, such as a pin setting, ball releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill based amusement machine.~~

~~(BBB) "Merchandise prize" means any item of value, but shall not include any of the following:~~

~~(1) Cash, gift cards, or any equivalent thereof;~~

~~(2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;~~

~~(3) Firearms, tobacco, or alcoholic beverages; or~~

~~(4) A redeemable voucher that is redeemable for any of the items listed in division (BBB)(1), (2), or (3) of this section.~~

~~(CCC) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.~~

(1) The player or players have the ability to successfully complete the game task or objective on each play of the game.

(2) The player or players know or are provided the opportunity to know the prize or reward of successfully completing the game task or objective before the start of the game or play.

~~(DDD)(BBB) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.~~

~~(EEE)(CCC) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio league of sportsmen, and that has been in continuous existence in this state for a period~~

of three years. 2782

~~(FFF)~~(DDD) "Community action agency" has the same meaning as 2783
in section 122.66 of the Revised Code. 2784

(EEE) "Durable bingo equipment" means the following: 2785

(1) A bingo ball, which is a ball imprinted with numbers and 2786
letters used in the selection process of a bingo game; 2787

(2) A bingo or flash board, which are display boards, usually 2788
electronic, that display numbers and letters after the numbers and 2789
letters are called; 2790

(3) A bingo machine, which is a type of selection device with 2791
a receptacle, or hopper, for the unselected bingo balls, a blower 2792
for selecting the balls, and a ball tray that contains 2793
seventy-five holes in which to place the ball once it is called; 2794

(4) A bingo blower, which is a forced-air device that mixes 2795
the bingo balls and dispenses them to the bingo game operator; 2796

(5) Electronic bingo aids; 2797

(6) Audio-visual equipment, which is electronic equipment 2798
used to play bingo, such as a display monitor; 2799

(7) Instant bingo ticket dispensers. 2800

(FFF) "Lessor" means a person that provides the premises to a 2801
charitable organization for conducting bingo as described in 2802
division (S)(1) of section 2915.01 of the Revised Code for a 2803
rental amount in compliance with division (B)(1) of section 2804
2915.09 of the Revised Code or a person that provides premises to 2805
a charitable instant bingo organization for conducting instant 2806
bingo other than at a bingo session. 2807

(GGG) "Permitted location" means a building leased by a 2808
county in Ohio under a lease pursuant to which charitable 2809
organizations have operated festivals weekly for the eighteen 2810
months immediately preceding the effective date of this section, 2811

<u>at which games of chance were offered.</u>	2812
<u>(HHH) "Charity card room" means a facility at a permitted</u>	2813
<u>location that offers games of chance conducted by a charitable</u>	2814
<u>organization.</u>	2815
Sec. 2915.02. (A) No person shall do any of the following:	2816
(1) Engage in bookmaking, or knowingly engage in conduct that	2817
facilitates bookmaking;	2818
(2) Establish, promote, or operate or knowingly engage in	2819
conduct that facilitates any game of chance conducted for profit	2820
or any scheme of chance;	2821
(3) Knowingly procure, transmit, exchange, or engage in	2822
conduct that facilitates the procurement, transmission, or	2823
exchange of information for use in establishing odds or	2824
determining winners in connection with bookmaking or with any game	2825
of chance conducted for profit or any scheme of chance;	2826
(4) Engage in betting or in playing any scheme or game of	2827
chance as a substantial source of income or livelihood;	2828
(5) With purpose to violate division (A)(1), (2), (3), or (4)	2829
of this section, acquire, possess, control, or operate any	2830
gambling device.	2831
(B) For purposes of division (A)(1) of this section, a person	2832
facilitates bookmaking if the person in any way knowingly aids an	2833
illegal bookmaking operation, including, without limitation,	2834
placing a bet with a person engaged in or facilitating illegal	2835
bookmaking. For purposes of division (A)(2) of this section, a	2836
person facilitates a game of chance conducted for profit or a	2837
scheme of chance if the person in any way knowingly aids in the	2838
conduct or operation of any such game or scheme, including,	2839
without limitation, playing any such game or scheme.	2840
(C) This section does not prohibit conduct in connection with	2841

gambling expressly permitted by law. 2842

(D) This section does not apply to any of the following: 2843

(1) Games of chance, if all of the following apply: 2844

(a) The games of chance are not craps for money or roulette 2845
for money. 2846

(b) The games of chance are conducted by a charitable 2847
organization that is, and has received from the internal revenue 2848
service a determination letter that is currently in effect, 2849
stating that the organization is, exempt from federal income 2850
taxation under subsection 501(a) and described in subsection 2851
501(c)(3) of the Internal Revenue Code. 2852

(c) The games of chance are conducted at festivals of the 2853
charitable organization that are conducted either for a period of 2854
four consecutive days or less and not more than twice a year or 2855
for a period of five consecutive days not more than once a year, 2856
and are conducted on premises owned by the charitable organization 2857
for a period of no less than one year immediately preceding the 2858
conducting of the games of chance, on premises leased from a 2859
governmental unit, or on premises that are leased from a veteran's 2860
or fraternal organization and that have been owned by the lessor 2861
veteran's or fraternal organization for a period of no less than 2862
one year immediately preceding the conducting of the games of 2863
chance. 2864

A charitable organization shall not lease premises from a 2865
veteran's or fraternal organization to conduct a festival 2866
described in division (D)(1)(c) of this section if the veteran's 2867
or fraternal organization already has leased the premises ~~four~~ 2868
twelve times during the preceding year to charitable organizations 2869
for that purpose. If a charitable organization leases premises 2870
from a veteran's or fraternal organization to conduct a festival 2871
described in division (D)(1)(c) of this section, the charitable 2872

organization shall not pay a rental rate for the premises per day 2873
of the festival that exceeds the rental rate per bingo session 2874
that a charitable organization may pay under division (B)(1) of 2875
section 2915.09 of the Revised Code when it leases premises from 2876
another charitable organization to conduct bingo games. 2877

(d) All of the money or assets received from the games of 2878
chance after deduction only of prizes paid out during the conduct 2879
of the games of chance are used by, or given, donated, or 2880
otherwise transferred to, any organization that is described in 2881
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 2882
Revenue Code and is either a governmental unit or an organization 2883
that is tax exempt under subsection 501(a) and described in 2884
subsection 501(c)(3) of the Internal Revenue Code; 2885

(e) The games of chance are not conducted during, or within 2886
ten hours of, a bingo game conducted for amusement purposes only 2887
pursuant to section 2915.12 of the Revised Code. 2888

No person shall receive any commission, wage, salary, reward, 2889
tip, donation, gratuity, or other form of compensation, directly 2890
or indirectly, for operating or assisting in the operation of any 2891
game of chance. 2892

(2) Any tag fishing tournament operated under a permit issued 2893
under section 1533.92 of the Revised Code, as "tag fishing 2894
tournament" is defined in section 1531.01 of the Revised Code; 2895

(3) Bingo conducted by a charitable organization that holds a 2896
license issued under section 2915.08 of the Revised Code; 2897

(4) Casino gaming as defined by and conducted under Chapter 2898
3772. of the Revised Code. 2899

(E) Division (D) of this section shall not be construed to 2900
authorize the sale, lease, or other temporary or permanent 2901
transfer of the right to conduct games of chance, as granted by 2902
that division, by any charitable organization that is granted that 2903

right. 2904

(F) Whoever violates this section is guilty of gambling, a 2905
misdemeanor of the first degree. If the offender previously has 2906
been convicted of any gambling offense, gambling is a felony of 2907
the fifth degree. 2908

Sec. 2915.061. Any regulation of skill-based amusement 2909
machines shall be governed by ~~this chapter~~ Chapter 3772. and not 2910
by Chapter 1345. of the Revised Code. 2911

Sec. 2915.08. (A)(1) Annually before the first day of 2912
January, a charitable organization that desires to conduct bingo, 2913
instant bingo at a bingo session, or instant bingo other than at a 2914
bingo session shall make out, upon a form to be furnished by the 2915
attorney general for that purpose, an application for a license to 2916
conduct bingo, instant bingo at a bingo session, or instant bingo 2917
other than at a bingo session and deliver that application to the 2918
attorney general together with a license fee as follows: 2919

(a) Except as otherwise provided in this division, for a 2920
license for the conduct of bingo, two hundred dollars; 2921

(b) For a license for the conduct of instant bingo at a bingo 2922
session or instant bingo other than at a bingo session for a 2923
charitable organization that previously has not been licensed 2924
under this chapter to conduct instant bingo at a bingo session or 2925
instant bingo other than at a bingo session, a license fee of five 2926
hundred dollars, and for any other charitable organization, a 2927
license fee that is based upon the gross profits received by the 2928
charitable organization from the operation of instant bingo at a 2929
bingo session or instant bingo other than at a bingo session, 2930
during the one-year period ending on the thirty-first day of 2931
October of the year immediately preceding the year for which the 2932
license is sought, and that is one of the following: 2933

(i) Five hundred dollars, if the total is fifty thousand dollars or less;	2934 2935
(ii) One thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than fifty thousand dollars but less than two hundred fifty thousand one dollars;	2936 2937 2938 2939
(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than two hundred fifty thousand dollars but less than five hundred thousand one dollars;	2940 2941 2942 2943
(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;	2944 2945 2946
(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;	2947 2948
(c) A reduced license fee established by the attorney general pursuant to division (G) of this section.	2949 2950
(d) For a license to conduct bingo for a charitable organization that prior to the effective date of this amendment <u>July 1, 2003</u> , has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, a license fee established by rule by the attorney general in accordance with division (H) of this section.	2951 2952 2953 2954 2955 2956
(2) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:	2957 2958 2959
(a) The name and post-office address of the applicant;	2960
(b) A statement that the applicant is a charitable organization and that, <u>if applicable</u> , it has been in continuous existence as a charitable organization in this state for two years	2961 2962 2963

immediately preceding the making of the application or for five 2964
years in the case of ~~a fraternal organization or~~ a nonprofit 2965
medical organization; 2966

(c) The location at which the organization will conduct 2967
bingo, which location shall be within the county in which the 2968
principal place of business of the applicant is located, the days 2969
of the week and the times on each of those days when bingo will be 2970
conducted, whether the organization owns, leases, or subleases the 2971
premises, and a copy of the rental agreement if it leases or 2972
subleases the premises; 2973

(d) A statement of the applicant's previous history, record, 2974
and association that is sufficient to establish that the applicant 2975
is a charitable organization, and a copy of a determination letter 2976
that is issued by the Internal Revenue Service and states that the 2977
organization is tax exempt under subsection 501(a) and described 2978
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 2979
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 2980

(e) A statement as to whether the applicant has ever had any 2981
previous application refused, whether it previously has had a 2982
license revoked or suspended, and the reason stated by the 2983
attorney general for the refusal, revocation, or suspension; 2984

(f) A statement of the charitable purposes for which the net 2985
profit derived from bingo, other than instant bingo, will be used, 2986
and a statement of how the net profit derived from instant bingo 2987
will be distributed in accordance with section 2915.101 of the 2988
Revised Code; 2989

(g) Other necessary and reasonable information that the 2990
attorney general may require by rule adopted pursuant to section 2991
111.15 of the Revised Code; 2992

(h) If the applicant is a charitable trust as defined in 2993
section 109.23 of the Revised Code, a statement as to whether it 2994

has registered with the attorney general pursuant to section 2995
109.26 of the Revised Code or filed annual reports pursuant to 2996
section 109.31 of the Revised Code, and, if it is not required to 2997
do either, the exemption in section 109.26 or 109.31 of the 2998
Revised Code that applies to it; 2999

(i) If the applicant is a charitable organization as defined 3000
in section 1716.01 of the Revised Code, a statement as to whether 3001
it has filed with the attorney general a registration statement 3002
pursuant to section 1716.02 of the Revised Code and a financial 3003
report pursuant to section 1716.04 of the Revised Code, and, if it 3004
is not required to do both, the exemption in section 1716.03 of 3005
the Revised Code that applies to it; 3006

(j) In the case of an applicant seeking to qualify as a youth 3007
athletic park organization, a statement issued by a board or body 3008
vested with authority under Chapter 755. of the Revised Code for 3009
the supervision and maintenance of recreation facilities in the 3010
territory in which the organization is located, certifying that 3011
the playing fields owned by the organization were used for at 3012
least one hundred days during the year in which the statement is 3013
issued, and were open for use to all residents of that territory, 3014
regardless of race, color, creed, religion, sex, or national 3015
origin, for athletic activities by youth athletic organizations 3016
that do not discriminate on the basis of race, color, creed, 3017
religion, sex, or national origin, and that the fields were not 3018
used for any profit-making activity at any time during the year. 3019
That type of board or body is authorized to issue the statement 3020
upon request and shall issue the statement if it finds that the 3021
applicant's playing fields were so used. 3022

(3) The attorney general, within thirty days after receiving 3023
a timely filed application from a charitable organization that has 3024
been issued a license under this section that has not expired and 3025
has not been revoked or suspended, shall send a temporary permit 3026

to the applicant specifying the date on which the application was 3027
filed with the attorney general and stating that, pursuant to 3028
section 119.06 of the Revised Code, the applicant may continue to 3029
conduct bingo until a new license is granted or, if the 3030
application is rejected, until fifteen days after notice of the 3031
rejection is mailed to the applicant. The temporary permit does 3032
not affect the validity of the applicant's application and does 3033
not grant any rights to the applicant except those rights 3034
specifically granted in section 119.06 of the Revised Code. The 3035
issuance of a temporary permit by the attorney general pursuant to 3036
this division does not prohibit the attorney general from 3037
rejecting the applicant's application because of acts that the 3038
applicant committed, or actions that the applicant failed to take, 3039
before or after the issuance of the temporary permit. 3040

(4) Within thirty days after receiving an initial license 3041
application from a charitable organization to conduct bingo, 3042
instant bingo at a bingo session, or instant bingo other than at a 3043
bingo session, the attorney general shall conduct a preliminary 3044
review of the application and notify the applicant regarding any 3045
deficiencies. Once an application is deemed complete, or beginning 3046
on the thirtieth day after the application is filed, if the 3047
attorney general failed to notify the applicant of any 3048
deficiencies, the attorney general shall have an additional sixty 3049
days to conduct an investigation and either grant or deny the 3050
application based on findings established and communicated in 3051
accordance with divisions (B) and (E) of this section. As an 3052
option to granting or denying an initial license application, the 3053
attorney general may grant a temporary license and request 3054
additional time to conduct the investigation if the attorney 3055
general has cause to believe that additional time is necessary to 3056
complete the investigation and has notified the applicant in 3057
writing about the specific concerns raised during the 3058
investigation. 3059

(B)(1) The attorney general shall adopt rules to enforce 3060
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 3061
Code to ensure that bingo ~~or~~, instant bingo ~~is~~, games of chance 3062
conducted for profit, and raffles are conducted in accordance with 3063
those sections and to maintain proper control over the conduct of 3064
bingo ~~or~~, instant bingo, games of chance conducted for profit, and 3065
raffles. The rules, except rules adopted pursuant to divisions 3066
(A)(2)(g) and (G) of this section, shall be adopted pursuant to 3067
Chapter 119. of the Revised Code. The attorney general shall 3068
license charitable organizations to conduct bingo, instant bingo 3069
at a bingo session, or instant bingo other than at a bingo session 3070
in conformance with this chapter and with the licensing provisions 3071
of Chapter 119. of the Revised Code. 3072

(2) The attorney general may refuse to grant a license to any 3073
organization, or revoke or suspend the license of any 3074
organization, that does any of the following or to which any of 3075
the following applies: 3076

(a) Fails or has failed at any time to meet any requirement 3077
of section 109.26, 109.31, or 1716.02, or sections ~~2915.07~~ 2915.02 3078
to 2915.11 of the Revised Code, or violates or has violated any 3079
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 3080
Code or any rule adopted by the attorney general pursuant to this 3081
section; 3082

(b) Makes or has made an incorrect or false statement that is 3083
material to the granting of the license in an application filed 3084
pursuant to division (A) of this section; 3085

(c) Submits or has submitted any incorrect or false 3086
information relating to an application if the information is 3087
material to the granting of the license; 3088

(d) Maintains or has maintained any incorrect or false 3089
information that is material to the granting of the license in the 3090

records required to be kept pursuant to divisions (A) and (C) of 3091
section 2915.10 of the Revised Code, if applicable; 3092

(e) The attorney general has good cause to believe that the 3093
organization will not conduct bingo, instant bingo at a bingo 3094
session, or instant bingo other than at a bingo session in 3095
accordance with sections 2915.07 to 2915.13 of the Revised Code or 3096
with any rule adopted by the attorney general pursuant to this 3097
section. 3098

(3) For the purposes of division (B) of this section, any 3099
action of an officer, trustee, agent, representative, or bingo 3100
game operator of an organization is an action of the organization. 3101

(C) The attorney general may grant licenses to charitable 3102
organizations that are branches, lodges, or chapters of national 3103
charitable organizations. 3104

(D) The attorney general shall send notice in writing or 3105
provide notice on the attorney general's web site to the 3106
prosecuting attorney and sheriff of the county in which the 3107
organization will conduct bingo, instant bingo at a bingo session, 3108
or instant bingo other than at a bingo session, as stated in its 3109
application for a license or amended license, and to any other law 3110
enforcement agency in that county that so requests, of all of the 3111
following: 3112

(1) The issuance of the license; 3113

(2) The issuance of the amended license; 3114

(3) The rejection of an application for and refusal to grant 3115
a license; 3116

(4) The revocation of any license previously issued; 3117

(5) The suspension of any license previously issued. 3118

(E) A license issued by the attorney general shall set forth 3119
the information contained on the application of the charitable 3120

organization that the attorney general determines is relevant, 3121
including, but not limited to, the location at which the 3122
organization will conduct bingo, instant bingo at a bingo session, 3123
or instant bingo other than at a bingo session and the days of the 3124
week and the times on each of those days when bingo will be 3125
conducted. If the attorney general refuses to grant or revokes or 3126
suspends a license, the attorney general shall notify the 3127
applicant in writing and specifically identify the reason for the 3128
refusal, revocation, or suspension in narrative form and, if 3129
applicable, by identifying the section of the Revised Code 3130
violated. The failure of the attorney general to give the written 3131
notice of the reasons for the refusal, revocation, or suspension 3132
or a mistake in the written notice does not affect the validity of 3133
the attorney general's refusal to grant, or the revocation or 3134
suspension of, a license. If the attorney general fails to give 3135
the written notice or if there is a mistake in the written notice, 3136
the applicant may bring an action to compel the attorney general 3137
to comply with this division or to correct the mistake, but the 3138
attorney general's order refusing to grant, or revoking or 3139
suspending, a license shall not be enjoined during the pendency of 3140
the action. 3141

(F) A charitable organization that has been issued a license 3142
pursuant to division (B) of this section but that cannot conduct 3143
bingo or instant bingo at the location, or on the day of the week 3144
or at the time, specified on the license due to circumstances that 3145
make it impractical to do so may apply in writing, together with 3146
an application fee of two hundred fifty dollars, to the attorney 3147
general, at least thirty days prior to a change in location, day 3148
of the week, or time, and request an amended license. The 3149
application shall describe the causes making it impractical for 3150
the organization to conduct bingo or instant bingo in conformity 3151
with its license and shall indicate the location, days of the 3152
week, and times on each of those days when it desires to conduct 3153

bingo or instant bingo. Except as otherwise provided in this 3154
division, the attorney general shall issue the amended license in 3155
accordance with division (E) of this section, and the organization 3156
shall surrender its original license to the attorney general. The 3157
attorney general may refuse to grant an amended license according 3158
to the terms of division (B) of this section. 3159

(G) The attorney general, by rule adopted pursuant to section 3160
111.15 of the Revised Code, shall establish a schedule of reduced 3161
license fees for charitable organizations that desire to conduct 3162
bingo or instant bingo during fewer than twenty-six weeks in any 3163
calendar year. 3164

(H) The attorney general, by rule adopted pursuant to section 3165
111.15 of the Revised Code, shall establish license fees for the 3166
conduct of bingo, instant bingo at a bingo session, or instant 3167
bingo other than at a bingo session for charitable organizations 3168
that prior to ~~the effective date of this amendment~~ July 1, 2003, 3169
have not been licensed to conduct bingo, instant bingo at a bingo 3170
session, or instant bingo other than at a bingo session under this 3171
chapter. 3172

(I) The attorney general may enter into a written contract 3173
with any other state agency to delegate to that state agency the 3174
powers prescribed to the attorney general under Chapter 2915. of 3175
the Revised Code. 3176

(J) The attorney general, by rule adopted pursuant to section 3177
111.15 of the Revised Code, may adopt rules to determine the 3178
requirements for a charitable organization that is exempt from 3179
federal income taxation under subsection 501(a) and described in 3180
subsection 501(c)(3) of the Internal Revenue Code to be in good 3181
standing in the state. 3182

Sec. 2915.081. (A) No distributor shall sell, offer to sell, 3183
or otherwise provide or offer to provide bingo supplies to another 3184

person, or modify, convert, add to, or remove parts from bingo 3185
supplies to further their promotion or sale, for use in this state 3186
without having obtained a license from the attorney general under 3187
this section. 3188

(B) The attorney general may issue a distributor license to 3189
any person that meets the requirements of this section. The 3190
application for the license shall be on a form prescribed by the 3191
attorney general and be accompanied by the annual fee prescribed 3192
by this section. The license is valid for a period of one year, 3193
and the annual fee for the license is five thousand dollars. 3194

(C) The attorney general may refuse to issue a distributor 3195
license to any person to which any of the following applies, or to 3196
any person that has an officer, partner, or other person who has 3197
an ownership interest of ten per cent or more and to whom any of 3198
the following applies: 3199

(1) The person, officer, or partner has been convicted of a 3200
felony under the laws of this state, another state, or the United 3201
States. 3202

(2) The person, officer, or partner has been convicted of any 3203
gambling offense. 3204

(3) The person, officer, or partner has made an incorrect or 3205
false statement that is material to the granting of a license in 3206
an application submitted to the attorney general under this 3207
section or in a similar application submitted to a gambling 3208
licensing authority in another jurisdiction if the statement 3209
resulted in license revocation through administrative action in 3210
the other jurisdiction. 3211

(4) The person, officer, or partner has submitted any 3212
incorrect or false information relating to the application to the 3213
attorney general under this section, if the information is 3214

material to the granting of the license. 3215

(5) The person, officer, or partner has failed to correct any 3216
incorrect or false information that is material to the granting of 3217
the license in the records required to be maintained under 3218
division (E) of section 2915.10 of the Revised Code. 3219

(6) The person, officer, or partner has had a license related 3220
to gambling revoked or suspended under the laws of this state, 3221
another state, or the United States. 3222

(D) The attorney general shall not issue a distributor 3223
license to any person that is involved in the conduct of bingo on 3224
behalf of a charitable organization or that is a lessor of 3225
premises used for the conduct of bingo. This division does not 3226
prohibit a distributor from advising charitable organizations on 3227
the use and benefit of specific bingo supplies or prohibit a 3228
distributor from advising a customer on operational methods to 3229
improve bingo profitability. 3230

(E)(1) No distributor shall sell, offer to sell, or otherwise 3231
provide or offer to provide bingo supplies to any person, or 3232
modify, convert, add to, or remove parts from bingo supplies to 3233
further their promotion or sale, for use in this state except to 3234
or for the use of a charitable organization that has been issued a 3235
license under section 2915.08 of the Revised Code or to another 3236
distributor that has been issued a license under this section, or, 3237
in the case of durable bingo equipment, to a lessor that has been 3238
issued a license under section 2915.083 of the Revised Code. No 3239
distributor shall accept payment for the sale or other provision 3240
of bingo supplies other than by check or electronic fund transfer. 3241

(2) No distributor may donate, give, loan, lease, or 3242
otherwise provide any bingo supplies or equipment, or modify, 3243
convert, add to, or remove parts from bingo supplies to further 3244
their promotion or sale, to or for the use of a charitable 3245

organization for use in a bingo session conditioned on or in 3246
consideration for an exclusive right to provide bingo supplies to 3247
the charitable organization. A distributor may provide a licensed 3248
charitable organization with free samples of the distributor's 3249
products to be used as prizes or to be used for the purpose of 3250
sampling. 3251

(3) No distributor shall purchase bingo supplies for use in 3252
this state from any person except from a manufacturer issued a 3253
license under section 2915.082 of the Revised Code or from another 3254
distributor issued a license under this section. Subject to 3255
division (D) of section 2915.082 of the Revised Code, no 3256
distributor shall pay for purchased bingo supplies other than by 3257
check or electronic fund transfer. 3258

(4) No distributor shall participate in the conduct of bingo 3259
on behalf of a charitable organization or have any direct or 3260
indirect ownership interest in a premises used for the conduct of 3261
bingo. 3262

(5) No distributor shall knowingly solicit, offer, pay, or 3263
receive any kickback, bribe, or undocumented rebate, directly or 3264
indirectly, overtly or covertly, in cash or in kind, in return for 3265
providing bingo supplies to any person in this state. 3266

(F) The attorney general may suspend or revoke a distributor 3267
license for any of the reasons for which the attorney general may 3268
refuse to issue a distributor license specified in division (C) of 3269
this section or if the distributor holding the license violates 3270
any provision of this chapter or any rule adopted by the attorney 3271
general under this chapter. 3272

(G) Whoever violates division (A) or (E) of this section is 3273
guilty of illegally operating as a distributor. Except as 3274
otherwise provided in this division, illegally operating as a 3275
distributor is a misdemeanor of the first degree. If the offender 3276

previously has been convicted of a violation of division (A) or 3277
(E) of this section, illegally operating as a distributor is a 3278
felony of the fifth degree. 3279

Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, 3280
or otherwise provide or offer to provide bingo supplies for use in 3281
this state without having obtained a license from the attorney 3282
general under this section. 3283

(B) The attorney general may issue a manufacturer license to 3284
any person that meets the requirements of this section. The 3285
application for the license shall be on a form prescribed by the 3286
attorney general and be accompanied by the annual fee prescribed 3287
by this section. The license is valid for a period of one year, 3288
and the annual fee for the license is five thousand dollars. 3289

(C) The attorney general may refuse to issue a manufacturer 3290
license to any person to which any of the following applies, or to 3291
any person that has an officer, partner, or other person who has 3292
an ownership interest of ten per cent or more and to whom any of 3293
the following applies: 3294

(1) The person, officer, or partner has been convicted of a 3295
felony under the laws of this state, another state, or the United 3296
States. 3297

(2) The person, officer, or partner has been convicted of any 3298
gambling offense. 3299

(3) The person, officer, or partner has made an incorrect or 3300
false statement that is material to the granting of a license in 3301
an application submitted to the attorney general under this 3302
section or in a similar application submitted to a gambling 3303
licensing authority in another jurisdiction if the statement 3304
resulted in license revocation through administrative action in 3305
the other jurisdiction. 3306

(4) The person, officer, or partner has submitted any 3307
incorrect or false information relating to the application to the 3308
attorney general under this section, if the information is 3309
material to the granting of the license. 3310

(5) The person, officer, or partner has failed to correct any 3311
incorrect or false information that is material to the granting of 3312
the license in the records required to be maintained under 3313
division (F) of section 2915.10 of the Revised Code. 3314

(6) The person, officer, or partner has had a license related 3315
to gambling revoked or suspended under the laws of this state, 3316
another state, or the United States. 3317

(D)(1) No manufacturer shall sell, offer to sell, or 3318
otherwise provide or offer to provide bingo supplies to any person 3319
for use in this state except to a distributor that has been issued 3320
a license under section 2915.081 of the Revised Code. No 3321
manufacturer shall accept payment for the sale of bingo supplies 3322
other than by check or electronic fund transfer. 3323

(2) No manufacturer shall knowingly solicit, offer, pay, or 3324
receive any kickback, bribe, or undocumented rebate, directly or 3325
indirectly, overtly or covertly, in cash or in kind, in return for 3326
providing bingo supplies to any person in this state. 3327

(E)(1) The attorney general may suspend or revoke a 3328
manufacturer license for any of the reasons for which the attorney 3329
general may refuse to issue a manufacturer license specified in 3330
division (C) of this section or if the manufacturer holding the 3331
license violates any provision of this chapter or any rule adopted 3332
by the attorney general under this chapter. 3333

(2) The attorney general may perform an onsite inspection of 3334
a manufacturer of bingo supplies that is selling, offering to 3335
sell, or otherwise providing or offering to provide bingo supplies 3336
or that is applying for a license to sell, offer to sell, or 3337

otherwise provide or offer to provide bingo supplies in this 3338
state. 3339

(F) Whoever violates division (A) or (D) of this section is 3340
guilty of illegally operating as a manufacturer. Except as 3341
otherwise provided in this division, illegally operating as a 3342
manufacturer is a misdemeanor of the first degree. If the offender 3343
previously has been convicted of a violation of division (A) or 3344
(D) of this section, illegally operating as a manufacturer is a 3345
felony of the fifth degree. 3346

Sec. 2915.083. (A) No lessor shall purchase, obtain, possess, 3347
sell, offer to sell, lease, or otherwise provide or offer to 3348
provide durable bingo equipment to another person or lease or 3349
provide premises for the conduct of bingo as described in division 3350
(S)(1) of section 2915.01 of the Revised Code to more than one 3351
charitable organization without having obtained a license from the 3352
attorney general under this section. No license is needed for a 3353
lessor that does not purchase, obtain, possess, sell, offer to 3354
sell, lease, or otherwise provides or offers to provide durable 3355
bingo equipment or leases or provides premises for the conduct of 3356
bingo as described in division (S)(1) of section 2915.01 of the 3357
Revised Code to less than two charitable organizations. 3358

(B) The attorney general may issue a lessor license to any 3359
person that meets the requirements of this section. The 3360
application for the license shall be on a form prescribed by the 3361
attorney general and be accompanied by the annual fee prescribed 3362
by this section. The license is valid for a period of one year, 3363
and the annual fee for the license is five hundred dollars. 3364

(C) The attorney general may refuse to issue a lessor license 3365
to any person to which any of the following applies or to any 3366
person that has an officer, partner, or other person who has an 3367
ownership interest of ten per cent or more and to whom any of the 3368

<u>following applies:</u>	3369
<u>(1) The person, officer, or partner is not a lessor as defined in section 2915.01 of the Revised Code.</u>	3370 3371
<u>(2) The person, officer, or partner leases or has leased premises to a charitable organization to conduct bingo as defined in division (S)(1) of section 2915.01 of the Revised Code in excess of allowable rental amounts under division (B)(1) of section 2915.09 of the Revised Code.</u>	3372 3373 3374 3375 3376
<u>(3) The person, officer, or partner provides or has provided bingo game operators, security personnel, concessions, bingo supplies other than durable bingo equipment, or any other type of service to a charitable organization conducting bingo on the premises.</u>	3377 3378 3379 3380 3381
<u>(4) The person, officer, or partner provides or has provided durable bingo equipment to a charitable organization conducting bingo on the premises without first obtaining a license under this section.</u>	3382 3383 3384 3385
<u>(5) The person, officer, or partner has been convicted of a felony under the laws of this state, another state, or the United States.</u>	3386 3387 3388
<u>(6) The person, officer, or partner has been convicted of any gambling offense.</u>	3389 3390
<u>(7) 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.</u>	3391 3392 3393 3394 3395 3396 3397
<u>(8) The person, officer, or partner has submitted any</u>	3398

incorrect or false information relating to the application to the 3399
attorney general under this section, if the information is 3400
material to the granting of a license. 3401

(9) The person, officer, or partner has failed to correct any 3402
incorrect or false information that is material to the granting of 3403
the license in the records required to be maintained under 3404
division (H) of section 2915.10 of the Revised Code. 3405

(D) The attorney general shall not issue a lessor license to 3406
any person that is involved in the conduct of bingo on behalf of a 3407
charitable organization. This division does not prohibit a lessor 3408
from leasing the premises used for the conduct of bingo to a 3409
licensed charitable organization or from providing durable bingo 3410
equipment and training to a charitable organization's bingo game 3411
operators on the proper use and maintenance of durable bingo 3412
equipment. This division does not prohibit a lessor from repairing 3413
durable bingo equipment at any time, including during a bingo 3414
session. 3415

(E)(1) No lessor shall sell, offer to sell, or otherwise 3416
provide or offer to provide durable bingo equipment to any person, 3417
except to and for the use of a charitable organization that has 3418
been issued a license under section 2915.08 of the Revised Code. 3419
No lessor shall accept payment for the sale, lease, or other 3420
provision of durable bingo equipment other than by check. 3421

(2) No lessor shall purchase durable bingo equipment from any 3422
person except from a distributor issued a license under section 3423
2915.081 of the Revised Code. No lessor shall pay for durable 3424
bingo equipment other than by check. 3425

(3) No lessor shall participate in the conduct of bingo on 3426
behalf of a charitable organization. 3427

(4) No lessor shall knowingly solicit, offer, pay, or receive 3428
any kickback, bribe, or undocumented rebate, directly or 3429

indirectly, overtly or covertly, in cash or in kind, in return 3430
from providing durable bingo equipment to any person in this 3431
state. 3432

(F) The attorney general may suspend or revoke a lessor 3433
license for any of the reasons for which the attorney general may 3434
refuse to issue a lessor license specified in division (C) of this 3435
section or if the lessor holding the license violates any 3436
provision of this chapter or any rule adopted by the attorney 3437
general under this chapter. 3438

(G) Whoever violates division (A) or (E) of this section is 3439
guilty of illegally operating as a lessor. Except as otherwise 3440
provided in this division, illegally operating as a lessor is a 3441
misdemeanor of the first degree. If the offender has previously 3442
been convicted of a violation of division (A) or (E) of this 3443
section, illegally operating as a lessor is a felony of the fifth 3444
degree. 3445

Sec. 2915.09. (A) No charitable organization that conducts 3446
bingo shall fail to do any of the following: 3447

(1) Own all of the equipment used to conduct bingo or lease 3448
that equipment from a charitable organization that is licensed to 3449
conduct bingo, or, for durable bingo equipment, from the licensed 3450
lessor of a premises where bingo is conducted, for a rental rate 3451
that is not more than is customary and reasonable for that 3452
equipment; 3453

(2) Except as otherwise provided in division (A)(3) of this 3454
section, use all of the gross receipts from bingo for paying 3455
prizes, for reimbursement of expenses for or for renting premises 3456
in which to conduct a bingo session, for reimbursement of expenses 3457
for or for purchasing or leasing bingo supplies used in conducting 3458
bingo, for reimbursement of expenses for or for hiring security 3459
personnel, for reimbursement of expenses for or for advertising 3460

bingo, or for reimbursement of other expenses or for other 3461
expenses listed in division (LL) of section 2915.01 of the Revised 3462
Code, provided that the amount of the receipts so spent is not 3463
more than is customary and reasonable for a similar purchase, 3464
lease, hiring, advertising, or expense. If the building in which 3465
bingo is conducted is owned by the charitable organization 3466
conducting bingo and the bingo conducted includes a form of bingo 3467
described in division (S)(1) of section 2915.01 of the Revised 3468
Code, the charitable organization may deduct from the total amount 3469
of the gross receipts from each session a sum equal to the lesser 3470
of six hundred dollars or forty-five per cent of the gross 3471
receipts from the bingo described in that division as 3472
consideration for the use of the premises. 3473

(3) Use, or give, donate, or otherwise transfer, all of the 3474
net profit derived from bingo, other than instant bingo, for a 3475
charitable purpose listed in its license application and described 3476
in division (Z) of section 2915.01 of the Revised Code, or 3477
distribute all of the net profit from the proceeds of the sale of 3478
instant bingo as stated in its license application and in 3479
accordance with section 2915.101 of the Revised Code. 3480

(B) No charitable organization that conducts a bingo game 3481
described in division (S)(1) of section 2915.01 of the Revised 3482
Code shall fail to do any of the following: 3483

(1) Conduct the bingo game on premises that are owned by the 3484
charitable organization, on premises that are owned by another 3485
charitable organization and leased from that charitable 3486
organization for a rental rate not in excess of the lesser of six 3487
hundred dollars per bingo session or forty-five per cent of the 3488
gross receipts of the bingo session, on premises that are leased 3489
from a person other than a charitable organization for a rental 3490
rate that is not more than is customary and reasonable for 3491
premises that are similar in location, size, and quality but not 3492

in excess of four hundred fifty dollars per bingo session, or on 3493
premises that are owned by a person other than a charitable 3494
organization, that are leased from that person by another 3495
charitable organization, and that are subleased from that other 3496
charitable organization by the charitable organization for a 3497
rental rate not in excess of four hundred fifty dollars per bingo 3498
session. In no case shall a charitable organization pay property 3499
taxes or assessments on premises that the charitable organization 3500
leases from another person to conduct bingo. If the charitable 3501
organization leases from a person other than a charitable 3502
organization the premises on which it conducts bingo sessions, the 3503
lessor of the premises shall provide ~~only~~ the premises to the 3504
organization and shall not provide the organization with bingo 3505
game operators, security personnel, concessions or concession 3506
operators, bingo supplies, or any other type of service ~~or~~ 3507
equipment, except in the case of a licensed lessor providing 3508
durable bingo equipment under section 2915.083 of the Revised 3509
Code. A charitable organization shall not lease or sublease 3510
premises that it owns or leases to more than one other charitable 3511
organization per calendar week for the purpose of conducting bingo 3512
sessions on the premises. A person that is not a charitable 3513
organization shall not lease premises that it owns, leases, or 3514
otherwise is empowered to lease to more than ~~one~~ three charitable 3515
~~organization~~ organizations per calendar week for conducting bingo 3516
sessions on the premises. In no case shall more than ~~two~~ nine 3517
bingo sessions be conducted on any premises in any calendar week. 3518

(2) Display its license conspicuously at the premises where 3519
the bingo session is conducted; 3520

(3) Conduct the bingo session in accordance with the 3521
definition of bingo set forth in division (S)(1) of section 3522
2915.01 of the Revised Code. 3523

(C) No charitable organization that conducts a bingo game 3524

described in division (S)(1) of section 2915.01 of the Revised Code shall do any of the following:

(1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo session;

(3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;

(4) Except as otherwise provided in division (C)(4) of this section, conduct more than ~~two~~ three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than ~~two~~ three bingo sessions in a seven-day period after notifying the attorney general when it will conduct the sessions.

(5) Pay out more than ~~three~~ six thousand ~~five hundred~~ dollars in prizes for bingo games described in division (S)(1) of section 2915.01 of the Revised Code during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo.

(6) Conduct a bingo session at any time during the ten-hour period between midnight and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to section 2915.12 of the Revised Code, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Division (A)(6) of this section does not prohibit the sale of instant bingo tickets beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the attorney general for an amended license pursuant to division (F) of section 2915.08 of the Revised Code. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license.

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies,

or any other type of service ~~or equipment~~, except in the case of a 3588
licensed lessor providing durable bingo equipment under section 3589
2915.083 of the Revised Code; 3590

(10) Purchase or lease bingo supplies from any person except 3591
a distributor issued a license under section 2915.081 of the 3592
Revised Code, except a charitable organization may purchase or 3593
lease durable bingo equipment from a lessor licensed under section 3594
2915.083 of the Revised Code; 3595

(11)(a) Use or permit the use of electronic bingo aids except 3596
under the following circumstances: 3597

(i) For any single participant, not more than ninety bingo 3598
faces can be played using an electronic bingo aid or aids. 3599

(ii) The charitable organization shall provide a participant 3600
using an electronic bingo aid with corresponding paper bingo cards 3601
or sheets. 3602

(iii) The total price of bingo faces played with an 3603
electronic bingo aid shall be equal to the total price of the same 3604
number of bingo faces played with a paper bingo card or sheet sold 3605
at the same bingo session but without an electronic bingo aid. 3606

(iv) An electronic bingo aid cannot be part of an electronic 3607
network other than a network that includes only bingo aids and 3608
devices that are located on the premises at which the bingo is 3609
being conducted or be interactive with any device not located on 3610
the premises at which the bingo is being conducted. 3611

(v) An electronic bingo aid cannot be used to participate in 3612
bingo that is conducted at a location other than the location at 3613
which the bingo session is conducted and at which the electronic 3614
bingo aid is used. 3615

(vi) An electronic bingo aid cannot be used to provide for 3616
the input of numbers and letters announced by a bingo caller other 3617

than the bingo caller who physically calls the numbers and letters 3618
at the location at which the bingo session is conducted and at 3619
which the electronic bingo aid is used. 3620

(b) The attorney general may adopt rules in accordance with 3621
Chapter 119. of the Revised Code that govern the use of electronic 3622
bingo aids. The rules may include a requirement that an electronic 3623
bingo aid be capable of being audited by the attorney general to 3624
verify the number of bingo cards or sheets played during each 3625
bingo session. 3626

(12) Permit any person the charitable organization knows, or 3627
should have known, to be under eighteen years of age to play bingo 3628
described in division (S)(1) of section 2915.01 of the Revised 3629
Code. 3630

(D)(1) Except as otherwise provided in division (D)(3) of 3631
this section, no charitable organization shall provide to a bingo 3632
game operator, and no bingo game operator shall receive or accept, 3633
any commission, wage, salary, reward, tip, donation, gratuity, or 3634
other form of compensation, directly or indirectly, regardless of 3635
the source, for conducting bingo or providing other work or labor 3636
at the site of bingo during a bingo session. 3637

(2) Except as otherwise provided in division (D)(3) of this 3638
section, no charitable organization shall provide to a bingo game 3639
operator any commission, wage, salary, reward, tip, donation, 3640
gratuity, or other form of compensation, directly or indirectly, 3641
regardless of the source, for conducting instant bingo other than 3642
at a bingo session at the site of instant bingo other than at a 3643
bingo session. 3644

(3) Nothing in division (D) of this section prohibits an 3645
employee of a fraternal organization, veteran's organization, or 3646
sporting organization from selling instant bingo tickets or cards 3647
to the organization's members or invited guests, as long as no 3648

portion of the employee's compensation is paid from any receipts 3649
of bingo. 3650

(E) Notwithstanding division (B)(1) of this section, a 3651
charitable organization that, prior to December 6, 1977, has 3652
entered into written agreements for the lease of premises it owns 3653
to another charitable organization or other charitable 3654
organizations for the conducting of bingo sessions so that more 3655
than two bingo sessions are conducted per calendar week on the 3656
premises, and a person that is not a charitable organization and 3657
that, prior to December 6, 1977, has entered into written 3658
agreements for the lease of premises it owns to charitable 3659
organizations for the conducting of more than two bingo sessions 3660
per calendar week on the premises, may continue to lease the 3661
premises to those charitable organizations, provided that no more 3662
than four sessions are conducted per calendar week, that the 3663
lessor organization or person has notified the attorney general in 3664
writing of the organizations that will conduct the sessions and 3665
the days of the week and the times of the day on which the 3666
sessions will be conducted, that the initial lease entered into 3667
with each organization that will conduct the sessions was filed 3668
with the attorney general prior to December 6, 1977, and that each 3669
organization that will conduct the sessions was issued a license 3670
to conduct bingo games by the attorney general prior to December 3671
6, 1977. 3672

(F) This section does not prohibit a bingo licensed 3673
charitable organization or a bingo game operator from giving any 3674
person an instant bingo ticket as a prize in place of a cash prize 3675
won by a participant in an instant bingo game. In no case shall an 3676
instant bingo ticket or card be sold or provided for a price 3677
different from the price printed on it by the manufacturer on 3678
either the instant bingo ticket or card or on the game flare. 3679

(G) Whoever violates division (A)(2) of this section is 3680

guilty of illegally conducting a bingo game, a felony of the 3681
fourth degree. Except as otherwise provided in this division, 3682
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 3683
(C)(1) to (12), or (D) of this section is guilty of a minor 3684
misdemeanor. If the offender previously has been convicted of a 3685
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 3686
to (11), or (D) of this section, a violation of division (A)(1) 3687
or (3), (B)(1), (2), or (3), (C), or (D) of this section is a 3688
misdemeanor of the first degree. Whoever violates division (C)(12) 3689
of this section is guilty of a misdemeanor of the first degree, if 3690
the offender previously has been convicted of a violation of 3691
division (C)(12) of this section, a felony of the fourth degree. 3692

Sec. 2915.091. (A) No charitable organization that conducts 3693
instant bingo shall do any of the following: 3694

(1) Fail to comply with the requirements of divisions (A)(1), 3695
(2), and (3) of section 2915.09 of the Revised Code; 3696

(2) Conduct instant bingo unless either of the following 3697
~~apply~~ applies: 3698

(a) That organization is, and has received from the internal 3699
revenue service a determination letter that is currently in effect 3700
stating that the organization is, exempt from federal income 3701
taxation under subsection 501(a), is described in subsection 3702
501(c)(3) of the Internal Revenue Code, is a charitable 3703
organization as defined in section 2915.01 of the Revised Code, is 3704
in good standing in the state pursuant to section 2915.08 of the 3705
Revised Code, and is in compliance with Chapter 1716. of the 3706
Revised Code; 3707

(b) That organization is, and has received from the internal 3708
revenue service a determination letter that is currently in effect 3709
stating that the organization is, exempt from federal income 3710
taxation under subsection 501(a), is described in subsection 3711

501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under section 2915.13 of the Revised Code.

(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to section 2915.08 of the Revised Code;

(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;

(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under section 2915.081 of the Revised Code;

(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;

(7) Sell an instant bingo ticket or card to a person under eighteen years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three years;

(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any

compensation to the bingo game operators who prepare, sell, or	3743
serve the food or beverages;	3744
(10) Pay fees to any person for any services performed in	3745
relation to an instant bingo game;	3746
(11) Pay fees to any person who provides refreshments to the	3747
participants in an instant bingo game;	3748
(12)(a) Allow instant bingo tickets or cards to be sold to	3749
bingo game operators at a premises at which the organization sells	3750
instant bingo tickets or cards or to be sold to employees of a D	3751
permit holder who are working at a premises at which instant bingo	3752
tickets or cards are sold;	3753
(b) Division (A)(12)(a) of this section does not prohibit a	3754
licensed charitable organization or a bingo game operator from	3755
giving any person an instant bingo tickets <u>ticket</u> as a prize <u>in</u>	3756
<u>place of a cash prize won by a participant in an instant bingo</u>	3757
<u>game. In no case shall an instant bingo ticket or card be sold or</u>	3758
<u>provided for a price different from the price printed on it by the</u>	3759
<u>manufacturer on either the instant bingo ticket or card or on the</u>	3760
<u>game flare.</u>	3761
(13) Fail to display its bingo license, and the serial	3762
numbers of the deal of instant bingo tickets or cards to be sold,	3763
conspicuously at each premises at which it sells instant bingo	3764
tickets or cards;	3765
(14) Possess a deal of instant bingo tickets or cards that	3766
was not purchased from a distributor licensed under section	3767
2915.081 of the Revised Code as reflected on an invoice issued by	3768
the distributor that contains all of the information required by	3769
division (E) of section 2915.10 of the Revised Code;	3770
(15) Fail, once it opens a deal of instant bingo tickets or	3771
eards, to continue to sell the tickets or cards in that deal until	3772
the tickets or cards with the top two highest tiers of prizes in	3773

~~that deal are sold;~~ 3774

~~(16) Purchase, lease, or use instant bingo ticket dispensers~~ 3775
~~to sell instant bingo tickets or cards;~~ 3776

~~(17)~~ Possess bingo supplies that were not obtained in 3777
accordance with sections 2915.01 to 2915.13 of the Revised Code. 3778

(B)(1) A charitable organization may conduct instant bingo 3779
other than at a bingo session at not more than five separate 3780
locations. A charitable organization that is exempt from federal 3781
taxation under subsection 501(a) and described in subsection 3782
501(c)(3) of the Internal Revenue Code and that is created by a 3783
veteran's organization or a fraternal organization is not limited 3784
in the number of separate locations the charitable organization 3785
may conduct instant bingo other than at a bingo session. 3786

(2) A charitable organization may purchase, lease, or use 3787
instant bingo ticket dispensers to sell instant bingo tickets or 3788
cards. 3789

(C) The attorney general may adopt rules in accordance with 3790
Chapter 119. of the Revised Code that govern the conduct of 3791
instant bingo by charitable organizations. Before those rules are 3792
adopted, the attorney general shall reference the recommended 3793
standards for opacity, randomization, minimum information, winner 3794
protection, color, and cutting for instant bingo tickets or cards, 3795
seal cards, and punch boards established by the North American 3796
gaming regulators association. 3797

(D) Whoever violates division (A) of this section or a rule 3798
adopted under division (C) of this section is guilty of illegal 3799
instant bingo conduct. Except as otherwise provided in this 3800
division, illegal instant bingo conduct is a misdemeanor of the 3801
first degree. If the offender previously has been convicted of a 3802
violation of division (A) of this section or of such a rule, 3803
illegal instant bingo conduct is a felony of the fifth degree. 3804

Sec. 2915.093. (A) As used in this section, "retail income 3805
from all commercial activity" means the income that a person 3806
receives from the provision of goods, services, or activities that 3807
are provided at the location where instant bingo other than at a 3808
bingo session is conducted, including the sale of instant bingo 3809
tickets. A religious organization that is exempt from federal 3810
income taxation under subsection 501(a) and described in 3811
subsection 501(c)(3) of the Internal Revenue Code, at not more 3812
than one location at which it conducts its charitable programs, 3813
may include donations from its members and guests as retail 3814
income. 3815

(B) A charitable instant bingo organization may conduct 3816
instant bingo other than at a bingo session at not more than five 3817
separate locations. 3818

(C)(1) If a charitable instant bingo organization conducts 3819
instant bingo other than at a bingo session, the charitable 3820
instant bingo organization shall enter into a written contract 3821
with the owner or lessor of the location at which the instant 3822
bingo is conducted to allow the owner or lessor to assist in the 3823
conduct of instant bingo other than at a bingo session, identify 3824
each location where the instant bingo other than at a bingo 3825
session is being conducted, and identify the owner or lessor of 3826
each location. 3827

(2) A charitable instant bingo organization that conducts 3828
instant bingo other than at a bingo session is not required to 3829
enter into a written contract with the owner or lessor of the 3830
location at which the instant bingo is conducted, provided that 3831
the owner or lessor is not assisting in the conduct of the instant 3832
bingo other than at a bingo session and provided that the conduct 3833
of the instant bingo other than at a bingo session at that 3834
location is not more than five days per calendar year and not more 3835

than ten hours per day. 3836

(D) Except as provided in division (G) of this section, no 3837
charitable instant bingo organization shall conduct instant bingo 3838
other than at a bingo session at a location where the primary 3839
source of retail income from all commercial activity at that 3840
location is the sale of instant bingo tickets. 3841

(E) The owner or lessor of a location that enters into a 3842
contract pursuant to division (C) of this section shall pay the 3843
full gross profit to the charitable instant bingo organization by 3844
check, in return for the deal of instant bingo tickets. The owner 3845
or lessor may retain the money that the owner or lessor receives 3846
for selling the instant bingo tickets, provided, however, that 3847
after the deal has been sold, the owner or lessor shall pay to the 3848
charitable instant bingo organization the value of any unredeemed 3849
instant bingo prizes remaining in the deal of instant bingo 3850
tickets by check. 3851

As used in this division, "full gross profit" means the 3852
amount by which the total receipts of all instant bingo tickets, 3853
if the deal had been sold in full, exceeds the amount that would 3854
be paid out if all prizes were redeemed. 3855

(F) A charitable instant bingo organization shall provide the 3856
attorney general with all of the following information: 3857

(1) That the charitable instant bingo organization has 3858
terminated a contract entered into pursuant to division (C) of 3859
this section with an owner or lessor of a location; 3860

(2) That the charitable instant bingo organization has 3861
entered into a written contract pursuant to division (C) of this 3862
section with a new owner or lessor of a location; 3863

(3) That the charitable instant bingo organization is aware 3864
of conduct by the owner or lessor of a location at which instant 3865
bingo is conducted that is in violation of this chapter. 3866

(G) Division (D) of this section does not apply to a 3867
volunteer firefighter's organization that is exempt from federal 3868
income taxation under subsection 501(a) and described in 3869
subsection 501(c)(3) of the Internal Revenue Code, that conducts 3870
instant bingo other than at a bingo session on the premises where 3871
the organization conducts firefighter training, that has conducted 3872
instant bingo continuously for at least five years prior to July 3873
1, 2003, and that, during each of those five years, had gross 3874
receipts of at least one million five hundred thousand dollars. 3875

Sec. 2915.10. (A) No charitable organization that conducts 3876
bingo, instant bingo, or a game of chance ~~pursuant to division (D)~~ 3877
~~of section 2915.02 of the Revised Code~~ conducted for profit or a 3878
raffle shall fail to maintain the following records for at least 3879
three years from the date on which the bingo, instant bingo, or 3880
game of chance conducted for profit or raffle is conducted: 3881

(1) An itemized list of the gross receipts of each bingo 3882
session, each game of instant bingo by serial number, each raffle, 3883
each punch board game, and each game of chance conducted for 3884
profit, and an itemized list of the gross profits of each game of 3885
instant bingo by serial number; 3886

(2) An itemized list of all expenses, other than prizes, that 3887
are incurred in conducting bingo ~~or~~, instant bingo, a game of 3888
chance conducted for profit, or a raffle, the name of each person 3889
to whom the expenses are paid, and a receipt for all of the 3890
expenses; 3891

(3) A list of all prizes awarded during each bingo session, 3892
each raffle, each punch board game, and each game of chance 3893
conducted for profit by the charitable organization, the total 3894
prizes awarded from each game of instant bingo by serial number, 3895
and the name, address, and social security number of all persons 3896
who are winners of prizes of six hundred dollars or more in value; 3897

(4) An itemized list of the recipients of the net profit of 3898
the bingo, instant bingo, raffle, or game of chance conducted for 3899
profit, including the name and address of each recipient to whom 3900
the money is distributed, and if the organization uses the net 3901
profit of bingo, ~~or the money or assets received from a game of~~ 3902
~~chance,~~ net profit from the proceeds from the sale of instant 3903
bingo, net profit from the proceeds of a game of chance conducted 3904
for profit, or net profit from a raffle for any charitable or 3905
other purpose set forth in division (Z) of section 2915.01, 3906
division (D) of section 2915.02, section 2915.092, or section 3907
2915.101 of the Revised Code, a list of each purpose and an 3908
itemized list of each expenditure for each purpose; 3909

(5) The number of persons who participate in any bingo 3910
session or game of chance conducted for profit that is conducted 3911
by the charitable organization; 3912

(6) A list of receipts from the sale of food and beverages by 3913
the charitable organization or one of its auxiliary units or 3914
societies, if the receipts were excluded from gross receipts under 3915
division (X) of section 2915.01 of the Revised Code; 3916

(7) An itemized list of all expenses incurred at each bingo 3917
session, each raffle, each punch board game, each game of chance 3918
conducted for profit, or each game of instant bingo conducted by 3919
the charitable organization in the sale of food and beverages by 3920
the charitable organization or by an auxiliary unit or society of 3921
the charitable organization, the name of each person to whom the 3922
expenses are paid, and a receipt for all of the expenses. 3923

(B) A charitable organization shall keep the records that it 3924
is required to maintain pursuant to division (A) of this section 3925
at its principal place of business in this state or at its 3926
headquarters in this state and shall notify the attorney general 3927
of the location at which those records are kept. 3928

(C) The gross profit from each bingo session or game 3929
described in division (S)(1) or (2) of section 2915.01 of the 3930
Revised Code shall be deposited into a checking account devoted 3931
exclusively to the bingo session or game. Payments for allowable 3932
expenses incurred in conducting the bingo session or game and 3933
payments to recipients of some or all of the net profit of the 3934
bingo session or game shall be made only by checks drawn on the 3935
bingo session or game account or by electronic funds transfer from 3936
the bingo session or game account. 3937

(D) Each charitable organization shall conduct and record an 3938
inventory of all of its bingo supplies as of the first day of 3939
November of each year. 3940

(E) The attorney general may adopt rules in accordance with 3941
Chapter 119. of the Revised Code that establish standards of 3942
accounting, record keeping, and reporting to ensure that gross 3943
receipts from bingo, instant bingo, or games of chance conducted 3944
for profit are properly accounted for. 3945

(F) A distributor shall maintain, for a period of three years 3946
after the date of its sale or other provision, a record of each 3947
instance of its selling or otherwise providing to another person 3948
bingo supplies for use in this state. The record shall include all 3949
of the following for each instance: 3950

(1) The name of the manufacturer from which the distributor 3951
purchased the bingo supplies and the date of the purchase; 3952

(2) The name and address of the charitable organization or 3953
other distributor to which the bingo supplies were sold or 3954
otherwise provided; 3955

(3) A description that clearly identifies the bingo supplies; 3956

(4) Invoices that include the nonrepeating serial numbers of 3957
all paper bingo cards and sheets and all instant bingo deals sold 3958
or otherwise provided to each charitable organization and the 3959

manufacturer of each instant bingo deal sold or otherwise 3960
provided. 3961

(G) A manufacturer shall maintain, for a period of three 3962
years after the date of its sale or other provision, a record of 3963
each instance of its selling or otherwise providing bingo supplies 3964
for use in this state. The record shall include all of the 3965
following for each instance: 3966

(1) The name and address of the distributor to whom the bingo 3967
supplies were sold or otherwise provided; 3968

(2) A description that clearly identifies the bingo supplies, 3969
including serial numbers; 3970

(3) Invoices that include the nonrepeating serial numbers of 3971
all paper bingo cards and sheets and all instant bingo deals sold 3972
or otherwise provided to each distributor. 3973

(H) A licensed lessor shall maintain, for a period of three 3974
years after the date of its purchase, sale, lease, or other 3975
provision of durable bingo equipment, a record of each instance of 3976
its purchasing or acquiring of durable bingo equipment and its 3977
selling, leasing, or otherwise providing to another person durable 3978
bingo equipment. The record shall include all of the following for 3979
each instance: 3980

(1) The name of the distributor from which the licensed 3981
lessor purchased the durable bingo equipment and the date of 3982
purchase; 3983

(2) The name and address of the charitable organization to 3984
which the durable bingo equipment was sold, leased, or otherwise 3985
provided; 3986

(3) A description that clearly identifies the durable bingo 3987
equipment; 3988

(4) Invoices, purchase agreements, contracts, or lease 3989

<u>agreements of all durable bingo equipment sold, leased, or</u>	3990
<u>otherwise provided to each charitable organization;</u>	3991
<u>(5) Invoices, purchase agreements, contracts, or lease</u>	3992
<u>agreements of all durable bingo equipment purchased, leased, or</u>	3993
<u>otherwise obtained from each distributor.</u>	3994
<u>(I) The attorney general or any law enforcement agency may do</u>	3995
all of the following:	3996
(1) Investigate any charitable organization or any officer,	3997
agent, trustee, member, <u>bingo game operator</u> , or employee of the	3998
organization;	3999
(2) Examine the accounts and records of the organization <u>or</u>	4000
<u>of any distributor, manufacturer, or lessor;</u>	4001
(3) Conduct inspections, audits, and observations of bingo	4002
<u>instant bingo, raffles, or games of chance conducted for profit;</u>	4003
(4) Conduct inspections of the premises where bingo or games	4004
of chance <u>conducted for profit</u> are conducted <u>and conduct</u>	4005
<u>inspections of any distributor, manufacturer, or lessor;</u>	4006
(5) Take any other necessary and reasonable action to	4007
determine if a violation of any provision of sections 2915.01 to	4008
2915.13 of the Revised Code has occurred and to determine whether	4009
section 2915.11 of the Revised Code has been complied with.	4010
If any law enforcement agency has reasonable grounds to	4011
believe that a charitable organization or an officer, agent,	4012
trustee, member, <u>bingo game operator</u> , or employee of the	4013
organization has violated any provision of this chapter, the law	4014
enforcement agency may proceed by action in the proper court to	4015
enforce this chapter, provided that the law enforcement agency	4016
shall give written notice to the attorney general when commencing	4017
an action as described in this division.	4018
(I) <u>(J)</u> No person shall destroy, alter, conceal, withhold, or	4019

deny access to any accounts or records of a charitable 4020
organization, distributor, manufacturer, or lessor that have been 4021
requested for examination, or obstruct, impede, or interfere with 4022
any inspection, audit, or observation of bingo ~~or~~, instant bingo, 4023
a game of chance conducted for profit, or a raffle or premises 4024
where bingo ~~or~~, instant bingo, a game of chance conducted for 4025
profit, or a raffle is conducted, or refuse to comply with any 4026
reasonable request of, or obstruct, impede, or interfere with any 4027
other reasonable action undertaken by, the attorney general or a 4028
law enforcement agency ~~pursuant to~~ under division ~~(H)~~(I) of this 4029
section. 4030

~~(J)~~(K) Whoever violates division (A) or ~~(I)~~(J) of this 4031
section is guilty of a misdemeanor of the first degree. 4032

Sec. 2915.101. Except as otherwise provided by law, a 4033
charitable organization that conducts instant bingo shall 4034
distribute the net profit from the proceeds of the sale of instant 4035
bingo as follows: 4036

(A)(1) If a veteran's organization, a fraternal organization, 4037
or a sporting organization conducted the instant bingo, the 4038
organization shall distribute the net profit from the proceeds of 4039
the sale of instant bingo, as follows: 4040

(a) For the first ~~one~~ two hundred fifty thousand dollars, or 4041
a greater amount prescribed by the attorney general to adjust for 4042
changes in prices as measured by the consumer price index as 4043
defined in section 325.18 of the Revised Code and other factors 4044
affecting the organization's expenses as defined in division (LL) 4045
of section 2915.01 of the Revised Code, or less of net profit from 4046
the proceeds of the sale of instant bingo generated in a calendar 4047
year: 4048

(i) At least twenty-five per cent shall be distributed to an 4049
organization described in division (Z)(1) of section 2915.01 of 4050

the Revised Code or to a department or agency of the federal 4051
government, the state, or any political subdivision. 4052

(ii) Not more than seventy-five per cent may be deducted and 4053
retained by the organization for reimbursement of or for the 4054
organization's expenses, as defined in division (LL) of section 4055
2915.01 of the Revised Code, in conducting the instant bingo game. 4056

(b) For any net profit from the proceeds of the sale of 4057
instant bingo of more than ~~one~~ two hundred fifty thousand dollars 4058
or an adjusted amount generated in a calendar year: 4059

(i) A minimum of fifty per cent shall be distributed to an 4060
organization described in division (Z)(1) of section 2915.01 of 4061
the Revised Code or to a department or agency of the federal 4062
government, the state, or any political subdivision. 4063

(ii) Five per cent may be distributed for the organization's 4064
own charitable purposes or to a community action agency. 4065

(iii) Forty-five per cent may be deducted and retained by the 4066
organization for reimbursement of or for the organization's 4067
expenses, as defined in division (LL) of section 2915.01 of the 4068
Revised Code, in conducting the instant bingo game. 4069

(2) If a veteran's organization, a fraternal organization, or 4070
a sporting organization does not distribute the full percentages 4071
specified in divisions (A)(1)(a) and (b) of this section for the 4072
purposes specified in those divisions, the organization shall 4073
distribute the balance of the net profit from the proceeds of the 4074
sale of instant bingo not distributed or retained for those 4075
purposes to an organization described in division (Z)(1) of 4076
section 2915.01 of the Revised Code. 4077

(B) If a charitable organization other than a veteran's 4078
organization, a fraternal organization, or a sporting organization 4079
conducted the instant bingo, the organization shall distribute one 4080
hundred per cent of the net profit from the proceeds of the sale 4081

of instant bingo to an organization described in division (Z)(1) 4082
of section 2915.01 of the Revised Code or to a department or 4083
agency of the federal government, the state, or any political 4084
subdivision. 4085

(C) Nothing in this section prohibits a veteran's 4086
organization, a fraternal organization, or a sporting organization 4087
from distributing any net profit from the proceeds of the sale of 4088
instant bingo to an organization that is described in subsection 4089
501(c)(3) of the Internal Revenue Code when the organization that 4090
is described in subsection 501(c)(3) of the Internal Revenue Code 4091
is one that makes donations to other organizations and permits 4092
donors to advise or direct such donations so long as the donations 4093
comply with requirements established in or pursuant to subsection 4094
501(c)(3) of the Internal Revenue Code. 4095

(D) All distributions required under this section shall be 4096
distributed within the same calendar year in which the net profit 4097
from the proceeds from the sale of instant bingo is generated. 4098

Sec. 2915.13. (A) A licensed veteran's organization, a 4099
fraternal organization, or a sporting organization ~~authorized to~~ 4100
~~conduct a bingo session pursuant to sections 2915.01 to 2915.12 of~~ 4101
~~the Revised Code that also qualifies as a charitable organization~~ 4102
may conduct instant bingo other than at a bingo session if all of 4103
the following apply: 4104

(1) The veteran's organization, fraternal organization, or 4105
sporting organization limits the sale of instant bingo to twelve 4106
hours during any day, provided that the sale does not begin 4107
earlier than ten a.m. and ends not later than two a.m. 4108

(2) The veteran's organization, fraternal organization, or 4109
sporting organization limits the sale of instant bingo to its own 4110
premises and to its own members and invited guests. 4111

(3) The veteran's organization, fraternal organization, or 4112
sporting organization is raising money for an organization that is 4113
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the 4114
Internal Revenue Code and is either a governmental unit or an 4115
organization that maintains its principal place of business in 4116
this state, that is exempt from federal income taxation under 4117
subsection 501(a) and described in subsection 501(c)(3) of the 4118
Internal Revenue Code, and that is in good standing in this state 4119
and executes a written contract with that organization as required 4120
in division (B) of this section. 4121

(B) If a veteran's organization, fraternal organization, or 4122
sporting organization authorized to conduct instant bingo pursuant 4123
to division (A) of this section is raising money for another 4124
organization that is described in subsection 509(a)(1), 509(a)(2), 4125
or 509(a)(3) of the Internal Revenue Code and is either a 4126
governmental unit or an organization that maintains its principal 4127
place of business in this state, that is exempt from federal 4128
income taxation under subsection 501(a) and described in 4129
subsection 501(c)(3) of the Internal Revenue Code, and that is in 4130
good standing in this state, the veteran's organization, fraternal 4131
organization, or sporting organization shall execute a written 4132
contract with the organization that is described in subsection 4133
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 4134
and is either a governmental unit or an organization that 4135
maintains its principal place of business in this state, that is 4136
exempt from federal income taxation under subsection 501(a) and 4137
described in subsection 501(c)(3) of the Internal Revenue Code, 4138
and that is in good standing in this state in order to conduct 4139
instant bingo. That contract shall include a statement of the 4140
percentage of the net proceeds that the veteran's, fraternal, or 4141
sporting organization will be distributing to the organization 4142
that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) 4143
of the Internal Revenue Code and is either a governmental unit or 4144

an organization that maintains its principal place of business in 4145
this state, that is exempt from federal income taxation under 4146
subsection 501(a) and described in subsection 501(c)(3) of the 4147
Internal Revenue Code, and that is in good standing in this state. 4148

(C)(1) If a veteran's organization, fraternal organization, 4149
or sporting organization authorized to conduct instant bingo 4150
pursuant to division (A) of this section has been issued a liquor 4151
permit under Chapter 4303. of the Revised Code, that permit may be 4152
subject to suspension, revocation, or cancellation if the 4153
veteran's organization, fraternal organization, or sporting 4154
organization violates a provision of this chapter. 4155

(2) No veteran's organization, fraternal organization, or 4156
sporting organization that enters into a written contract pursuant 4157
to division (B) of this section shall violate any provision of 4158
this chapter or permit, aid, or abet any other person in violating 4159
any provision of this chapter. 4160

(D) A veteran's organization, fraternal organization, or 4161
sporting organization shall give all required proceeds earned from 4162
the conduct of instant bingo to the organization with which the 4163
veteran's organization, fraternal organization, or sporting 4164
organization has entered into a written contract according to the 4165
requirements of section 2915.101 of the Revised Code. 4166

(E) Whoever violates this section is guilty of illegal 4167
instant bingo conduct. Except as otherwise provided in this 4168
division, illegal instant bingo conduct is a misdemeanor of the 4169
first degree. If the offender previously has been convicted of a 4170
violation of this section, illegal instant bingo conduct is a 4171
felony of the fifth degree. 4172

Sec. 2915.14. (A) The owner of a permitted location may 4173
establish a charity card room on the premises of the permitted 4174
location. The owner shall provide necessary game tables, chairs, 4175

surveillance, and other equipment in the charity card room. 4176

(B) A charitable organization may conduct games of chance in 4177
a charity card room for up to one hundred twenty-eight hours 4178
annually. Such hours need not be on consecutive days. More than 4179
one charitable organization may conduct games of chance in a 4180
charity card room simultaneously. 4181

(C)(1) The charitable organization shall pay rent to the 4182
owner of a permitted location in the amount of fifteen per cent of 4183
the revenue made from conducting the games of chance in the 4184
charity card room. 4185

(2) A charitable organization shall pay expenses for 4186
conducting games of chance in a charity card room, including 4187
expenses for the following: dealers, payroll administration, 4188
security, accounting, auditing, shuffle machine rental, insurance, 4189
marketing, advertising, utilities, cleanup, maintenance, and 4190
repair. A charitable organization may pay these expenses from its 4191
share of the revenue made from conducting games of chance in the 4192
charity card room. 4193

(3) Charitable organizations may pool revenue and expenses 4194
when applicable in a charity card room. 4195

(4) One hundred per cent of the net revenue in a charity card 4196
room remaining after payment of expenses and rent shall be paid to 4197
each charitable organization on a pro rata basis, based on 4198
volunteer hours of each charitable organization. 4199

(D) Notwithstanding division (D) of section 2915.02, a 4200
charitable organization may compensate dealers, dealer 4201
supervisors, human resource personnel, and other related personnel 4202
for operating games of chance in a charity card room. Dealers may 4203
also accept tips from games of chance players. 4204

(E) For the purposes of division (D)(1)(c) of section 2915.02 4205

of the Revised Code, a charitable organization may conduct games 4206
of chance at a permitted location and conducting those games of 4207
chance in a charity card room is considered a festival if the 4208
charitable organization provides a display booth about the 4209
charitable organization in the charity card room at all times when 4210
it is conducting games of chance. 4211

Sec. 3517.1015. Each person licensed under Chapter 3772. of 4212
the Revised Code shall disclose quarterly to the secretary of 4213
state any contribution of one hundred dollars or more made to the 4214
holder of or any candidate for a statewide office, a member of the 4215
general assembly, a local government official of a jurisdiction 4216
where a casino facility is located, or to any ballot issue. 4217

Sec. 3769.081. The state racing commission shall administer 4218
the Ohio state racing commission fund. The commission shall use 4219
the money in the fund to support purses, breeding programs, race 4220
track operations, and commission operations. The commission, 4221
considering the relative importance of these purposes in light of 4222
prevailing circumstances in the horse racing industry, shall 4223
determine the percentage of the money in the fund that is to be 4224
applied to each of these purposes. 4225

Sec. 3772.01. As used in this chapter: 4226

(A) "Applicant" means any person who applies to the 4227
commission for a license under this chapter. 4228

(B) "Casino control commission fund" means the casino control 4229
commission fund described in Section 6(C)(3)(d) of Article XV, 4230
Ohio Constitution, the money in which shall be used to fund the 4231
commission and its related affairs. 4232

(C) "Casino facility" means a casino facility as defined in 4233
Section 6(C)(9) of Article XV, Ohio Constitution, and includes one 4234

or more locations, buildings, or rooms within the boundaries of 4235
the properties described in Section 6(C)(9) of Article XV, Ohio 4236
Constitution. 4237

(D) "Casino gaming" means any type of slot machine or table 4238
game wagering, using money, casino credit, or any representative 4239
of value, authorized in any of the states of Indiana, Michigan, 4240
Pennsylvania, and West Virginia as of January 1, 2009, and 4241
includes slot machine and table game wagering subsequently 4242
authorized by, but shall not be limited by, subsequent 4243
restrictions placed on such wagering in such states. "Casino 4244
gaming" does not include bingo, as authorized in Section 6 of 4245
Article XV, Ohio Constitution and conducted as of January 1, 2009, 4246
or horse racing where the pari-mutuel system of wagering is 4247
conducted, as authorized under the laws of this state as of 4248
January 1, 2009. 4249

(E) "Casino gaming employee" means any employee of a casino 4250
operator or management company, but not a key employee, and as 4251
further defined in section 3772.131 of the Revised Code. 4252

(F) "Casino operator" means any person, trust, corporation, 4253
partnership, limited partnership, association, limited liability 4254
company, or other business enterprise that directly holds an 4255
ownership or leasehold interest in a casino facility. "Casino 4256
operator" does not include an agency of the state, any political 4257
subdivision of the state, any person, trust, corporation, 4258
partnership, limited partnership, association, limited liability 4259
company, or other business enterprise that may have an interest in 4260
a casino facility, but who is legally or contractually restricted 4261
from conducting casino gaming. 4262

(G) "Central system" means a computer system that provides 4263
the following functions related to casino gaming equipment used in 4264
connection with casino gaming authorized under this chapter: 4265
security, auditing, data and information retrieval, and other 4266

purposes deemed necessary and authorized by the commission. 4267

(H) "Commission" means the Ohio casino control commission. 4268

(I) "Economic development programs fund" consists of the 4269
proceeds from the upfront license fee to be paid by each initial 4270
licensed casino operator described in Section 6(C)(4) of Article 4271
XV, Ohio Constitution, the money in which shall be used to fund 4272
state economic development programs that support regional job 4273
training efforts to equip the workforce of this state with 4274
additional skills and to grow the economy. 4275

(J) "Gaming agent" means a peace officer employed by the 4276
commission that is vested with duties to enforce this chapter and 4277
conduct other investigations into the conduct of the casino gaming 4278
and the maintenance of the equipment that the commission considers 4279
necessary and proper and is in compliance with section 109.77 of 4280
the Revised Code. 4281

(K) "Gaming-related vendor" means any individual, 4282
partnership, corporation, association, trust, or any other group 4283
of individuals, however organized, who supplies any equipment, 4284
goods, or services to a casino operator or management company. 4285

(L) "Goods and services" does not include the following: 4286
testing by certified testing laboratories; utilities; taxes; 4287
financing costs, mortgages, loans, or other debt; medical 4288
insurance; fees and payments to a parent or affiliated company of 4289
a casino operator, other than fees and payments for goods and 4290
services supplied by nonaffiliated persons through an affiliated 4291
company for use or benefit of the casino operator; and rents for 4292
real property or payments constituting the price of an interest in 4293
real property as a result of a real estate transaction. 4294

(M) "Holding company" means any corporation, firm, 4295
partnership, limited partnership, limited liability company, 4296
trust, or other form of business organization not a natural person 4297

which directly owns, has the power or right to control, or holds 4298
with power to vote, any part of an applicant, casino operator, 4299
management company, or gaming-related vendor license. 4300

(N) "Initial investment" includes costs related to 4301
engineering, architecture, design, site preparation, construction, 4302
infrastructure improvements, land acquisition, fixtures and 4303
equipment, initial inventory, insurance related to construction, 4304
working capital, and leasehold improvements. "Initial investment" 4305
does not include costs related to any state incentives. 4306

(O) "Institutional investor" means any of the following 4307
entities owning five per cent or less, or a percentage between 4308
five and ten per cent as approved by the commission through a 4309
waiver on a case-by-case basis, ownership interest in a casino 4310
facility, casino operator, management company, or holding company: 4311
a corporation, bank, insurance company, pension fund or pension 4312
fund trust, retirement fund, including funds administered by a 4313
public agency, employees' profit-sharing fund or employees' 4314
profit-sharing trust, any association engaged, as a substantial 4315
part of its business or operations, in purchasing or holding 4316
securities, or any trust in respect of which a bank is trustee or 4317
cotrustee, investment company registered under the "Investment 4318
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 4319
investment trust organized by banks under Part Nine of the Rules 4320
of the Comptroller of the Currency, closed-end investment trust, 4321
chartered or licensed life insurance company or property and 4322
casualty insurance company, investment advisor registered under 4323
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 4324
and such other persons as the commission may reasonably determine 4325
to qualify as an institutional investor for reasons consistent 4326
with this chapter. 4327

(P) "Key employee" means any executive, employee, or agent of 4328
a casino operator or management company licensee having the power 4329

to exercise significant influence over decisions concerning any 4330
part of the operation of such licensee, including: 4331

(1) An officer, director, trustee, or partner of a person 4332
that has applied for or holds a casino operator, management 4333
company, or gaming-related vendor license or of a holding company 4334
that has control of a person that has applied for or holds a 4335
casino operator, management company, or gaming-related vendor 4336
license; 4337

(2) A person that holds a direct ownership interest of more 4338
than five per cent in a person that has applied for or holds a 4339
casino operator, management company, or gaming-related vendor 4340
license or holding company that has control of a person that has 4341
applied for or holds a casino operator, management company, or 4342
gaming-related vendor license; 4343

(3) A managerial employee of a person that has applied for or 4344
holds a casino operator or gaming-related vendor license in Ohio, 4345
or a managerial employee of a holding company that has control of 4346
a person that has applied for or holds a casino operator or 4347
gaming-related vendor license in Ohio, who performs the function 4348
of principal executive officer, principal operating officer, 4349
principal accounting officer, or an equivalent officer or other 4350
person the commission determines to have the power to exercise 4351
significant influence over decisions concerning any part of the 4352
operation of such licensee. 4353

The commission shall determine whether an individual whose 4354
duties or status varies from those described in this division also 4355
is considered a key employee. 4356

(O) "Licensed casino operator" means a casino operator that 4357
has been issued a license by the commission and that has been 4358
certified annually by the commission to have paid all applicable 4359
fees, taxes, and debts to the state. 4360

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

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

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

(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of 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. 4393

(W) "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. 4394
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(X) "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 value. "Table game" does not include slot machines. 4403
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(Y) "Upfront license" means the first plenary license issued to a casino operator. 4407
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(Z) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission. 4409
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Sec. 3772.02. (A) There is hereby created the Ohio casino control commission described in Section 6(C)(1) of Article XV, Ohio Constitution. 4415
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(B) The commission shall consist of seven members appointed within one month of the effective date of this section by the governor with the advice and consent of the senate. 4418
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(1) Each commission member is eligible for reappointment at the discretion of the governor. No commission member shall be 4421
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appointed for more than three terms in total. 4423

(2) Each commission member shall be a resident of Ohio. 4424

(3) At least one commission member shall be experienced in 4425
law enforcement and criminal investigation. 4426

(4) At least one commission member shall be a certified 4427
public accountant experienced in accounting and auditing. 4428

(5) At least one commission member shall be an attorney 4429
admitted to the practice of law in Ohio. 4430

(6) At least one commission member shall be a resident of a 4431
county where one of the casino facilities is located. 4432

(7) Not more than four commission members shall be of the 4433
same political party. 4434

(8) No commission member shall have any affiliation with an 4435
Ohio casino operator or facility. 4436

(C) Commission members shall serve four-year terms, except 4437
that when the governor makes initial appointments to the 4438
commission under this chapter, the governor shall appoint three 4439
members to serve four-year terms with not more than two such 4440
members from the same political party, two members to serve 4441
three-year terms with such members not being from the same 4442
political party, and two members to serve two-year terms with such 4443
members not being from the same political party. 4444

(D) Each commission member shall hold office from the date of 4445
appointment until the end of the term for which the member was 4446
appointed. Any member appointed to fill a vacancy occurring before 4447
the expiration of the term for which the member's predecessor was 4448
appointed shall hold office for the remainder of the unexpired 4449
term. Any member shall continue in office after the expiration 4450
date of the member's term until the member's successor takes 4451
office, or until a period of sixty days has elapsed, whichever 4452

occurs first. A vacancy in the commission membership shall be 4453
filled in the same manner as the original appointment. 4454

(E) The governor shall select one member to serve as 4455
chairperson and the commission members shall select one member 4456
from a different party than the chairperson to serve as 4457
vice-chairperson. The governor may remove and replace the 4458
chairperson at any time. No such member shall serve as chairperson 4459
for more than six successive years. The vice-chairperson shall 4460
assume the duties of the chairperson in the absence of the 4461
chairperson. The chairperson and vice-chairperson shall perform 4462
but shall not be limited to additional duties as are prescribed by 4463
commission rule. 4464

(F) A commission member is not required to devote the 4465
member's full time to membership on the commission. Each member of 4466
the commission shall receive compensation of sixty thousand 4467
dollars per year, payable in monthly installments for the first 4468
four years of the commission's existence. Each member shall 4469
receive the member's actual and necessary expenses incurred in the 4470
discharge of the member's official duties. 4471

(G) The governor shall not appoint an individual to the 4472
commission, and an individual shall not serve on the commission, 4473
if the individual has been convicted of or pleaded guilty or no 4474
contest to a disqualifying offense as defined in section 3772.07 4475
of the Revised Code. Members coming under indictment or bill of 4476
information of a disqualifying offense shall resign from the 4477
commission immediately upon indictment. 4478

(H) At least five commission members shall be present for the 4479
commission to meet. The concurrence of four members is necessary 4480
for the commission to take any action. All members shall vote on 4481
the adoption of rules, and the approval of, and the suspension or 4482
revocation of, the licenses of casino operators or management 4483
companies, unless a member has a written leave of absence filed 4484

with and approved by the chairperson. 4485

(I) A commission member may be removed or suspended from office in accordance with section 3.04 of the Revised Code. 4486
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(J) Each commission member, before entering upon the discharge of the member's official duties, shall make an oath to uphold the Ohio Constitution and laws of the state of Ohio and shall give a bond, payable by the commission, to the treasurer of state, in the sum of ten thousand dollars with sufficient sureties to be approved by the treasurer of state, which bond shall be filed with the secretary of state. 4488
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(K) The commission shall hold one regular meeting each month and shall convene other meetings at the request of the chairperson or a majority of the members. A member who fails to attend at least three-fifths of the regular and special meetings of the commission during any two-year period forfeits membership on the commission. All meetings of the commission shall be open meetings under section 121.22 of the Revised Code except as otherwise allowed by law. 4495
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Sec. 3772.03. (A) To ensure the integrity of casino gaming, the commission shall have authority to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors. The commission also shall have jurisdiction over all persons participating in casino gaming authorized by Section 6(C) of Article XV, Ohio Constitution, and this chapter. 4503
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(B) All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code. The commission may contract for the services of experts and consultants to assist the commission in carrying out its duties under this section. 4511
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(C) Within six months of the effective date of this section, 4516
the commission shall adopt initial rules as are necessary for 4517
completing the functions stated in division (A) of this section 4518
and for addressing the subjects enumerated in division (D) of this 4519
section. 4520

(D) The commission shall adopt, and as advisable and 4521
necessary shall amend or repeal, rules that include all of the 4522
following: 4523

(1) The prevention of practices detrimental to the public 4524
interest, and providing for the best interests of casino gaming; 4525

(2) Prescribing the method of applying, and the form of 4526
application, that an applicant for a license under this chapter 4527
must follow as otherwise described in this chapter; 4528

(3) Prescribing the information to be furnished by an 4529
applicant or licensee as described in section 3772.11 of the 4530
Revised Code; 4531

(4) Describing the certification standards and duties of an 4532
independent testing laboratory certified under section 3772.31 of 4533
the Revised Code and the relationship between the commission, the 4534
laboratory, the gaming-related vendor, and the casino operator; 4535

(5) The minimum amount of insurance that must be maintained 4536
by a casino operator, management company, holding company, or 4537
gaming-related vendor; 4538

(6) The approval process for a significant change in 4539
ownership or transfer of control of a licensee as provided in 4540
section 3772.091 of the Revised Code; 4541

(7) The design of gaming supplies, devices, and equipment to 4542
be distributed by gaming-related vendors; 4543

(8) Identifying the casino gaming that is permitted, 4544
identifying the gaming supplies, devices, and equipment, that are 4545

permitted, defining the area in which the permitted casino gaming 4546
may be conducted, and specifying the method of operation according 4547
to which the permitted casino gaming is to be conducted as 4548
provided in section 3772.20 of the Revised Code; 4549

(9) Tournament play in any casino facility; 4550

(10) Establishing and implementing a voluntary exclusion 4551
program that provides all of the following: 4552

(a) Except as provided by commission rule, a person who 4553
participates in the program shall agree to refrain from entering a 4554
casino facility. 4555

(b) The name of a person participating in the program shall 4556
be included on a list of persons excluded from all casino 4557
facilities. 4558

(c) Except as provided by commission rule, no person who 4559
participates in the program shall petition the commission for 4560
admittance into a casino facility. 4561

(d) The list of persons participating in the program and the 4562
personal information of those persons shall be confidential and 4563
shall only be disseminated by the commission to a casino operator 4564
and the agents and employees of the casino operator for purposes 4565
of enforcement and to other entities, upon request of the 4566
participant and agreement by the commission. 4567

(e) A casino operator shall make all reasonable attempts as 4568
determined by the commission to cease all direct marketing efforts 4569
to a person participating in the program. 4570

(f) A casino operator shall not cash the check of a person 4571
participating in the program or extend credit to the person in any 4572
manner. However, the program shall not exclude a casino operator 4573
from seeking the payment of a debt accrued by a person before 4574
participating in the program. 4575

(g) Any and all locations at which a person may register as a participant in the program shall be published. 4576
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(11) Requiring the commission to adopt standards regarding the marketing materials of a licensed casino operator, including allowing the commission to prohibit marketing materials that are contrary to the adopted standards; 4578
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(12) Requiring that the records, including financial statements, of any casino operator, management company, holding company, and gaming-related vendor be maintained in the manner prescribed by the commission and made available for inspection upon demand by the commission, but shall be subject to section 3772.16 of the Revised Code; 4582
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(13) Permitting a licensed casino operator, management company, key employee, or casino gaming employee to question a person suspected of violating this chapter, immediately after which the licensed casino operator, management company, key employee, or casino gaming employee shall notify the commission of such questioning; 4588
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(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator; 4594
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(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and provisional licenses for casino gaming employees and gaming-related vendors. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. 4597
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(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code; 4604
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(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code; 4607
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(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code; 4611
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(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner; 4614
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(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities; 4616
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(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees; 4622
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(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code; 4626
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(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the approval of the joint committee on gaming and wagering; 4631
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(24) Regulating the conduct and playing of all skill-based amusement machines, as defined in section 2915.01 of the Revised Code, in this state, including setting payouts, establishing game parameters for the methods and media allowable, including all 4634
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internet-based playing, establishing licensing procedures, 4638
establishing technical standards, criteria, fees for entities and 4639
locations, and permissible methods for the procurement of 4640
skill-based amusement machines; 4641

(25) Establishing standards for decertifying contractors that 4642
violate statutes or rules of this state or the federal government; 4643

(26) Establishing standards for the repair of casino gaming 4644
equipment; 4645

(27) Providing for any other thing necessary and proper for 4646
successful and efficient regulation of casino gaming under this 4647
chapter. 4648

(E) The commission shall employ and assign gaming agents as 4649
necessary to assist the commission in carrying out the duties of 4650
this chapter. In order to maintain employment as a gaming agent, 4651
the gaming agent shall successfully complete all continuing 4652
training programs required by the commission and shall not have 4653
been convicted of or pleaded guilty or no contest to a 4654
disqualifying offense as defined in section 3772.07 of the Revised 4655
Code. 4656

(F) The commission and its gaming agents shall have authority 4657
with regard to the detection and investigation of, the seizure of 4658
evidence allegedly relating to, and the apprehension and arrest of 4659
persons allegedly committing gaming offenses, and shall have 4660
access to casino facilities to carry out the requirements of this 4661
chapter. 4662

(G) The commission may eject or exclude or authorize the 4663
ejection or exclusion of and a gaming agent may eject a person 4664
from a casino facility for any of the following reasons: 4665

(1) The person's name is on the list of persons voluntarily 4666
excluding themselves from all casinos in a program established 4667
according to rules adopted by the commission; 4668

(2) The person violates or conspires to violate this chapter 4669
or a rule adopted thereunder; or 4670

(3) The commission determines that the person's conduct or 4671
reputation is such that the person's presence within a casino 4672
facility may call into question the honesty and integrity of the 4673
casino gaming operations or interfere with the orderly conduct of 4674
the casino gaming operations. 4675

(H) A person, other than a person participating in a 4676
voluntary exclusion program, may petition the commission for a 4677
public hearing on the person's ejection or exclusion under this 4678
chapter. 4679

(I) A casino operator or management company shall have the 4680
same authority to eject or exclude a person from the management 4681
company's casino facilities as authorized in division (G) of this 4682
section. The licensee shall immediately notify the commission of 4683
an ejection or exclusion. 4684

(J) The commission shall submit a written annual report with 4685
the governor, president and minority leader of the senate, and 4686
speaker and minority leader of the house of representatives before 4687
the first day of September each year. The annual report shall 4688
include a statement describing the receipts and disbursements of 4689
the commission, relevant financial data regarding casino gaming, 4690
including gross revenues and disbursements made under this 4691
chapter, actions taken by the commission, and any additional 4692
information that the commission considers useful or that the 4693
governor, president or minority leader of the senate, or speaker 4694
or minority leader of the house of representatives requests. 4695

Sec. 3772.031. (A) The general assembly finds that the 4696
exclusion or ejection of certain persons from casino facilities is 4697
necessary to effectuate the intents and purposes of this chapter 4698
and to maintain strict and effective regulation of casino gaming. 4699

The commission, by rule, shall provide for a list of persons who 4700
are to be excluded or ejected from a casino facility. Persons 4701
included on the exclusion list shall be identified by name and 4702
physical description. The commission shall publish the exclusion 4703
list on its web site, and shall transmit a copy of the exclusion 4704
list periodically to casino operators, as it is initially issued 4705
and thereafter as it is revised from time to time. A casino 4706
operator shall take steps necessary to ensure that all its key 4707
employees and casino gaming employees are aware of and understand 4708
the exclusion list and its function, and that all its key 4709
employees and casino gaming employees are kept aware of the 4710
content of the exclusion list as it is issued and thereafter 4711
revised from time to time. 4712

(B) The exclusion list may include any person whose presence 4713
in a casino facility is determined by the commission to pose a 4714
threat to the interests of the state, to achieving the intents and 4715
purposes of this chapter, or to the strict and effective 4716
regulation of casino gaming. In determining whether to include a 4717
person on the exclusion list, the commission may consider: 4718

(1) Any prior conviction of a crime that is a felony under 4719
the laws of this state, another state, or the United States, a 4720
crime involving moral turpitude, or a violation of the gaming laws 4721
of this state, another state, or the United States; and 4722

(2) A violation, or a conspiracy to violate, any provision of 4723
this chapter that consists of: 4724

(a) A failure to disclose an interest in a gaming facility 4725
for which the person must obtain a license; 4726

(b) Purposeful evasion of taxes or fees; 4727

(c) A notorious or unsavory reputation that would adversely 4728
affect public confidence and trust that casino gaming is free from 4729
criminal or corruptive elements; or 4730

(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. 4731
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(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; 4734
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(4) If the person's conduct or reputation is such that the person's presence within a casino facility may call into question the honesty and integrity of the casino gaming operations or interfere with the orderly conduct of the casino gaming operations; 4737
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(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; 4742
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(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; 4745
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(7) If the commission has suspended the person's gaming privileges; 4749
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(8) If the commission has revoked the person's licenses related to this chapter; 4751
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(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility; 4753
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(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility. 4755
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Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on the exclusion list. 4757
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(C) The commission shall notify a person of the commission's intent to include such person on the exclusion list. The notice 4759
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shall be provided by personal service, by certified mail to the 4761
person's last known address, or, if service cannot be accomplished 4762
by personal service or certified mail, by publication daily for 4763
two weeks in a newspaper of general circulation within the county 4764
in which the person resides and in a newspaper of general 4765
circulation within each county in which a casino facility is 4766
located. 4767

(D) A person who receives notice of intent to include the 4768
person on the exclusion list is entitled to an adjudication 4769
hearing under Chapter 119. of the Revised Code, except as provided 4770
in this section, in which the person may demonstrate why the 4771
person should not be included on the exclusion list. The person 4772
shall request such an adjudication hearing not later than thirty 4773
days after the person receives the notice by personal service or 4774
certified mail, or not later than thirty days after the last 4775
newspaper publication of the notice. If the adjudication hearing 4776
or any appeal under Chapter 119. of the Revised Code results in an 4777
order that the person should not be included on the exclusion 4778
list, the commission shall publish a revised exclusion list that 4779
does not include the person. The commission also shall notify 4780
casino operators that the person has been removed from the 4781
exclusion list. A casino operator shall take all steps necessary 4782
to ensure its key employees and casino gaming employees are made 4783
aware that the person has been removed from the exclusion list. 4784

(E) This section does not apply to the voluntary exclusion 4785
list created as part of the voluntary exclusion program. 4786

Sec. 3772.032. (A) The permanent joint committee on gaming 4787
and wagering is established. The committee consists of six 4788
members. The speaker of the house of representatives shall appoint 4789
to the committee three members of the house of representatives and 4790
the president of the senate shall appoint to the committee three 4791

members of the senate. Not more than two members appointed from 4792
each chamber may be members of the same political party. The 4793
chairperson shall be from the opposite party as the chairperson of 4794
the joint committee on agency rule review. If the chairperson is 4795
to be from the house of representatives, the speaker of the house 4796
of representatives shall designate a member as the chairperson and 4797
the president of the senate shall designate a member as the 4798
vice-chairperson. If the chairperson is to be from the senate, the 4799
president of the senate shall designate a member as the 4800
chairperson and the speaker of the house of representatives shall 4801
designate a member as the vice-chairperson. 4802

(B) The committee shall: 4803

(1) Review all constitutional amendments, laws, and rules 4804
governing the operation and administration of casino gaming and 4805
all authorized gaming and wagering activities and recommend to the 4806
general assembly and commission any changes it may find desirable 4807
with respect to the language, structure, and organization of those 4808
amendments, laws, or rules; 4809

(2) Make an annual report to the governor and to the general 4810
assembly with respect of the operation and administration of 4811
casino gaming; 4812

(3) Approve all changes of fees and penalties as provided in 4813
this chapter and rules adopted thereunder; and 4814

(4) Study all proposed changes to the constitution and laws 4815
of this state and to the rules adopted by the commission governing 4816
the operation and administration of casino gaming, and report to 4817
the general assembly on their adequacy and desirability as a 4818
matter of public policy. 4819

(C) Any study, or any expense incurred, in furtherance of the 4820
committee's objectives shall be paid for from, or out of, the 4821
casino control commission fund or other appropriation provided by 4822

law. The members shall receive no additional compensation, but 4823
shall be reimbursed for actual and necessary expenses incurred in 4824
the performance of their official duties. 4825

Sec. 3772.033. In carrying out the responsibilities vested in 4826
the commission by this chapter, the commission may do all the 4827
following and may designate any such responsibilities to the 4828
executive director, to the commission's employees, or to the 4829
gaming agents: 4830

(A) Inspect and examine all premises where casino gaming is 4831
conducted or gaming supplies, devices, or equipment are 4832
manufactured, sold, or distributed; 4833

(B) Inspect all gaming supplies, devices, and equipment in or 4834
about a casino facility; 4835

(C) Summarily impound and seize and remove from the casino 4836
facility premises gaming supplies, devices, and equipment for the 4837
purpose of examination and inspection; 4838

(D) Determine any facts, or any conditions, practices, or 4839
other matters, as the commission considers necessary or proper to 4840
aid in the enforcement of this chapter or of a rule adopted 4841
thereunder; 4842

(E) Audit gaming operations, including those that have ceased 4843
operation; 4844

(F) Investigate, for the purpose of prosecution, any 4845
suspected violation of this chapter or rules adopted thereunder; 4846

(G) Investigate as appropriate to aid the commission and to 4847
seek the executive director's advice in adopting rules; 4848

(H) Secure information as is necessary to provide a basis for 4849
recommending legislation for the improvement of this chapter; 4850

(I) Make, execute, and otherwise effectuate all contracts and 4851

other agreements, including contracts for necessary purchases of 4852
goods and services. The commission shall ensure use of Ohio 4853
products or services in compliance with sections 125.09 and 125.11 4854
of the Revised Code and all rules adopted thereunder. 4855

(J) Employ the services of persons the commission considers 4856
necessary for the purposes of consultation or investigation, and 4857
fix the salaries of, or contract for the services of, legal, 4858
accounting, technical, operational, and other personnel and 4859
consultants; 4860

(K) Secure, by agreement, information and services as the 4861
commission considers necessary from any state agency or other unit 4862
of state government; 4863

(L) Acquire furnishings, equipment, supplies, stationery, 4864
books, and all other things the commission considers necessary or 4865
desirable to successfully and efficiently carry out the 4866
commission's duties and functions; and 4867

(M) Perform all other things the commission considers 4868
necessary to effectuate the intents and purposes of this chapter. 4869
This section shall not prohibit the commission from imposing 4870
administrative discipline, including fines and suspension or 4871
revocation of licenses, on licensees under this chapter if the 4872
licensee is found to be in violation of the commission's rules. 4873

Sec. 3772.034. Absent gross negligence, a casino operator, 4874
management company, holding company, gaming-related vendor, the 4875
state, and employees of those entities are entitled to immunity 4876
from any type of civil liability if a person participating in the 4877
voluntary exclusion program enters a casino facility. 4878

Sec. 3772.04. (A)(1) If, as the result of an investigation, 4879
the commission concludes that a license or finding required by 4880
this chapter should be limited, conditioned, or restricted, or 4881

suspended or revoked, the commission shall conduct an adjudication 4882
under Chapter 119. of the Revised Code. 4883

(2) The commission shall appoint a hearing examiner to 4884
conduct the hearing in the adjudication. A party to the 4885
adjudication may file written objections to the hearing examiner's 4886
report and recommendations not later than the thirtieth day after 4887
they are served upon the party or the party's attorney or other 4888
representative of record. The commission shall not take up the 4889
hearing examiner's report and recommendations earlier than the 4890
thirtieth day after the hearing examiner's report and 4891
recommendations were submitted to the commission. 4892

(3) If the commission finds that a person has violated this 4893
chapter or a rule adopted thereunder, the commission may issue an 4894
order: 4895

(a) Limiting, conditioning, or restricting, or suspending or 4896
revoking, a license issued under this chapter; 4897

(b) Limiting, conditioning, or restricting, or suspending or 4898
revoking, a finding made under this chapter; 4899

(c) Requiring a casino facility to exclude a licensee from 4900
the casino facility or requiring a casino facility not to pay to 4901
the licensee any remuneration for services or any share of 4902
profits, income, or accruals on the licensee's investment in the 4903
casino facility; or 4904

(d) Fining a licensee or other person according to the 4905
penalties adopted by the commission. 4906

(4) An order may be judicially reviewed under section 119.12 4907
of the Revised Code. 4908

(B) For the purpose of conducting any study or investigation, 4909
the commission may direct that public hearings be held at a time 4910
and place, prescribed by the commission, in accordance with 4911

section 121.22 of the Revised Code. The commission shall give 4912
notice of all public hearings in such manner as will give actual 4913
notice to all interested parties. 4914

(C) In the discharge of any duties imposed by this chapter, 4915
the commission may require that testimony be given under oath and 4916
administer such oath, issue subpoenas compelling the attendance of 4917
witnesses and the production of any papers, books, and accounts, 4918
and cause the deposition of any witness. In the event of the 4919
refusal of any person without good cause to comply with the terms 4920
of a subpoena issued by the commission or refusal to testify on 4921
matters about which the person may lawfully be questioned, the 4922
prosecuting attorney of the county in which such person resides, 4923
upon the petition of the commission, may bring a proceeding for 4924
contempt against such person in the court of common pleas of that 4925
county. 4926

(D) When conducting a public hearing, the commission shall 4927
not limit the number of speakers who may testify. However, the 4928
commission may set reasonable time limits on the length of an 4929
individual's testimony or the total amount of time allotted to 4930
proponents and opponents of an issue before the commission. 4931

(E) An administrative law judge appointed by the commission 4932
may conduct a hearing under this chapter and recommend findings of 4933
fact and decisions to the commission. 4934

(F) The commission may rely, in whole or in part, upon 4935
investigations, conclusions, or findings of other casino gaming 4936
commissions or other government regulatory bodies in connection 4937
with licensing, investigations, or other matters relating to an 4938
applicant or licensee under this chapter. 4939

Sec. 3772.05. To carry out the provisions of this chapter and 4940
other enforcement provisions provided for under the laws of this 4941
state, the tax commissioner, the Ohio ethics commission, the 4942

inspector general, and the commission, and their respective 4943
employees, may demand access to and inspect, examine, photocopy, 4944
and audit all books, accounts, records, and memoranda of any 4945
person that is not protected by privilege and that is subject to 4946
the provisions of this chapter, and may examine under oath any 4947
officer, agent, or employee of that person. 4948

Sec. 3772.051. Upon cessation of gaming operations, a former 4949
licensee shall furnish, upon the demand of the commission, books, 4950
papers, and other records as necessary for the commission to audit 4951
the ceased gaming operation. A former licensee shall maintain all 4952
books, papers, and other records for a period of three years after 4953
the cessation of gaming operations. However, if a civil action or 4954
criminal proceeding relating to the former licensee is pending, or 4955
if an administrative adjudication or judicial review of an 4956
administrative adjudication relating to the former licensee is 4957
pending, the former licensee shall maintain all books, papers, and 4958
other records until the matter has been finally determined. 4959

If a person disobeys a subpoena or subpoena duces tecum, or 4960
refuses to testify as directed by a subpoena, the commission shall 4961
request the prosecutor of the county in which the person resides 4962
to apply to the court of common pleas for an order compelling the 4963
person to attend or to produce tangible evidence, or to testify, 4964
as directed by the subpoena or subpoena duces tecum. The court 4965
shall treat the application as if it were disobedience to comply 4966
with a subpoena or subpoena duces tecum issued by the court or a 4967
refusal to testify in the court. 4968

Sec. 3772.06. (A)(1) The commission shall appoint an 4969
executive director who shall serve at the pleasure of the 4970
commission. The executive director is in the unclassified service, 4971
shall devote full time to the duties of the office, and shall hold 4972

no other office or employment. The executive director shall, by 4973
experience and training, possess management skills that equip the 4974
executive director to administer an enterprise of the nature of 4975
the commission. The executive director shall not have a pecuniary 4976
interest in any business organization that holds a license under 4977
this chapter, or that does business with any person licensed under 4978
this chapter. A member of the general assembly, a person who holds 4979
an elective office, or an office holder of a political party is 4980
ineligible to be appointed executive director at the same time as 4981
being such a member or holding such an office. The executive 4982
director shall receive an annual salary in accordance with pay 4983
range 48 of section 124.152 of the Revised Code. 4984

(2) The executive director, before entering upon the 4985
discharge of the executive director's official duties, shall give, 4986
and thereafter shall maintain, bond in the amount of twenty-five 4987
thousand dollars, payable to the state, conditioned upon the 4988
executive director's faithful and proper performance of the 4989
executive director's official duties. The bond shall be issued by 4990
a surety authorized to do business in this state and shall be 4991
filed with the secretary of state. The bond may be an individual 4992
bond or a schedule or blanket bond. 4993

(B)(1) The executive director or a deputy designated in 4994
writing by the executive director shall attend all meetings of the 4995
commission and shall act as its secretary. The executive director 4996
shall keep a record of all commission proceedings and shall keep 4997
the commission's records, files, and documents at the commission's 4998
principal office. 4999

(2) The executive director shall be the chief executive 5000
officer and shall be responsible for keeping all commission 5001
records and supervising and administering casino gaming in 5002
accordance with this chapter, and enforcing all commission rules 5003

adopted under this chapter. 5004

(3) The executive director shall hire staff, including an 5005
assistant director or deputy directors, as necessary to assist the 5006
executive director in the executive director's duties under this 5007
chapter. In appointing employees, the executive director is 5008
subject to section 3772.061 of the Revised Code. The executive 5009
director may employ employees as necessary, unless the commission 5010
determines otherwise. Except as otherwise provided in this 5011
chapter, all costs of administration incurred by the executive 5012
director and the executive director's employees shall be paid out 5013
of the casino control commission fund. 5014

(C) A state agency or other unit of state government shall 5015
cooperate with the commission, and shall provide the commission 5016
with information and services the commission considers necessary 5017
to carry out the commission's duties and functions under this 5018
chapter. 5019

(D) The executive director shall confer at least once each 5020
month with the commission, at which time the executive director 5021
shall advise it regarding the operation and administration of the 5022
commission and casino gaming. The executive director shall make 5023
available at the request of the commission all documents, files, 5024
and other records pertaining to the operation and administration 5025
of the commission and casino gaming. The executive director shall 5026
prepare and make available to the commission each month a complete 5027
and accurate accounting of gross casino gaming revenues, and all 5028
other relevant financial information, including an accounting of 5029
all transfers made from the casino control commission fund. 5030

Sec. 3772.061. The executive director of the commission shall 5031
appoint the number of professional, technical, and clerical 5032
employees that is necessary, in the executive director's 5033
reasonable opinion, for conducting internal audits, as an internal 5034

auditing department, of the commission. The professional and 5035
technical employees so appointed shall be qualified by education, 5036
licensing (if relevant), and experience to perform the internal 5037
audit function successfully and efficiently. These employees, 5038
together with clerical employees necessary for their support, 5039
shall be assigned only to the internal audit function and not to 5040
any other function of the commission. 5041

The internal auditing department, at reasonable intervals and 5042
as necessary, shall conduct internal audits of the commission. The 5043
internal audits shall audit the accounts and transactions of the 5044
commission, ascertain the condition of funds used by the 5045
commission, and make an inventory of the funds and of the assets 5046
under the control of the commission. The report of an internal 5047
audit shall be signed by the employee who was principally 5048
responsible for conducting the internal audit. A copy of the 5049
signed report shall be forwarded to the commission and to the 5050
auditor of state. The report is not a public record that is open 5051
to public inspection and copying until it has been forwarded as 5052
required by the preceding sentence. 5053

Sec. 3772.062. The executive director of the commission shall 5054
enter into an agreement with the department of alcohol and drug 5055
addiction services under which the department provides a program 5056
of gambling and addiction services on behalf of the commission. 5057
5058

Sec. 3772.07. The following appointing or licensing 5059
authorities shall obtain a criminal records check of the person 5060
who is to be appointed or licensed: 5061

(A) The governor, before appointing an individual as a member 5062
of the commission; 5063

(B) The commission, before appointing an individual as 5064

executive director or a gaming agent; 5065

(C) The commission, before issuing a license for a key 5066
employee or casino gaming employee, and before issuing a license 5067
for each investor, except an institutional investor, for a casino 5068
operator, management company, holding company, or gaming-related 5069
vendor; 5070

(D) The executive director, before appointing an individual 5071
as a professional, technical, or clerical employee of the 5072
commission. 5073

Thereafter, such an appointing or licensing authority shall 5074
obtain a criminal records check of the same individual at 5075
three-year intervals. 5076

The appointing or licensing authority shall provide to each 5077
person of whom a criminal records check is required a copy of the 5078
form and the standard fingerprint impression sheet prescribed 5079
under divisions (C)(1) and (2) of section 109.572 of the Revised 5080
Code. The person shall complete the form and impression sheet and 5081
return them to the appointing or licensing authority. If a person 5082
fails to complete and return the form and impression sheet within 5083
a reasonable time, the person is ineligible to be appointed or 5084
licensed or to continue in the appointment or licensure. 5085

The appointing or licensing authority shall forward the 5086
completed form and impression sheet to the superintendent of the 5087
bureau of criminal identification and investigation. The 5088
appointing or licensing authority shall request the superintendent 5089
also to obtain information from the federal bureau of 5090
investigation, including fingerprint-based checks of the national 5091
crime information databases, and from other states and the federal 5092
government under the national crime prevention and privacy compact 5093
as part of the criminal records check. 5094

The commission shall pay the fee the bureau of criminal 5095

identification and investigation charges for all criminal records 5096
checks conducted under this section. An applicant for a casino 5097
operator, management company, holding company, or gaming-related 5098
vendor license shall reimburse the commission for the amount of 5099
the fee paid on the applicant's behalf. An applicant for a key 5100
employee or casino gaming employee license shall reimburse the 5101
commission for the amount of the fee paid on the applicant's 5102
behalf, unless the applicant is applying at the request of a 5103
casino operator or management company, in which case the casino 5104
operator or management company shall reimburse the commission. 5105

The appointing or licensing authority shall review the 5106
results of a criminal records check. The appointing or licensing 5107
authority shall not appoint or license or retain the appointment 5108
or licensure of a person a criminal records check discloses has 5109
been convicted of or has pleaded guilty or no contest to a 5110
disqualifying offense. A "disqualifying offense" means any 5111
gambling offense, any theft offense, any offense having an element 5112
of fraud or misrepresentation, any offense having an element of 5113
moral turpitude, and any felony not otherwise included in the 5114
foregoing list, except as otherwise provided in section 3772.10 of 5115
the Revised Code. 5116

The report of a criminal records check is not a public record 5117
that is open to public inspection and copying. The commission 5118
shall not make the report available to any person other than the 5119
person who was the subject of the criminal records check; an 5120
appointing or licensing authority; a member, the executive 5121
director, or an employee of the commission; or any court or 5122
agency, including a hearing examiner, in a judicial or 5123
administrative proceeding in which the criminal records check is 5124
relevant. 5125

Sec. 3772.08. (A) Casino gaming shall be conducted only by 5126

licensed casino operators of the four casino facilities or by a 5127
licensed management company retained by a licensed casino 5128
operator. 5129

(B) A licensed casino operator, licensed management company, 5130
or another person may provide nongaming amenities at the casino 5131
facility. 5132

(C) No licensed casino operator shall offer keno at a casino 5133
facility other than keno authorized by the state lottery 5134
commission. 5135

Sec. 3772.081. A casino facility may be opened in phases and 5136
may have gaming areas in one or more locations, buildings, or 5137
rooms that are connected by walkways or by nongaming amenities 5138
that together constitute a single casino facility within the 5139
boundaries of the properties described in Section 6(C)(9) of 5140
Article XV, Ohio Constitution. 5141

Sec. 3772.09. (A) No casino operator, management company, 5142
holding company, gaming-related vendor, key employee, or casino 5143
gaming employee shall conduct or participate in conducting casino 5144
gaming without first obtaining a license from the commission. 5145

(B) Before a licensed casino operator may conduct casino 5146
gaming at a casino facility, a licensed casino operator shall 5147
engage a third-party engineering or accounting firm to certify 5148
expenses of its initial investment, as required by section 3772.27 5149
of the Revised Code, and provide documentation to the commission. 5150
The third-party engineering or accounting firm shall be approved 5151
by the commission and shall certify expenses in accordance with 5152
rules adopted by the commission under section 3772.03 of the 5153
Revised Code. The commission may request the department of 5154
administrative services to assist the commission in carrying out 5155
its duties under this section. 5156

Sec. 3772.091. (A) No license issued under this chapter is 5157
transferable. New majority ownership interest or control shall 5158
require a new license. The commission may reopen a licensing 5159
investigation at any time. A significant change in or transfer of 5160
control, as determined by the commission, shall require the filing 5161
of an application for a new license and submission of a license 5162
fee with the commission before any such change or transfer of 5163
control is approved. A change in or transfer of control to an 5164
immediate family member is not considered a significant change 5165
under this section. 5166

(B) As used in this section, "control" means either of the 5167
following: 5168

(1) Either: 5169

(a) Holding fifty per cent or more of the outstanding voting 5170
securities of a licensee; or 5171

(b) For an unincorporated licensee, having the right to fifty 5172
per cent or more of the profits of the licensee, or having the 5173
right in the event of dissolution to fifty per cent or more of the 5174
assets of the licensee. 5175

(2) Having the contractual power presently to designate fifty 5176
per cent or more of the directors of a for-profit or 5177
not-for-profit corporation, or in the case of trusts described in 5178
paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such 5179
a trust. 5180

Sec. 3772.10. (A) In determining whether to grant or maintain 5181
the privilege of a casino operator, management company, holding 5182
company, key employee, casino gaming employee, or gaming-related 5183
vendor license, the Ohio casino control commission shall consider 5184
all of the following, as applicable: 5185

(1) The reputation, experience, and financial integrity of 5186

<u>the applicant, its holding company, if applicable, and any other</u>	5187
<u>person that directly controls the applicant;</u>	5188
<u>(2) The financial ability of the applicant to purchase and</u>	5189
<u>maintain adequate liability and casualty insurance;</u>	5190
<u>(3) The past and present compliance of the applicant and its</u>	5191
<u>affiliates or affiliated companies with casino-related licensing</u>	5192
<u>requirements in this state or any other jurisdiction, including</u>	5193
<u>whether the applicant has a history of noncompliance with the</u>	5194
<u>casino licensing requirements of any jurisdiction;</u>	5195
<u>(4) If the applicant has been indicted, convicted, pleaded</u>	5196
<u>guilty or no contest, or forfeited bail concerning any criminal</u>	5197
<u>offense under the laws of any jurisdiction, either felony or</u>	5198
<u>misdemeanor, not including traffic violations;</u>	5199
<u>(5) If the applicant has filed, or had filed against it a</u>	5200
<u>proceeding for bankruptcy or has ever been involved in any formal</u>	5201
<u>process to adjust, defer, suspend, or otherwise work out the</u>	5202
<u>payment of any debt;</u>	5203
<u>(6) If the applicant has been served with a complaint or</u>	5204
<u>other notice filed with any public body regarding a payment of any</u>	5205
<u>tax required under federal, state, or local law that has been</u>	5206
<u>delinquent for one or more years;</u>	5207
<u>(7) If the applicant is or has been a defendant in litigation</u>	5208
<u>involving its business practices;</u>	5209
<u>(8) If awarding a license would undermine the public's</u>	5210
<u>confidence in the casino gaming industry in this state;</u>	5211
<u>(9) If the applicant meets other standards for the issuance</u>	5212
<u>of a license that the commission adopts by rule, which shall not</u>	5213
<u>be arbitrary, capricious, or contradictory to the expressed</u>	5214
<u>provisions of this chapter.</u>	5215
<u>(B) All applicants for a license under this chapter shall</u>	5216

establish their suitability for a license by clear and convincing evidence. If the commission determines that a person is eligible under this chapter to be issued a license as a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor, the commission shall issue such license for not more than three years, as determined by commission rule, if all other requirements of this chapter have been satisfied. 5217
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(C) The commission shall not issue a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor license under this chapter to an applicant if: 5225
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(1) Except as otherwise provided, the applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code. For an offense other than a gambling offense, an applicant for a casino gaming employee license may prove to the commission, by clear and convincing evidence, that the applicant's activities and employment record for at least ten years after the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will commit such an offense again. For a misdemeanor gambling offense or misdemeanor sex offense, an applicant may prove to the commission, by clear and convincing evidence, that the applicant's activities and employment record for at least ten years after the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will commit such an offense again. 5229
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(2) The applicant has submitted an application for license under this chapter that contains false information. 5245
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(3) The applicant is a commission member. 5247

(4) The applicant owns an ownership interest that is unlawful 5248
under this chapter, unless waived by the commission. 5249

(5) The applicant violates specific rules adopted by the 5250
commission related to denial of licensure. 5251

(6) The applicant is a member of or employed by a gaming 5252
regulatory body of a governmental unit in this state, another 5253
state, or the federal government, or is employed by a governmental 5254
unit of this state. This division does not prohibit a casino 5255
operator from hiring special duty law enforcement officers if the 5256
officers are not specifically involved in gaming-related 5257
regulatory functions. 5258

(7) The commission otherwise determines the applicant is 5259
ineligible for the license. 5260

(D)(1) The commission shall investigate the qualifications of 5261
each applicant under this chapter before any license is issued and 5262
before any finding with regard to acts or transactions for which 5263
commission approval is required is made. The commission shall 5264
continue to observe the conduct of all licensees and all other 5265
persons having a material involvement directly or indirectly with 5266
a casino operator, management company, or holding company to 5267
ensure that licenses are not issued to or held by, or that there 5268
is not any material involvement with a casino operator, management 5269
company, or holding company by, an unqualified, disqualified, or 5270
unsuitable person or a person whose operations are conducted in an 5271
unsuitable manner or in unsuitable or prohibited places or 5272
locations. 5273

(2) The executive director may recommend to the commission 5274
that it deny any application, or limit, condition, or restrict, or 5275
suspend or revoke, any license or finding, or impose any fine upon 5276
any licensee or other person according to this chapter and the 5277
rules adopted thereunder. 5278

(3) A license issued under this chapter is a revocable privilege. No licensee has a vested right in or under any license issued under this chapter. The initial determination of the commission to deny, or to limit, condition, or restrict, a license may be appealed under section 2505.03 of the Revised Code. 5279
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(E)(1) An institutional investor otherwise required to be found suitable or qualified under this chapter and the rules adopted under this chapter shall be presumed suitable or qualified upon submitting documentation sufficient to establish qualifications as an institutional investor and upon certifying all of the following: 5284
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(a) The institutional investor owns, holds, or controls publicly traded securities issued by a licensee or holding, intermediate, or parent company of a licensee or in the ordinary course of business for investment purposes only. 5290
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(b) The institutional investor does not exercise influence over the affairs of the issuer of such securities nor over any licensed subsidiary of the issuer of such securities. 5294
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(c) The institutional investor does not intend to exercise influence over the affairs of the issuer of such securities, nor over any licensed subsidiary of the issuer of such securities, in the future, and that it agrees to notify the commission in writing within thirty days if such intent changes. 5297
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(2) The exercise of voting privileges with regard to publicly traded securities shall not be deemed to constitute the exercise of influence over the affairs of a licensee. 5302
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(3) The commission shall rescind the presumption of suitability for an institutional investor at any time if the institutional investor exercises or intends to exercise influence or control over the affairs of the licensee. 5305
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(4) This division shall not be construed to preclude the 5309

commission from investigating the suitability or qualifications of 5310
an institutional investor if the commission becomes aware of facts 5311
or information that may result in the institutional investor being 5312
found unsuitable or disqualified. 5313

(F) Information provided on the application shall be used as 5314
a basis for a thorough background investigation of each applicant. 5315
A false or incomplete application is cause for denial of a license 5316
by the commission. All applicants and licensees shall consent to 5317
inspections, searches, and seizures and to the disclosure to the 5318
commission and its agents of confidential records, including tax 5319
records, held by any federal, state, or local agency, credit 5320
bureau, or financial institution and to provide handwriting 5321
exemplars, photographs, fingerprints, and information as 5322
authorized in this chapter and in rules adopted by the commission. 5323

Sec. 3772.11. (A) A person may apply to the commission for a 5324
casino operator, management company, or holding company license to 5325
conduct casino gaming at a casino facility as provided in this 5326
chapter. The application shall be made under oath on forms 5327
provided by the commission and shall contain information as 5328
prescribed by rule, including, but not limited to, all of the 5329
following: 5330

(1) The name, business address, business telephone number, 5331
social security number, and, where applicable, the federal tax 5332
identification number of any applicant; 5333

(2) The identity of every person having a greater than five 5334
per cent direct or indirect interest in the applicant casino 5335
facility for which the license is sought for publicly traded 5336
companies or greater than one per cent for privately held 5337
companies; 5338

(3) An identification of any business, including the state of 5339
incorporation or registration if applicable, in which an 5340

applicant, or the spouse or children of an applicant, has an 5341
equity interest of more than five per cent; 5342

(4) The name of any casino operator, management company, 5343
holding company, and gaming-related vendor in which the applicant 5344
has an equity interest of at least five per cent; 5345

(5) If an applicant has ever applied for or has been granted 5346
any gaming license or certificate issued by a licensing authority 5347
in Ohio or any other jurisdiction that has been denied, 5348
restricted, suspended, revoked, or not renewed and a statement 5349
describing the facts and circumstances concerning the application, 5350
denial, restriction, suspension, revocation, or nonrenewal, 5351
including the licensing authority, the date each action was taken, 5352
and the reason for each action; 5353

(6) If an applicant has ever filed or had filed against it a 5354
civil or administrative action or proceeding in bankruptcy, 5355
including the date of filing, the name and location of the court, 5356
the case caption, the docket number, and the disposition; 5357

(7) The name and business telephone number of any attorney 5358
representing an applicant in matters before the commission; 5359

(8) Information concerning the amount, type of tax, the 5360
taxing agency, and times involved, if the applicant has filed or 5361
been served with a complaint or notice filed with a public body 5362
concerning a delinquency in the payment of or a dispute over a 5363
filing concerning the payment of a tax required under federal, 5364
state, or local law; 5365

(9) A description of any proposed casino gaming operation and 5366
related casino enterprises, including the type of casino facility, 5367
location, expected economic benefit to the community, anticipated 5368
or actual number of employees, any statement from an applicant 5369
regarding compliance with federal and state affirmative action 5370
guidelines, projected or actual admissions, projected or actual 5371

<u>gross receipts, and scientific market research;</u>	5372
<u>(10) Financial information in the manner and form prescribed by the commission;</u>	5373
<u>(11) If an applicant has directly made a political contribution, loan, donation, or other payment of one hundred dollars or more to a statewide office holder, a member of the general assembly, a local government official elected in a jurisdiction where a casino facility is located, or a ballot issue not more than one year before the date the applicant filed the application and all information relating to the contribution, loan, donation, or other payment;</u>	5375
<u>(12) Any criminal conviction; and</u>	5376
<u>(13) Other information required by the commission under rules adopted by the commission.</u>	5377
<u>(B) Any holding company or management company, its directors, executive officers, and any shareholder who holds more than five per cent ownership interest of a holding company or management company shall be required to submit the same information as required by an applicant under this section.</u>	5378
<u>Sec. 3772.111. In determining whether to grant a casino operator license, the commission shall also consider:</u>	5379
<u>(A) The facilities or proposed facilities for the conduct of casino gaming;</u>	5380
<u>(B) The prospective total revenue to be collected by the state from the conduct of casino gaming;</u>	5381
<u>(C) The extent to which the applicant exceeds or meets other standards adopted by the commission.</u>	5382
<u>Sec. 3772.12. (A) A person may apply for a gaming-related vendor license. All applications shall be made under oath.</u>	5383
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(B) A person who holds a gaming-related vendor's license is 5401
authorized to sell or lease, and to contract to sell or lease, 5402
equipment and supplies to any licensee involved in the ownership 5403
or management of a casino facility. 5404

(C) Gambling supplies and equipment shall not be distributed 5405
unless supplies and equipment conform to standards adopted in 5406
rules adopted by the commission. 5407

Sec. 3772.121. (A) The commission may issue a gaming-related 5408
vendor's license under this chapter to an applicant who has: 5409

(1) Applied for the gaming-related vendor's license; 5410

(2) Paid a nonrefundable license fee as described in section 5411
3772.17 of the Revised Code, which shall cover all actual costs 5412
generated by each licensee and all background checks; 5413

(3) Submitted two sets of the applicant's fingerprints; and 5414

(4) Been determined by the commission as eligible for a 5415
gaming-related vendor's license. 5416

(B) A gaming-related vendor shall furnish to the commission a 5417
list of all equipment, devices, and supplies offered for sale or 5418
lease in connection with casino games authorized under this 5419
chapter. 5420

(C) A gaming-related vendor's equipment, devices, or supplies 5421
that are used by a person in an unauthorized casino gaming 5422
operation shall be forfeited to the state. 5423

Sec. 3772.13. (A) No person may be employed as a key employee 5424
unless the person is the holder of a valid key employee license 5425
issued by the commission. 5426

(B) Each applicant shall, before the issuance of any key 5427
employee license, produce information, documentation, and 5428
assurances as are required by this chapter and rules adopted 5429

thereunder. In addition, each applicant shall, in writing, 5430
authorize the examination of all bank accounts and records as may 5431
be deemed necessary by the commission. 5432

(C) To be eligible for a key employee license, the applicant 5433
shall be at least twenty-one years of age and shall meet the 5434
criteria set forth by rule by the commission. 5435

(D) Each application for a key employee license shall be on a 5436
form prescribed by the commission and shall contain all 5437
information required by the commission. The applicant shall set 5438
forth in the application if the applicant has been issued prior 5439
gambling-related licenses; if the applicant has been licensed in 5440
any other state under any other name, and, if so, the name under 5441
which the license was issued and the applicant's age at the time 5442
the license was issued; any criminal conviction the applicant has 5443
had; and if a permit or license issued to the applicant in any 5444
other state has been suspended, restricted, or revoked, and, if 5445
so, the cause and the duration of each action. 5446

(E) Each applicant shall submit with each application, on a 5447
form provided by the commission, two sets of fingerprints and a 5448
photograph. The commission shall charge each applicant an 5449
application fee set by the commission to cover all actual costs 5450
generated by each licensee and all background checks under this 5451
section and section 3772.07 of the Revised Code. 5452

(F)(1) The casino operator, management company, or holding 5453
company by whom a person is employed as a key employee shall 5454
terminate the person's employment in any capacity requiring a 5455
license under this chapter and shall not in any manner permit the 5456
person to exercise a significant influence over the operation of a 5457
casino facility if: 5458

(a) The person does not apply for and receive a key employee 5459
license within three months of being issued a provisional license. 5460

as established under commission rule. 5461

(b) The person's application for a key employee license is 5462
denied by the commission. 5463

(c) The person's key employee license is revoked by the 5464
commission. 5465

The commission shall notify the casino operator, management 5466
company, or holding company who employs such a person by certified 5467
mail of any such finding, denial, or revocation. 5468

(2) A casino operator, management company, or holding company 5469
shall not pay to a person whose employment is terminated under 5470
division (F)(1) of this section, any remuneration for any services 5471
performed in any capacity in which the person is required to be 5472
licensed, except for amounts due for services rendered before 5473
notice was received under that division. A contract or other 5474
agreement for personal services or for the conduct of any casino 5475
gaming at a casino facility between a casino operator, management 5476
company, or holding company and a person whose employment is 5477
terminated under division (F)(1) of this section may be terminated 5478
by the casino operator, management company, or holding company 5479
without further liability on the part of the casino operator, 5480
management company, or holding company. Any such contract or other 5481
agreement is deemed to include a term authorizing its termination 5482
without further liability on the part of the casino operator, 5483
management company, or holding company upon receiving notice under 5484
division (F)(1) of this section. That a contract or other 5485
agreement does not expressly include such a term is not a defense 5486
in any action brought to terminate the contract or other 5487
agreement, and is not grounds for relief in any action brought 5488
questioning termination of the contract or other agreement. 5489

(3) A casino operator, management company, or holding 5490
company, without having obtained the prior approval of the 5491

commission, shall not enter into any contract or other agreement 5492
with a person who has been found unsuitable, who has been denied a 5493
license, or whose license has been revoked under division (F)(1) 5494
of this section, or with any business enterprise under the control 5495
of such a person, after the date on which the casino operator, 5496
management company, or holding company receives notice under that 5497
division. 5498

Sec. 3772.131. (A) All casino gaming employees are required 5499
to have a casino gaming employee license. "Casino gaming employee" 5500
means the following and their supervisors: 5501

(1) Individuals involved in operating a casino gaming pit, 5502
including dealers, skills, clerks, hosts, and junket 5503
representatives; 5504

(2) Individuals involved in handling money, including 5505
cashiers, change persons, count teams, and coin wrappers; 5506

(3) Individuals involved in operating casino games; 5507

(4) Individuals involved in operating and maintaining slot 5508
machines, including mechanics, floor persons, and change and 5509
payoff persons; 5510

(5) Individuals involved in security, including guards and 5511
game observers; 5512

(6) Individuals with duties similar to those described in 5513
divisions (A)(1) to (5) of this section or other persons as the 5514
commission determines. "Casino gaming employee" does not include 5515
an individual whose duties are related solely to nongaming 5516
activities such as entertainment, hotel operation, maintenance, or 5517
preparing or serving food and beverages. 5518

(B) The commission may issue a casino gaming employee license 5519
to an applicant after it has determined that the applicant is 5520
eligible for a license under rules adopted by the commission and 5521

paid any applicable fee. All applications shall be made under 5522
oath. 5523

(C) To be eligible for a casino gaming employee license, an 5524
applicant shall be at least twenty-one years of age. 5525

(D) Each application for a casino gaming employee license 5526
shall be on a form prescribed by the commission and shall contain 5527
all information required by the commission. The applicant shall 5528
set forth in the application if the applicant has been issued 5529
prior gambling-related licenses; if the applicant has been 5530
licensed in any other state under any other name, and, if so, the 5531
name under which the license was issued and the applicant's age at 5532
the time the license was issued; any criminal conviction the 5533
applicant has had; and if a permit or license issued to the 5534
applicant in any other state has been suspended, restricted, or 5535
revoked, and, if so, the cause and the duration of each action. 5536

(E) Each applicant shall submit with each application, on a 5537
form provided by the commission, two sets of the applicant's 5538
fingerprints and a photograph. The commission shall charge each 5539
applicant an application fee to cover all actual costs generated 5540
by each licensee and all background checks. 5541

Sec. 3772.14. (A) After notice and opportunity for an 5542
adjudication conducted under Chapter 119. of the Revised Code, the 5543
commission may suspend, revoke, or refuse to issue or renew a 5544
license in accordance with rules adopted by the commission and the 5545
commission may reopen a licensing hearing at any time. 5546

(B) Without in any manner limiting the authority of the 5547
commission to impose the level and type of discipline it may 5548
consider appropriate, the commission may take into consideration: 5549

(1) If the licensee knew or reasonably should have known that 5550
the action complained of was a violation of any law, regulation, 5551

<u>or condition on the licensee's license;</u>	5552
<u>(2) If the licensee has previously been disciplined by the</u>	5553
<u>commission;</u>	5554
<u>(3) If the licensee has previously been subject to discipline</u>	5555
<u>by the commission concerning the violation of any law, regulation,</u>	5556
<u>or condition of the licensee's license;</u>	5557
<u>(4) If the licensee reasonably relied upon professional</u>	5558
<u>advice from a lawyer, doctor, accountant, or other recognized</u>	5559
<u>professional that was relevant to the action resulting in the</u>	5560
<u>violation;</u>	5561
<u>(5) If the licensee or licensee's employer had a reasonably</u>	5562
<u>constituted and functioning compliance program;</u>	5563
<u>(6) If the imposition of a condition requiring the licensee</u>	5564
<u>to establish and implement a written self-enforcement and</u>	5565
<u>compliance program would assist in ensuring the licensee's future</u>	5566
<u>compliance with all statutes, regulations, and conditions of the</u>	5567
<u>license;</u>	5568
<u>(7) If the licensee realized a pecuniary gain from the</u>	5569
<u>violation;</u>	5570
<u>(8) If the amount of any fine or other penalty imposed would</u>	5571
<u>result in disgorgement of any gains unlawfully realized by the</u>	5572
<u>licensee;</u>	5573
<u>(9) If the violation was caused by an officer or employee of</u>	5574
<u>the licensee, the level of authority of the individual who caused</u>	5575
<u>the violation;</u>	5576
<u>(10) If the individual who caused the violation acted within</u>	5577
<u>the scope of the individual's authority as granted by the</u>	5578
<u>licensee;</u>	5579
<u>(11) The adequacy of any training programs offered by the</u>	5580
<u>licensee or licensee's employer that were relevant to the activity</u>	5581

<u>which resulted in the violation;</u>	5582
<u>(12) If the licensee's action substantially deviated from industry standards and customs;</u>	5583
<u>(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;</u>	5584
<u>(14) If the licensee has initiated remedial measures to prevent similar violations;</u>	5585
<u>(15) The magnitude of penalties imposed on other licensees for similar violations;</u>	5586
<u>(16) The proportionality of the penalty in relation to the misconduct;</u>	5587
<u>(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;</u>	5588
<u>(18) Any mitigating factors offered by the licensee; and</u>	5589
<u>(19) Any other factors the commission in its sole and absolute discretion may consider relevant.</u>	5590
<u>Sec. 3772.15. (A) Unless a license issued under this chapter is suspended, expires, or is revoked, the license shall be renewed for not more than three years, as determined by commission rule, after a determination by the commission that the licensee is in compliance with this chapter and rules authorized by this chapter and after the licensee pays a fee.</u>	5591
<u>(B) A licensee shall undergo a complete investigation at least every three years, as determined by commission rule, to determine that the licensee remains in compliance with this chapter.</u>	5592
<u>(C) Notwithstanding division (B) of this section, the commission may investigate a licensee at any time the commission determines it is necessary to ensure that the licensee remains in</u>	5593
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<u>compliance with this section.</u>	5611
<u>(D) The holder of a license shall bear the cost of an investigation, except key employees and casino gaming employees who are employed by a casino operator, in which case the casino operator shall pay the investigation cost.</u>	5612 5613 5614 5615
<u>Sec. 3772.16. (A) Any information concerning the following submitted, collected, or gathered as part of an application to the commission for a license under this chapter is confidential and not subject to disclosure as a record under section 149.43 of the Revised Code:</u>	5616 5617 5618 5619 5620
<u>(1) A minor child of an applicant;</u>	5621
<u>(2) The social security number of an applicant or the spouse of an applicant;</u>	5622 5623
<u>(3) The home telephone number of an applicant or the spouse or children of an applicant;</u>	5624 5625
<u>(4) An applicant's birth certificate;</u>	5626
<u>(5) The driver's license number of an applicant or the applicant's spouse;</u>	5627 5628
<u>(6) The name or address of a previous spouse of the applicant;</u>	5629 5630
<u>(7) The date of birth of the spouse of an applicant;</u>	5631
<u>(8) The place of birth of the spouse of an applicant;</u>	5632
<u>(9) The personal financial information and records of an applicant or the spouse or minor child of an applicant, including tax returns and information, and records of criminal proceedings;</u>	5633 5634 5635
<u>(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;</u>	5636 5637
<u>(11) The electronic mail address of the spouse or family</u>	5638

<u>member of the applicant;</u>	5639
<u>(12) An applicant's home addresses; and</u>	5640
<u>(13) Any trade secret.</u>	5641
<u>(B) Notwithstanding any other law, upon written request from</u>	5642
<u>a person, the commission shall provide the following information</u>	5643
<u>to the person except as provided in this chapter:</u>	5644
<u>(1) The information provided under this chapter concerning a</u>	5645
<u>licensee or an applicant;</u>	5646
<u>(2) The amount of the wagering tax and admission tax paid</u>	5647
<u>daily to the state by a licensed applicant or an operating agent;</u>	5648
<u>and</u>	5649
<u>(3) A copy of a letter providing the reasons for the denial</u>	5650
<u>of an applicant's license or an operating agent's contract and a</u>	5651
<u>copy of a letter providing the reasons for the commission's</u>	5652
<u>refusal to allow an applicant to withdraw the applicant's</u>	5653
<u>application, but with confidential information redacted if that</u>	5654
<u>information is the reason for the denial or refusal to withdraw.</u>	5655
<u>(C) Except as provided in divisions (C) and (D) of this</u>	5656
<u>section, in addition to information that is confidential under</u>	5657
<u>division (A) of this section, all information maintained by the</u>	5658
<u>commission concerning an individual who holds, held, or has</u>	5659
<u>applied for a license under this chapter:</u>	5660
<u>(1) Is confidential for purposes of this chapter and not</u>	5661
<u>subject to disclosure under section 149.43 of the Revised Code;</u>	5662
<u>and</u>	5663
<u>(2) May be released by the commission only for law</u>	5664
<u>enforcement purposes or to a state or local public agency, which</u>	5665
<u>shall keep such information confidential.</u>	5666
<u>(D) The individual's name, the individual's place of</u>	5667
<u>employment, the individual's job title, and the individual's</u>	5668

gaming experience that is provided for an individual who holds, 5669
held, or has applied for a license under this chapter is not 5670
confidential. The reason for denial or revocation of a license or 5671
for disciplinary action against the individual and information 5672
submitted by the individual for a felony waiver request is not 5673
confidential. 5674

(E) An individual who holds, held, or has applied for a 5675
license under this chapter may waive the confidentiality 5676
requirements of division (A) of this section. 5677

Sec. 3772.17. (A) The upfront license fee to obtain a license 5678
as a casino operator shall be fifty million dollars per casino 5679
facility, which shall be deposited into the economic development 5680
programs fund, which is created in the state treasury. New casino 5681
operator, management company, and holding company license and 5682
renewal license fees shall be set by rule, subject to the approval 5683
of the joint committee on gaming and wagering. 5684

(B) The fee to obtain an application for a casino operator, 5685
management company, or holding company license shall be two 5686
million dollars per application. The application fee shall be 5687
deposited into the casino control commission fund. The application 5688
fee is nonrefundable. 5689

(C) The license fees for a gaming-related vendor shall be set 5690
by rule, subject to the approval of the joint committee on gaming 5691
and wagering. Additionally, the commission may assess an applicant 5692
a reasonable fee in the amount necessary to process a 5693
gaming-related vendor license application. 5694

(D) The license fees for a key employee shall be set by rule, 5695
subject to the approval of the joint committee on gaming and 5696
wagering. Additionally, the commission may assess an applicant a 5697
reasonable fee in the amount necessary to process a key employee 5698
license application. If the license is being sought at the request 5699

of a casino operator, such fees shall be paid by the casino 5700
operator. 5701

(E) The license fees for a casino gaming employee shall be 5702
set by rule, subject to the approval of the joint committee on 5703
gaming and wagering. If the license is being sought at the request 5704
of a casino operator, the fee shall be paid by the casino 5705
operator. 5706

Sec. 3772.18. (A) Each casino operator, management company, 5707
and holding company involved in the application and ownership or 5708
management of a casino facility shall provide to the commission as 5709
applicable: 5710

(1) An annual balance sheet; 5711

(2) An annual income statement; 5712

(3) An annual audited financial statement; 5713

(4) A list of the stockholders or other persons having at 5714
least a five per cent ownership interest in the casino operator, 5715
management company, or holding company and any other information 5716
the commission considers necessary for the effective 5717
administration of this chapter; 5718

(5) The applicant's plan and process to provide employment 5719
opportunities; 5720

(6) The applicant's plan and process to purchase goods and 5721
services from Ohio; 5722

(7) Notification of any material changes to the applicant's 5723
or licensee's stockholders must be provided to the commission 5724
within sixty days of the change. Notification of any refinancing 5725
and debt issuance shall be in accordance with rules adopted by the 5726
commission under Chapter 119. of the Revised Code; and 5727

(8) An applicant's compulsive and problem gambling plan. A 5728

casino operator shall submit an annual summary of its compulsive 5729
and problem gambling plan to the commission. The plan at a minimum 5730
shall contain the following elements: 5731

(a) The goals of the plan and procedures and timetables to 5732
implement the plan; 5733

(b) The identification of the individual who will be 5734
responsible for the implementation and maintenance of the plan; 5735

(c) Policies and procedures including the following: 5736

(i) The commitment of the casino operator to train 5737
appropriate employees; 5738

(ii) The duties and responsibilities of the employees 5739
designated to implement or participate in the plan; 5740

(iii) The responsibility of patrons with respect to 5741
responsible gambling; 5742

(iv) Procedures for providing information to individuals 5743
regarding community, public and private treatment services, 5744
gamblers anonymous programs, and similar treatment or addiction 5745
therapy programs designed to prevent, treat, or monitor compulsive 5746
and problem gamblers and to counsel family members; 5747

(v) The provision of printed material to educate patrons 5748
about compulsive and problem gambling and to inform them about 5749
treatment services available to compulsive and problem gamblers 5750
and their families; 5751

(vi) The employee training program; 5752

(vii) Procedures to prevent underage gambling; 5753

(viii) Procedures to prevent intoxicated patrons from 5754
gambling; 5755

(ix) The plan for posting signs within the casino facility 5756
containing gambling treatment information. 5757

(9) An annual plan for and report of construction and operations that reasonably meet or exceed approved diversity goals during casino facility construction and in casino gaming operations and a process by which the commission shall determine if a casino operator is, in good faith, reasonably meeting or exceeding its goals as a condition of obtaining and maintaining a license to operate a casino facility. Annual plans shall include good faith efforts to meet goals in the following: supplier diversity; workplace diversity; diversity in community outreach; and diversity in provision of professional services. 5758
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(B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under division (A) of this section. The department of administrative services may certify to the commission whether or not those plans and goals have been met. 5768
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(C) Preference shall be given to each of the following to train employees for casino-related employment opportunities: 5773
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(1) State institutions of higher education as defined in section 3345.011 of the Revised Code; 5775
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(2) Private career schools holding program authorizations issued by the state board of career colleges and schools under division (C) of section 3332.05 of the Revised Code; 5777
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(3) Private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 5780
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Sec. 3772.19. A person shall not hold a majority ownership interest in, or be a management company for, more than two casino facilities at any one time. A person shall not hold a majority ownership interest in, or be a management company, for more than two tracks at which horse racing where the pari-mutuel system of 5783
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wagering is conducted at any one time, of which not more than one 5788
shall be a track for thoroughbred horses. 5789

Sec. 3772.20. (A) A maximum of five thousand slot machines 5790
may be operated at a casino facility. Each casino operator for 5791
each casino facility shall determine the total number of slot 5792
machines in their facility, up to a maximum of five thousand slot 5793
machines that may be operated at such casino facility. There shall 5794
be no limit on the number of table games allowed at each casino 5795
facility. 5796

(B) Any slot machine game or table game currently authorized 5797
in, and any future slot machine or table game authorized in, the 5798
states of Indiana, Michigan, Pennsylvania, and West Virginia may 5799
be conducted at casino facilities in this state at the discretion 5800
of a licensed casino operator but only after being approved, upon 5801
application by a licensed casino operator, by the commission. 5802

(C) Minimum and maximum wagers on casino gaming shall be 5803
determined by casino operators, subject to the commission's 5804
approval. 5805

(D) No slot machine shall be set to pay out less than the 5806
theoretical payout percentage, which shall be not less than 5807
eighty-five per cent, as specifically approved by the commission. 5808
The commission shall adopt rules that define the theoretical 5809
payout percentage of a slot machine based on the total value of 5810
the jackpots expected to be paid by a slot machine divided by the 5811
total value of slot machine wagers expected to be made on that 5812
slot machine during the same portion of the game cycle. 5813

Sec. 3772.21. (A) Casino gaming equipment and supplies 5814
customarily used in conducting casino gaming shall be purchased or 5815
leased only from gaming-related vendors licensed under this 5816
chapter. A management company owning casino gaming devices, 5817

supplies, and equipment shall be licensed as a gaming-related 5818
vendor under this chapter. 5819

(B) Annually, a gaming-related vendor shall furnish to the 5820
commission a list of all equipment, devices, and supplies offered 5821
for sale or lease in connection with casino gaming authorized 5822
under this chapter. 5823

(C) A gaming-related vendor shall keep books and records for 5824
the furnishing of equipment, devices, and supplies to gaming 5825
operations separate from books and records of any other business 5826
operated by the gaming-related vendor. A gaming-related vendor 5827
shall file a quarterly return with the commission listing all 5828
sales and leases. A gaming-related vendor shall permanently affix 5829
the gaming-related vendor's name to all of the gaming-related 5830
vendor's equipment, devices, and supplies for casino gaming 5831
operations. 5832

(D) A gaming-related vendor's equipment, devices, or supplies 5833
that are used by a person in an unauthorized casino gaming 5834
operation shall be forfeited to the commission. 5835

(E) Gaming equipment, devices, and supplies that are provided 5836
by a gaming-related vendor may be repaired by the casino facility 5837
or removed for repair from the casino facility to a facility owned 5838
by a casino operator or management company. 5839

(F) Any gambling equipment, devices, and supplies provided by 5840
any licensed gaming-related vendor may be either repaired in the 5841
casino or removed from the casino to an area or facility owned by 5842
a casino operator or management company. 5843

Sec. 3772.22. (A) All casino facility operations shall use a 5844
cashless wagering system whereby all wagerers' money is converted 5845
to chips, tokens, tickets, electronic cards, or other instruments 5846
of value at the request of the wagerer that may only be used for 5847

wagering at a casino facility. Wagering shall not be conducted 5848
with money or other negotiable currency. 5849

(B) Wagers may be received only from a person present at a 5850
casino facility. A wagerer present at a casino facility shall not 5851
place or attempt to place a wager on behalf of an individual who 5852
is not present at the casino facility. 5853

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 5854
are used to make wagers shall be purchased from the casino 5855
operator or management company while at a casino facility that has 5856
been approved by the commission. Chips, tokens, tickets, 5857
electronic cards, or similar objects may be used while at the 5858
casino facility only for the purpose of making wagers on casino 5859
games. 5860

(B) Casino operators and management companies shall not do 5861
any of the following: 5862

(1) Obtain a license to operate a check-cashing business 5863
under sections 1315.01 to 1315.30 of the Revised Code; 5864

(2) Obtain a license to provide loans under sections 1321.01 5865
to 1321.19 of the Revised Code; 5866

(3) Obtain a license to provide loans under sections 1321.35 5867
to 1321.48 of the Revised Code. 5868

(C) Casino operators and management companies may do both of 5869
the following: 5870

(1) Cash checks for casino patrons; 5871

(2) Provide promotional credits to their patrons. Promotional 5872
credits played by slot machine and table game patrons have no 5873
value attributed to their use for purposes of calculating gross 5874
casino revenue. Promotional credits shall be subject to oversight 5875
and approval by the commission. 5876

Sec. 3772.24. (A) An employee of a casino facility who is 5877
between eighteen and twenty-one years of age may be present in the 5878
area of a casino facility where casino gaming is being conducted, 5879
as long as the employee's duties are related solely to nongaming 5880
activities. An individual who is less than twenty-one years of age 5881
may enter a designated area of a casino facility where casino 5882
gaming is being conducted, as established by the commission, to 5883
pass to another area where casino gaming is not being conducted. 5884
An individual who is less than twenty-one years of age shall not 5885
make a wager under this chapter. 5886

(B) Casino operators shall notify the commission of the days 5887
and hours during which casino gaming will be conducted. 5888

Sec. 3772.25. The following are not subject to, or limited 5889
by, the requirements of this chapter or Section 6(C) of Article 5890
XV, Ohio Constitution: 5891

(A) Charitable gaming authorized by Chapter 2915. of the 5892
Revised Code; 5893

(B) Charitable bingo authorized by Section 6 of Article XV, 5894
Ohio Constitution, and as authorized by Chapter 2915. of the 5895
Revised Code; 5896

(C) Lottery games as authorized by Section 6 of Article XV, 5897
Ohio Constitution; and 5898

(D) Pari-mutuel wagering authorized by Chapter 3769. of the 5899
Revised Code. 5900

Sec. 3772.26. (A) Each of the four casino facilities shall be 5901
subject to all applicable state laws and local ordinances related 5902
to health and building codes, or any related requirements and 5903
provisions. Notwithstanding the foregoing, no local zoning, land 5904
use laws, subdivision regulations or similar provisions shall 5905

prohibit the development or operation of the four casino facilities, or casino gaming set forth herein, provided that no casino facility shall be located in a district zoned exclusively residential as of January 1, 2009.

(B) No municipal corporation or other political subdivision in which a casino facility is located shall be required to provide or improve infrastructure, appropriate property, or otherwise take any affirmative legislative or administrative action to assist development or operation of a casino facility, regardless of the source of funding but if such action is essential to the development or operation of a casino facility, the municipal corporation or other political subdivision may charge the casino operator for any costs incurred for such action.

Sec. 3772.27. Each initial licensed casino operator of each of the four casino facilities shall make an initial investment of at least two hundred fifty million dollars for the development of each casino facility.

Sec. 3772.28. (A) A casino operator shall not enter into a debt transaction without the approval of the commission. The casino operator shall submit, in writing, a request for approval of a debt transaction that contains at least the following information:

(1) The names and addresses of all parties to the debt transaction;

(2) The amount of the funds involved;

(3) The type of debt transaction;

(4) The source of the funds to be obtained;

(5) All sources of collateral;

<u>(6) The purpose of the debt transaction;</u>	5934
<u>(7) The terms of the debt transaction;</u>	5935
<u>(8) Any other information deemed necessary by the commission.</u>	5936
<u>(B) As used in this section, "debt transaction" means a</u>	5937
<u>transaction by a casino operator concerning a casino facility</u>	5938
<u>totaling five hundred thousand dollars or more in which a casino</u>	5939
<u>operator acquires debt, including bank financing, private debt</u>	5940
<u>offerings, and any other transaction that results in the</u>	5941
<u>encumbrance of assets.</u>	5942
<u>Sec. 3772.29. All shipments of gaming supplies, devices, and</u>	5943
<u>equipment, including slot machines, into this state are exempt</u>	5944
<u>from section (2) of "An Act to Prohibit Transportation of Gambling</u>	5945
<u>Devices in Interstate and Foreign Commerce," 64 Stat. 1134, 15</u>	5946
<u>U.S.C. 1171-1177.</u>	5947
<u>Sec. 3772.30. (A) If any person violates this chapter or a</u>	5948
<u>rule adopted thereunder, the attorney general has a cause of</u>	5949
<u>action to restrain the violation. Such an action is a civil</u>	5950
<u>action, governed by the Rules of Civil Procedure. Upon receiving a</u>	5951
<u>request from the commission or the executive director, the</u>	5952
<u>attorney general shall commence and prosecute such an action to</u>	5953
<u>completion. The court shall give priority to such an action over</u>	5954
<u>all other civil actions. Such an action does not preclude an</u>	5955
<u>administrative or criminal proceeding on the same facts.</u>	5956
<u>(B) The attorney general may enter into agreements with any</u>	5957
<u>state or local law enforcement agency to carry out its duties.</u>	5958
<u>(C) A sheriff, chief of police, and prosecuting attorney</u>	5959
<u>shall furnish to the commission, on prescribed forms, all</u>	5960
<u>information obtained during the course of any substantial</u>	5961
<u>investigation or prosecution if it appears a violation of this</u>	5962
<u>chapter has occurred. Any such information is not a public record,</u>	5963

as defined in section 149.43 of the Revised Code, until such 5964
information would otherwise become a public record. 5965

Sec. 3772.31. (A) The commission, by and through the 5966
executive director of the commission and as required under section 5967
125.05 of the Revised Code, may enter into contracts necessary to 5968
ensure the proper operation and reporting of all casino gaming 5969
authorized under this chapter. The commission may determine it to 5970
be necessary and adopt rules to authorize a central system. The 5971
system shall be operated by or under the commission's control. 5972

(B) The commission shall certify independent testing 5973
laboratories to scientifically test and technically evaluate all 5974
slot machines, mechanical, electromechanical, or electronic table 5975
games, slot accounting systems, and other electronic gaming 5976
equipment for compliance with this chapter. The certified 5977
independent testing laboratories shall be accredited by a national 5978
accreditation body and certified in at least twenty-five 5979
jurisdictions in the United States. The commission shall certify 5980
an independent testing laboratory if it is competent and qualified 5981
to scientifically test and evaluate electronic gaming equipment 5982
for compliance with this chapter and to otherwise perform the 5983
functions assigned to an independent testing laboratory under this 5984
chapter. An independent testing laboratory shall not be owned or 5985
controlled by, or have any interest in, a gaming-related vendor of 5986
electronic gaming equipment. The commission shall prepare a list 5987
of certified independent testing laboratories from which 5988
independent testing laboratories shall be chosen for all purposes 5989
under this chapter. 5990

Sec. 3772.32. (A) As used in this section, "conservator" 5991
means a person appointed by a court of common pleas as a fiduciary 5992
to temporarily manage and control a casino facility. 5993

(B) The commission shall adopt rules under Chapter 119. of the Revised Code relating to the administration of a casino facility by a conservator. 5994
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(C) The commission may petition the court of common pleas of the county in which the casino facility is located for appointment by the court of a conservator to manage and control the casino facility if any of the following occurs: 5997
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(1) The commission revokes the casino operator's license. 6001

(2) The commission declines to renew the casino operator's license. 6002
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(3) The commission suspends a casino operator's license for more than one hundred twenty days. 6004
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(4) A proposed buyer is denied a casino operator's license, and the licensed casino operator is unable or unwilling to retain ownership or control of the casino facility. 6006
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(5) A licensed casino operator agrees in writing to relinquish control of a casino facility to a conservator. 6009
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(6) A natural disaster or bankruptcy halts operations at a casino facility. 6011
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This division does not apply if the casino facility for which a casino license has been issued has not been in operation and open to the public. 6013
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(D)(1) The petition shall contain the names of two or more persons who the commission believes are suitable and qualified to manage and control the casino facility and are available for appointment as a conservator. 6016
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(2) Upon receipt of the petition, the court shall appoint as conservator of the casino facility a person who is named in the petition. The court shall immediately notify the commission of the appointment. Upon receipt of notice from the court, the commission 6020
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shall immediately notify the casino operator and the conservator. 6024

(3) The court that appoints the conservator shall set 6025
reasonable compensation, out of the revenue of the casino 6026
facility, for the services, costs, and expenses of the conservator 6027
and for any other persons whom the conservator may engage to aid 6028
the conservator in performing the conservator's duties. 6029

(E) A conservator is subject to Chapter 3772. of the Revised 6030
Code and any rules adopted under that chapter as if the 6031
conservator were a licensed casino operator. 6032

(F) A conservator shall be deemed to be a licensed casino 6033
operator and may perform all acts that the conservator is required 6034
or permitted to perform without approval or other action. 6035

(G) The conservator shall take immediately into possession 6036
all property of the casino facility, including its money, 6037
accounts, books, records, and evidences of debts owed to the 6038
casino operator, and shall continue the business of the casino 6039
facility. 6040

(H) A conservator shall file with the commission reports on 6041
the administration of the casino facility in such form and at such 6042
intervals as the commission may prescribe. 6043

(I)(1) If at any time the court finds that a conservator is 6044
not qualified or available to serve as conservator, the court 6045
shall request from the commission the names of two or more persons 6046
who the commission believes are suitable and qualified to manage 6047
and control a casino facility and are available to serve as a 6048
conservator. 6049

(2) The commission may, at any time after the appointment of 6050
a conservator, petition the court for the removal of the 6051
conservator and the appointment of a new conservator or for the 6052
termination of the conservator. 6053

(J) A conservator shall, before assuming the conservator's duties, execute and file a bond for the faithful performance of the conservator's duties payable to the commission with such surety or sureties and in such form as the commission approves and in such amount as the commission prescribes.

(K) The commission shall require that the former casino operator purchase liability insurance, in an amount determined by the commission, to protect a conservator from liability for any acts or omissions of the conservator occurring during the duration of the conservatorship that are reasonably related to, and within the scope of, the conservator's duties.

(L)(1) The former licensed casino operator has one hundred eighty days after the date on which the conservator is appointed to sell the casino facility to another person who satisfies the requirements of this chapter for obtaining a casino operator's license and is approved by the commission.

(2) If the person is unable to sell the casino facility in the time required by division (L)(1) of this section, the conservator may take any action necessary to sell the casino facility to another person who satisfies the requirements of this chapter for obtaining a casino operator's license and is approved by the commission.

(M) The commission shall direct the court of common pleas to discontinue a conservatorship when any of the following occurs:

(1) The commission determines that the cause for which the conservatorship was instituted no longer exists.

(2) The former casino operator or the conservator has with the approval of the commission, consummated the sale, assignment, conveyance, or other disposition of the casino facility.

(N) Upon the discontinuation of the conservatorship and with the approval of the commission, the conservator shall take steps

as may be necessary to affect an orderly transfer of the property 6085
of the former casino operator. 6086

Sec. 3772.99. (A) The commission shall levy and collect 6087
penalties for noncriminal violations of this chapter. Moneys 6088
collected from such penalty levies shall be credited to the 6089
general revenue fund. 6090

(B) If a licensed casino operator, management company, 6091
holding company, gaming-related vendor, or key employee violates 6092
this chapter or engages in a fraudulent act, the commission may 6093
suspend or revoke the license and may do either or both of the 6094
following: 6095

(1) Suspend, revoke, or restrict the casino gaming operations 6096
of a casino operator; 6097

(2) Require the removal of a management company, key 6098
employee, or discontinuance of services from a gaming-related 6099
vendor. 6100

(C) The commission shall impose civil penalties against a 6101
person who violates this chapter under the penalties adopted by 6102
commission rule and approved by the joint committee on gaming and 6103
wagering. 6104

(D) A person who knowingly or intentionally does any of the 6105
following commits a misdemeanor of the first degree on the first 6106
offense and a felony of the fifth degree for a subsequent offense: 6107

(1) Makes a false statement on an application submitted under 6108
this chapter; 6109

(2) Permits a person less than twenty-one years of age to 6110
make a wager; 6111

(3) Aids, induces, or causes a person less than twenty-one 6112
years of age who is not an employee of the casino gaming operation 6113
to enter or attempt to enter a casino; 6114

(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code; 6115
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(5) Wagers or accepts a wager at a location other than a casino facility; 6118
6119

(6) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment; 6120
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(7) Gives to another person an item of value, as determined by the commission, in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine. 6122
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(E) A person who knowingly or intentionally does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. 6127
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(1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management company, holding company, or gaming-related vendor, including their officers and employees, under an agreement to influence or with the intent to influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a casino game or an official action of a commission member; 6133
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(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a casino, including an officer or employee of a casino operator, management company, or gaming-related vendor, under an agreement to influence or with the intent to influence the actions of the person to 6141
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affect or attempt to affect the outcome of a casino game or an 6146
official action of a commission member; 6147

(3) Uses or possesses with the intent to use a device to 6148
assist in projecting the outcome of the game, keeping track of the 6149
cards played, analyzing the probability of the occurrence of an 6150
event relating to the casino game, or analyzing the strategy for 6151
playing or betting to be used in the game, except as permitted by 6152
the commission; 6153

(4) Cheats at a casino game; 6154

(5) Manufactures, sells, or distributes any cards, chips, 6155
dice, game, or device that is intended to be used to violate this 6156
chapter; 6157

(6) Alters or misrepresents the outcome of a casino game on 6158
which wagers have been made after the outcome is made sure but 6159
before the outcome is revealed to the players; 6160

(7) Places a wager on the outcome of a casino game after 6161
acquiring knowledge that is not available to all players and 6162
concerns the outcome of the casino game that is the subject of the 6163
wager; 6164

(8) Aids a person in acquiring the knowledge described in 6165
division (E)(7) of this section for the purpose of placing a wager 6166
contingent on the outcome of a casino game; 6167

(9) Claims, collects, takes, or attempts to claim, collect, 6168
or take money or anything of value in or from a casino game with 6169
the intent to defraud or without having made a wager contingent on 6170
winning a casino game; 6171

(10) Claims, collects, or takes an amount of money or thing 6172
of value of greater value than the amount won in a casino game; 6173

(11) Uses or possesses counterfeit chips or tokens in or for 6174
use in a casino game; 6175

(12) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this chapter;

(14) Operates a casino gaming operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter.

(F) The possession of more than one of the devices described in division (E)(11), (12), or (13) of this section creates a rebuttable presumption that the possessor intended to use the devices for cheating.

(G) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

Sec. 3793.02. (A) The department of alcohol and drug addiction services shall promote, assist in developing, and coordinate or conduct programs of education and research for the prevention of alcohol and drug addiction, the prevention of gambling addiction, the treatment, including intervention, of alcoholics and persons who abuse drugs of abuse, including anabolic steroids, and the treatment, including intervention, of persons with gambling addictions. Programs established by the department shall include abstinence-based prevention and treatment programs.

(B) In addition to the other duties prescribed by this

chapter, the department shall do all of the following: 6206

(1) Promote and coordinate efforts in the provision of 6207
alcohol and drug addiction services and of gambling addiction 6208
services by other state agencies, as defined in section 1.60 of 6209
the Revised Code; courts; hospitals; clinics; physicians in 6210
private practice; public health authorities; boards of alcohol, 6211
drug addiction, and mental health services; alcohol and drug 6212
addiction programs; law enforcement agencies; gambling addiction 6213
programs; and related groups; 6214

(2) Provide for education and training in prevention, 6215
diagnosis, treatment, and control of alcohol and drug addiction 6216
and of gambling addiction for medical students, physicians, 6217
nurses, social workers, professional counselors, psychologists, 6218
and other persons who provide alcohol and drug addiction services 6219
or gambling addiction services; 6220

(3) Provide training and consultation for persons who 6221
supervise alcohol and drug addiction programs and facilities or 6222
gambling addiction programs and facilities; 6223

(4) Develop measures for evaluating the effectiveness of 6224
alcohol and drug addiction services, including services that use 6225
methadone treatment, and of gambling addiction services, and for 6226
increasing the accountability of alcohol and drug addiction 6227
programs and of gambling addiction programs; 6228

(5) Provide to each court of record, and biennially update, a 6229
list of the treatment and education programs within that court's 6230
jurisdiction that the court may require an offender, sentenced 6231
pursuant to section 4511.19 of the Revised Code, to attend; 6232

(6) Make the warning sign described in sections 3313.752, 6233
3345.41, and 3707.50 of the Revised Code available on the 6234
department's internet web site; 6235

(7) Provide a program of gambling addiction services on 6236

behalf of the state lottery commission, pursuant to an agreement 6237
entered into with the director of the commission under division 6238
(K) of section 3770.02 of the Revised Code, and provide a program 6239
of gambling and addiction services on behalf of the Ohio casino 6240
control commission, under an agreement entered into with the 6241
executive director of the commission under section 3772.062 of the 6242
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 6243
Constitution, the department may enter into agreements with county 6244
alcohol, drug addiction, and mental health service districts, 6245
including with such districts of counties in which a casino 6246
facility is not located, and nonprofit organizations to provide 6247
gambling and addiction services and substance abuse services, and 6248
with state institutions of higher education to perform related 6249
research. 6250

(C) The department may accept and administer grants from 6251
public or private sources for carrying out any of the duties 6252
enumerated in this section. 6253

(D) Pursuant to Chapter 119. of the Revised Code, the 6254
department shall adopt a rule defining the term "intervention" as 6255
it is used in this chapter in connection with alcohol and drug 6256
addiction services and in connection with gambling addiction 6257
services. The department may adopt other rules as necessary to 6258
implement the requirements of this chapter. 6259

Sec. 3793.032. The director of alcohol and drug addiction 6260
services shall administer the problem casino gambling and 6261
addictions fund. The director shall use the money in the fund to 6262
support programs that provide gambling addiction services, alcohol 6263
and drug addiction programs that provide alcohol and drug 6264
addiction services, other programs that relate to gambling 6265
addiction and substance abuse, and research that relates to 6266
gambling addiction and substance abuse. Money in the fund also may 6267

be used by the director to provide any of these addiction services 6268
or programs through toll-free call centers located in this state. 6269
Any services provided under programs supported by money in the 6270
fund under this section shall be services that are certified by 6271
the department of alcohol and drug addiction services or provided 6272
by counselors who are certified by the department. 6273

The director shall prepare an annual report describing the 6274
use of the fund for these purposes. The director shall submit the 6275
report to the Ohio casino control commission, the speaker and 6276
minority leader of the house of representatives, the president and 6277
minority leader of the senate, and the governor. 6278

Sec. 4301.355. (A) If a petition is filed under section 6279
4301.333 of the Revised Code for the submission of the question or 6280
questions set forth in this section, it shall be held in the 6281
precinct as ordered by the board of elections under that section. 6282
The expense of holding the election shall be charged to the 6283
municipal corporation or township of which the precinct is a part. 6284

(B) At the election, one or more of the following questions, 6285
as designated in a valid petition, shall be submitted to the 6286
electors of the precinct: 6287

(1) "Shall the sale of (insert beer, wine and 6288
mixed beverages, or spirituous liquor) be permitted by 6289
(insert name of applicant, liquor permit holder, or liquor agency 6290
store, including trade or fictitious name under which applicant 6291
for, or holder of, liquor permit or liquor agency store either 6292
intends to do, or does, business at the particular location), an 6293
..... (insert "applicant for" or "holder of" or "operator 6294
of") a (insert class name of liquor permit or permits 6295
followed by the words "liquor permit(s)" or, if appropriate, the 6296
words "liquor agency store for the State of Ohio"), who is engaged 6297

in the business of (insert general nature of the 6298
business in which applicant or liquor permit holder is engaged or 6299
will be engaged in at the particular location, as described in the 6300
petition) at (insert address of the particular location 6301
within the precinct as set forth in the petition) in this 6302
precinct?" 6303

(2) "Shall the sale of (insert beer, wine and 6304
mixed beverages, or spirituous liquor) be permitted for sale on 6305
Sunday between the hours of (insert "ten a.m. and 6306
midnight" or " eleven a.m. and midnight") by (insert 6307
name of applicant, liquor permit holder, or liquor agency store, 6308
including trade or fictitious name under which applicant for, or 6309
holder of, liquor permit or liquor agency store either intends to 6310
do, or does, business at the particular location), an 6311
(insert "applicant for a D-6 liquor permit," "holder of a D-6 6312
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 6313
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 6314
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 6315
liquor permit," if only the approval of beer sales is sought, or 6316
"liquor agency store") who is engaged in the business of 6317
..... (insert general nature of the business in which 6318
applicant or liquor permit holder is engaged or will be engaged in 6319
at the particular location, as described in the petition) at 6320
..... (insert address of the particular location within the 6321
precinct) in this precinct?" 6322

(C) The board of elections shall furnish printed ballots at 6323
the election as provided under section 3505.06 of the Revised 6324
Code, except that a separate ballot shall be used for the election 6325
under this section. The question set forth in this section shall 6326
be printed on each ballot, and the board shall insert in the 6327
question appropriate words to complete it. Votes shall be cast as 6328
provided under section 3505.06 of the Revised Code. 6329

Sec. 4301.62. (A) As used in this section: 6330

(1) "Chauffeured limousine" means a vehicle registered under 6331
section 4503.24 of the Revised Code. 6332

(2) "Street," "highway," and "motor vehicle" have the same 6333
meanings as in section 4511.01 of the Revised Code. 6334

(B) No person shall have in the person's possession an opened 6335
container of beer or intoxicating liquor in any of the following 6336
circumstances: 6337

(1) In a state liquor store; 6338

(2) Except as provided in division (C) of this section, on 6339
the premises of the holder of any permit issued by the division of 6340
liquor control; 6341

(3) In any other public place; 6342

(4) Except as provided in division (D) or (E) of this 6343
section, while operating or being a passenger in or on a motor 6344
vehicle on any street, highway, or other public or private 6345
property open to the public for purposes of vehicular travel or 6346
parking; 6347

(5) Except as provided in division (D) or (E) of this 6348
section, while being in or on a stationary motor vehicle on any 6349
street, highway, or other public or private property open to the 6350
public for purposes of vehicular travel or parking. 6351

(C)(1) A person may have in the person's possession an opened 6352
container of any of the following: 6353

(a) Beer or intoxicating liquor that has been lawfully 6354
purchased for consumption on the premises where bought from the 6355
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 6356
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 6357
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 6358

F-8 permit; 6359

(b) Beer, wine, or mixed beverages served for consumption on 6360
the premises by the holder of an F-3 permit or wine served for 6361
consumption on the premises by the holder of an F-4 or F-6 permit; 6362

(c) Beer or intoxicating liquor consumed on the premises of a 6363
convention facility as provided in section 4303.201 of the Revised 6364
Code; 6365

(d) Beer or intoxicating liquor to be consumed during 6366
tastings and samplings approved by rule of the liquor control 6367
commission. 6368

(2) A person may have in the person's possession on an F 6369
liquor permit premises an opened container of beer or intoxicating 6370
liquor that was not purchased from the holder of the F permit if 6371
the premises for which the F permit is issued is a music festival 6372
and the holder of the F permit grants permission for that 6373
possession on the premises during the period for which the F 6374
permit is issued. As used in this division, "music festival" means 6375
a series of outdoor live musical performances, extending for a 6376
period of at least three consecutive days and located on an area 6377
of land of at least forty acres. 6378

(3)(a) A person may have in the person's possession on a D-2 6379
liquor permit premises an opened or unopened container of wine 6380
that was not purchased from the holder of the D-2 permit if the 6381
premises for which the D-2 permit is issued is an outdoor 6382
performing arts center, the person is attending an orchestral 6383
performance, and the holder of the D-2 permit grants permission 6384
for the possession and consumption of wine in certain 6385
predesignated areas of the premises during the period for which 6386
the D-2 permit is issued. 6387

(b) As used in division (C)(3)(a) of this section: 6388

(i) "Orchestral performance" means a concert comprised of a 6389

group of not fewer than forty musicians playing various musical instruments. 6390
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(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than eight hundred acres of land and that is open for performances from the first day of April to the last day of October of each year. 6392
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(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location. 6396
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(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply: 6404
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(1) The person or guest is a passenger in the limousine. 6408

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located. 6409
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(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 6412
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(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply: 6415
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(1) The opened bottle of wine is securely resealed by the 6419

permit holder or an employee of the permit holder before the 6420
bottle is removed from the premises. The bottle shall be secured 6421
in such a manner that it is visibly apparent if the bottle has 6422
been subsequently opened or tampered with. 6423

(2) The opened bottle of wine that is resealed in accordance 6424
with division (E)(1) of this section is stored in the trunk of a 6425
motor vehicle or, if the motor vehicle does not have a trunk, 6426
behind the last upright seat or in an area not normally occupied 6427
by the driver or passengers and not easily accessible by the 6428
driver. 6429

Sec. 4303.181. (A) Permit D-5a may be issued either to the 6430
owner or operator of a hotel or motel that is required to be 6431
licensed under section 3731.03 of the Revised Code, that contains 6432
at least fifty rooms for registered transient guests or is owned 6433
by a state institution of higher education as defined in section 6434
3345.011 of the Revised Code or a private college or university, 6435
and that qualifies under the other requirements of this section, 6436
or to the owner or operator of a restaurant specified under this 6437
section, to sell beer and any intoxicating liquor at retail, only 6438
by the individual drink in glass and from the container, for 6439
consumption on the premises where sold, and to registered guests 6440
in their rooms, which may be sold by means of a controlled access 6441
alcohol and beverage cabinet in accordance with division (B) of 6442
section 4301.21 of the Revised Code; and to sell the same products 6443
in the same manner and amounts not for consumption on the premises 6444
as may be sold by holders of D-1 and D-2 permits. The premises of 6445
the hotel or motel shall include a retail food establishment or a 6446
food service operation licensed pursuant to Chapter 3717. of the 6447
Revised Code that operates as a restaurant for purposes of this 6448
chapter and that is affiliated with the hotel or motel and within 6449
or contiguous to the hotel or motel, and that serves food within 6450
the hotel or motel, but the principal business of the owner or 6451

operator of the hotel or motel shall be the accommodation of 6452
transient guests. In addition to the privileges authorized in this 6453
division, the holder of a D-5a permit may exercise the same 6454
privileges as the holder of a D-5 permit. 6455

The owner or operator of a hotel, motel, or restaurant who 6456
qualified for and held a D-5a permit on August 4, 1976, may, if 6457
the owner or operator held another permit before holding a D-5a 6458
permit, either retain a D-5a permit or apply for the permit 6459
formerly held, and the division of liquor control shall issue the 6460
permit for which the owner or operator applies and formerly held, 6461
notwithstanding any quota. 6462

A D-5a permit shall not be transferred to another location. 6463
No quota restriction shall be placed on the number of D-5a permits 6464
that may be issued. 6465

The fee for this permit is two thousand three hundred 6466
forty-four dollars. 6467

(B) Permit D-5b may be issued to the owner, operator, tenant, 6468
lessee, or occupant of an enclosed shopping center to sell beer 6469
and intoxicating liquor at retail, only by the individual drink in 6470
glass and from the container, for consumption on the premises 6471
where sold; and to sell the same products in the same manner and 6472
amount not for consumption on the premises as may be sold by 6473
holders of D-1 and D-2 permits. In addition to the privileges 6474
authorized in this division, the holder of a D-5b permit may 6475
exercise the same privileges as a holder of a D-5 permit. 6476

A D-5b permit shall not be transferred to another location. 6477

One D-5b permit may be issued at an enclosed shopping center 6478
containing at least two hundred twenty-five thousand, but less 6479
than four hundred thousand, square feet of floor area. 6480

Two D-5b permits may be issued at an enclosed shopping center 6481
containing at least four hundred thousand square feet of floor 6482

area. No more than one D-5b permit may be issued at an enclosed 6483
shopping center for each additional two hundred thousand square 6484
feet of floor area or fraction of that floor area, up to a maximum 6485
of five D-5b permits for each enclosed shopping center. The number 6486
of D-5b permits that may be issued at an enclosed shopping center 6487
shall be determined by subtracting the number of D-3 and D-5 6488
permits issued in the enclosed shopping center from the number of 6489
D-5b permits that otherwise may be issued at the enclosed shopping 6490
center under the formulas provided in this division. Except as 6491
provided in this section, no quota shall be placed on the number 6492
of D-5b permits that may be issued. Notwithstanding any quota 6493
provided in this section, the holder of any D-5b permit first 6494
issued in accordance with this section is entitled to its renewal 6495
in accordance with section 4303.271 of the Revised Code. 6496

The holder of a D-5b permit issued before April 4, 1984, 6497
whose tenancy is terminated for a cause other than nonpayment of 6498
rent, may return the D-5b permit to the division of liquor 6499
control, and the division shall cancel that permit. Upon 6500
cancellation of that permit and upon the permit holder's payment 6501
of taxes, contributions, premiums, assessments, and other debts 6502
owing or accrued upon the date of cancellation to this state and 6503
its political subdivisions and a filing with the division of a 6504
certification of that payment, the division shall issue to that 6505
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 6506
that person requests. The division shall issue the D-5 permit, or 6507
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 6508
D-3, or D-5 permits currently issued in the municipal corporation 6509
or in the unincorporated area of the township where that person's 6510
proposed premises is located equals or exceeds the maximum number 6511
of such permits that can be issued in that municipal corporation 6512
or in the unincorporated area of that township under the 6513
population quota restrictions contained in section 4303.29 of the 6514
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 6515

be transferred to another location. If a D-5b permit is canceled 6516
under the provisions of this paragraph, the number of D-5b permits 6517
that may be issued at the enclosed shopping center for which the 6518
D-5b permit was issued, under the formula provided in this 6519
division, shall be reduced by one if the enclosed shopping center 6520
was entitled to more than one D-5b permit under the formula. 6521

The fee for this permit is two thousand three hundred 6522
forty-four dollars. 6523

(C) Permit D-5c may be issued to the owner or operator of a 6524
retail food establishment or a food service operation licensed 6525
pursuant to Chapter 3717. of the Revised Code that operates as a 6526
restaurant for purposes of this chapter and that qualifies under 6527
the other requirements of this section to sell beer and any 6528
intoxicating liquor at retail, only by the individual drink in 6529
glass and from the container, for consumption on the premises 6530
where sold, and to sell the same products in the same manner and 6531
amounts not for consumption on the premises as may be sold by 6532
holders of D-1 and D-2 permits. In addition to the privileges 6533
authorized in this division, the holder of a D-5c permit may 6534
exercise the same privileges as the holder of a D-5 permit. 6535

To qualify for a D-5c permit, the owner or operator of a 6536
retail food establishment or a food service operation licensed 6537
pursuant to Chapter 3717. of the Revised Code that operates as a 6538
restaurant for purposes of this chapter, shall have operated the 6539
restaurant at the proposed premises for not less than twenty-four 6540
consecutive months immediately preceding the filing of the 6541
application for the permit, have applied for a D-5 permit no later 6542
than December 31, 1988, and appear on the division's quota waiting 6543
list for not less than six months immediately preceding the filing 6544
of the application for the permit. In addition to these 6545
requirements, the proposed D-5c permit premises shall be located 6546
within a municipal corporation and further within an election 6547

precinct that, at the time of the application, has no more than 6548
twenty-five per cent of its total land area zoned for residential 6549
use. 6550

A D-5c permit shall not be transferred to another location. 6551
No quota restriction shall be placed on the number of such permits 6552
that may be issued. 6553

Any person who has held a D-5c permit for at least two years 6554
may apply for a D-5 permit, and the division of liquor control 6555
shall issue the D-5 permit notwithstanding the quota restrictions 6556
contained in section 4303.29 of the Revised Code or in any rule of 6557
the liquor control commission. 6558

The fee for this permit is one thousand five hundred 6559
sixty-three dollars. 6560

(D) Permit D-5d may be issued to the owner or operator of a 6561
retail food establishment or a food service operation licensed 6562
pursuant to Chapter 3717. of the Revised Code that operates as a 6563
restaurant for purposes of this chapter and that is located at an 6564
airport operated by a board of county commissioners pursuant to 6565
section 307.20 of the Revised Code, at an airport operated by a 6566
port authority pursuant to Chapter 4582. of the Revised Code, or 6567
at an airport operated by a regional airport authority pursuant to 6568
Chapter 308. of the Revised Code. The holder of a D-5d permit may 6569
sell beer and any intoxicating liquor at retail, only by the 6570
individual drink in glass and from the container, for consumption 6571
on the premises where sold, and may sell the same products in the 6572
same manner and amounts not for consumption on the premises where 6573
sold as may be sold by the holders of D-1 and D-2 permits. In 6574
addition to the privileges authorized in this division, the holder 6575
of a D-5d permit may exercise the same privileges as the holder of 6576
a D-5 permit. 6577

A D-5d permit shall not be transferred to another location. 6578

No quota restrictions shall be placed on the number of such 6579
permits that may be issued. 6580

The fee for this permit is two thousand three hundred 6581
forty-four dollars. 6582

(E) Permit D-5e may be issued to any nonprofit organization 6583
that is exempt from federal income taxation under the "Internal 6584
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 6585
amended, or that is a charitable organization under any chapter of 6586
the Revised Code, and that owns or operates a riverboat that meets 6587
all of the following: 6588

(1) Is permanently docked at one location; 6589

(2) Is designated as an historical riverboat by the Ohio 6590
historical society; 6591

(3) Contains not less than fifteen hundred square feet of 6592
floor area; 6593

(4) Has a seating capacity of fifty or more persons. 6594

The holder of a D-5e permit may sell beer and intoxicating 6595
liquor at retail, only by the individual drink in glass and from 6596
the container, for consumption on the premises where sold. 6597

A D-5e permit shall not be transferred to another location. 6598
No quota restriction shall be placed on the number of such permits 6599
that may be issued. The population quota restrictions contained in 6600
section 4303.29 of the Revised Code or in any rule of the liquor 6601
control commission shall not apply to this division, and the 6602
division shall issue a D-5e permit to any applicant who meets the 6603
requirements of this division. However, the division shall not 6604
issue a D-5e permit if the permit premises or proposed permit 6605
premises are located within an area in which the sale of 6606
spirituous liquor by the glass is prohibited. 6607

The fee for this permit is one thousand two hundred nineteen 6608

dollars. 6609

(F) Permit D-5f may be issued to the owner or operator of a 6610
retail food establishment or a food service operation licensed 6611
under Chapter 3717. of the Revised Code that operates as a 6612
restaurant for purposes of this chapter and that meets all of the 6613
following: 6614

(1) It contains not less than twenty-five hundred square feet 6615
of floor area. 6616

(2) It is located on or in, or immediately adjacent to, the 6617
shoreline of, a navigable river. 6618

(3) It provides docking space for twenty-five boats. 6619

(4) It provides entertainment and recreation, provided that 6620
not less than fifty per cent of the business on the permit 6621
premises shall be preparing and serving meals for a consideration. 6622

In addition, each application for a D-5f permit shall be 6623
accompanied by a certification from the local legislative 6624
authority that the issuance of the D-5f permit is not inconsistent 6625
with that political subdivision's comprehensive development plan 6626
or other economic development goal as officially established by 6627
the local legislative authority. 6628

The holder of a D-5f permit may sell beer and intoxicating 6629
liquor at retail, only by the individual drink in glass and from 6630
the container, for consumption on the premises where sold. 6631

A D-5f permit shall not be transferred to another location. 6632

The division of liquor control shall not issue a D-5f permit 6633
if the permit premises or proposed permit premises are located 6634
within an area in which the sale of spirituous liquor by the glass 6635
is prohibited. 6636

A fee for this permit is two thousand three hundred 6637
forty-four dollars. 6638

As used in this division, "navigable river" means a river 6639
that is also a "navigable water" as defined in the "Federal Power 6640
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 6641

(G) Permit D-5g may be issued to a nonprofit corporation that 6642
is either the owner or the operator of a national professional 6643
sports museum. The holder of a D-5g permit may sell beer and any 6644
intoxicating liquor at retail, only by the individual drink in 6645
glass and from the container, for consumption on the premises 6646
where sold. The holder of a D-5g permit shall sell no beer or 6647
intoxicating liquor for consumption on the premises where sold 6648
after one a.m. A D-5g permit shall not be transferred to another 6649
location. No quota restrictions shall be placed on the number of 6650
D-5g permits that may be issued. The fee for this permit is one 6651
thousand eight hundred seventy-five dollars. 6652

(H)(1) Permit D-5h may be issued to any nonprofit 6653
organization that is exempt from federal income taxation under the 6654
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6655
501(c)(3), as amended, that owns or operates any of the following: 6656

(a) A fine arts museum, provided that the nonprofit 6657
organization has no less than one thousand five hundred bona fide 6658
members possessing full membership privileges; 6659

(b) A community arts center. As used in division (H)(1)(b) of 6660
this section, "community arts center" means a facility that 6661
provides arts programming to the community in more than one arts 6662
discipline, including, but not limited to, exhibits of works of 6663
art and performances by both professional and amateur artists. 6664

(c) A community theater, provided that the nonprofit 6665
organization is a member of the Ohio arts council and the American 6666
community theatre association and has been in existence for not 6667
less than ten years. As used in division (H)(1)(c) of this 6668
section, "community theater" means a facility that contains at 6669

least one hundred fifty seats and has a primary function of 6670
presenting live theatrical performances and providing recreational 6671
opportunities to the community. 6672

(2) The holder of a D-5h permit may sell beer and any 6673
intoxicating liquor at retail, only by the individual drink in 6674
glass and from the container, for consumption on the premises 6675
where sold. The holder of a D-5h permit shall sell no beer or 6676
intoxicating liquor for consumption on the premises where sold 6677
after one a.m. A D-5h permit shall not be transferred to another 6678
location. No quota restrictions shall be placed on the number of 6679
D-5h permits that may be issued. 6680

(3) The fee for a D-5h permit is one thousand eight hundred 6681
seventy-five dollars. 6682

(I) Permit D-5i may be issued to the owner or operator of a 6683
retail food establishment or a food service operation licensed 6684
under Chapter 3717. of the Revised Code that operates as a 6685
restaurant for purposes of this chapter and that meets all of the 6686
following requirements: 6687

(1) It is located in a municipal corporation or a township 6688
with a population of one hundred thousand or less. 6689

(2) It has inside seating capacity for at least one hundred 6690
forty persons. 6691

(3) It has at least four thousand square feet of floor area. 6692

(4) It offers full-course meals, appetizers, and sandwiches. 6693

(5) Its receipts from beer and liquor sales, excluding wine 6694
sales, do not exceed twenty-five per cent of its total gross 6695
receipts. 6696

(6) It has at least one of the following characteristics: 6697

(a) The value of its real and personal property exceeds seven 6698
hundred twenty-five thousand dollars. 6699

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit.

A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (I)(1) to (6) of this section. No quota restrictions shall be placed on the number of D-5i permits that may be issued. The fee for the D-5i permit is two thousand three hundred forty-four dollars.

(J)(1) Permit D-5j may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5j permit may exercise the same privileges, and shall

observe the same hours of operation, as the holder of a D-5 6732
permit. 6733

(2) The D-5j permit shall be issued only within a community 6734
entertainment district that is designated under section 4301.80 of 6735
the Revised Code and that meets one of the following 6736
qualifications: 6737

(a) It is located in a municipal corporation with a 6738
population of at least one hundred thousand. 6739

(b) It is located in a municipal corporation with a 6740
population of at least twenty thousand, and either of the 6741
following applies: 6742

(i) It contains an amusement park the rides of which have 6743
been issued a permit by the department of agriculture under 6744
Chapter 1711. of the Revised Code. 6745

(ii) Not less than fifty million dollars will be invested in 6746
development and construction in the community entertainment 6747
district's area located in the municipal corporation. 6748

(c) It is located in a township with a population of at least 6749
forty thousand. 6750

(d) It is located in a municipal corporation with a 6751
population of at least ten thousand, and not less than seventy 6752
million dollars will be invested in development and construction 6753
in the community entertainment district's area located in the 6754
municipal corporation. 6755

(e) It is located in a municipal corporation with a 6756
population of at least five thousand, and not less than one 6757
hundred million dollars will be invested in development and 6758
construction in the community entertainment district's area 6759
located in the municipal corporation. 6760

(3) The location of a D-5j permit may be transferred only 6761

within the geographic boundaries of the community entertainment 6762
district in which it was issued and shall not be transferred 6763
outside the geographic boundaries of that district. 6764

(4) Not more than one D-5j permit shall be issued within each 6765
community entertainment district for each five acres of land 6766
located within the district. Not more than fifteen D-5j permits 6767
may be issued within a single community entertainment district. 6768
Except as otherwise provided in division (J)(4) of this section, 6769
no quota restrictions shall be placed upon the number of D-5j 6770
permits that may be issued. 6771

(5) The fee for a D-5j permit is two thousand three hundred 6772
forty-four dollars. 6773

(K)(1) Permit D-5k may be issued to any nonprofit 6774
organization that is exempt from federal income taxation under the 6775
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6776
501(c)(3), as amended, that is the owner or operator of a 6777
botanical garden recognized by the American association of 6778
botanical gardens and arboreta, and that has not less than 6779
twenty-five hundred bona fide members. 6780

(2) The holder of a D-5k permit may sell beer and any 6781
intoxicating liquor at retail, only by the individual drink in 6782
glass and from the container, on the premises where sold. 6783

(3) The holder of a D-5k permit shall sell no beer or 6784
intoxicating liquor for consumption on the premises where sold 6785
after one a.m. 6786

(4) A D-5k permit shall not be transferred to another 6787
location. 6788

(5) No quota restrictions shall be placed on the number of 6789
D-5k permits that may be issued. 6790

(6) The fee for the D-5k permit is one thousand eight hundred 6791

seventy-five dollars. 6792

(L)(1) Permit D-51 may be issued to the owner or the operator 6793
of a retail food establishment or a food service operation 6794
licensed under Chapter 3717. of the Revised Code to sell beer and 6795
intoxicating liquor at retail, only by the individual drink in 6796
glass and from the container, for consumption on the premises 6797
where sold and to sell beer and intoxicating liquor in the same 6798
manner and amounts not for consumption on the premises where sold 6799
as may be sold by the holders of D-1 and D-2 permits. The holder 6800
of a D-51 permit may exercise the same privileges, and shall 6801
observe the same hours of operation, as the holder of a D-5 6802
permit. 6803

(2) The D-51 permit shall be issued only to a premises that 6804
has gross annual receipts from the sale of food and meals that 6805
constitute not less than seventy-five per cent of its total gross 6806
annual receipts, that is located within a revitalization district 6807
that is designated under section 4301.81 of the Revised Code, that 6808
is located in a municipal corporation or township in which the 6809
number of D-5 permits issued equals or exceeds the number of those 6810
permits that may be issued in that municipal corporation or 6811
township under section 4303.29 of the Revised Code, and that is 6812
located in a county with a population of one hundred twenty-five 6813
thousand or less according to the population estimates certified 6814
by the department of development for calendar year 2006. 6815

(3) The location of a D-51 permit may be transferred only 6816
within the geographic boundaries of the revitalization district in 6817
which it was issued and shall not be transferred outside the 6818
geographic boundaries of that district. 6819

(4) Not more than one D-51 permit shall be issued within each 6820
revitalization district for each five acres of land located within 6821
the district. Not more than five D-51 permits may be issued within 6822
a single revitalization district. Except as otherwise provided in 6823

division (L)(4) of this section, no quota restrictions shall be 6824
placed upon the number of D-5l permits that may be issued. 6825

(5) The fee for a D-5l permit is two thousand three hundred 6826
forty-four dollars. 6827

(M) Permit D-5m may be issued to either the owner or the 6828
operator of a retail food establishment or food service operation 6829
licensed under Chapter 3717. of the Revised Code that operates as 6830
a restaurant for purposes of this chapter and that is located in, 6831
or affiliated with, a center for the preservation of wild animals 6832
as defined in section 4301.404 of the Revised Code, to sell beer 6833
and any intoxicating liquor at retail, only by the glass and from 6834
the container, for consumption on the premises where sold, and to 6835
sell the same products in the same manner and amounts not for 6836
consumption on the premises as may be sold by the holders of D-1 6837
and D-2 permits. In addition to the privileges authorized by this 6838
division, the holder of a D-5m permit may exercise the same 6839
privileges as the holder of a D-5 permit. 6840

A D-5m permit shall not be transferred to another location. 6841
No quota restrictions shall be placed on the number of D-5m 6842
permits that may be issued. The fee for a permit D-5m is two 6843
thousand three hundred forty-four dollars. 6844

(N) Permit D-5n shall be issued to either a casino operator 6845
or a casino management company licensed under Chapter 3772. of the 6846
Revised Code that operates a casino facility under that chapter, 6847
to sell beer, intoxicating liquor, wine, and mixed beverages at 6848
retail, only by the glass and from the container, for consumption 6849
on the premises where sold, and to sell the same products in the 6850
same manner and amounts not for consumption on the premises as may 6851
be sold by the holders of D-1 and D-2 permits. In addition to the 6852
privileges authorized by this division, the holder of a D-5n 6853
permit may exercise the same privileges as the holder of a D-5 6854
permit. A D-5n permit shall not be transferred to another 6855

location. Only one D-5n permit may be issued per casino facility 6856
and not more than four D-5n permits shall be issued in this state. 6857
The fee for a permit D-5n shall be five thousand dollars. The 6858
holder of a D-5n permit may conduct casino gaming on the permit 6859
premises notwithstanding any provision of the Revised Code or 6860
Administrative Code. 6861

(O) Permit D-5o may be issued to the owner or operator of a 6862
retail food establishment or a food service operation licensed 6863
under Chapter 3717. of the Revised Code that operates as a 6864
restaurant for purposes of this chapter and that is located within 6865
a casino facility for which a D-5n permit has been issued. The 6866
holder of a D-5o permit may sell beer and any intoxicating liquor 6867
at retail, only by the glass and from the container, for 6868
consumption on the premises where sold, and may sell the same 6869
products in the same manner and amounts not for consumption on the 6870
premises where sold as may be sold by the holders of D-1 and D-2 6871
permits. In addition to the privileges authorized by this 6872
division, the holder of a D-5o permit may exercise the same 6873
privileges as the holder of a D-5 permit. A D-5o permit shall not 6874
be transferred to another location. No quota restrictions shall be 6875
placed on the number of such permits that may be issued. The fee 6876
for this permit is five thousand dollars. 6877

Sec. 4303.182. (A) Except as otherwise provided in divisions 6878
(B) to (J) of this section, permit D-6 shall be issued to the 6879
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 6880
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 6881
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 6882
that permit as follows: 6883

(1) Between the hours of ten a.m. and midnight on Sunday if 6884
sale during those hours has been approved under question (C)(1), 6885
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 6886

under question (B)(2) of section 4301.355 of the Revised Code, or 6887
under section 4301.356 of the Revised Code and has been authorized 6888
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6889
Revised Code, under the restrictions of that authorization; 6890

(2) Between the hours of eleven a.m. and midnight on Sunday, 6891
if sale during those hours has been approved on or after the 6892
effective date of this amendment under question (B)(1), (2), or 6893
(3) of section 4301.351 or 4301.354 of the Revised Code, under 6894
question (B)(2) of section 4301.355 of the Revised Code, or under 6895
section 4301.356 of the Revised Code and has been authorized under 6896
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 6897
Code, under the restrictions of that authorization; 6898

(3) Between the hours of eleven a.m. and midnight on Sunday 6899
if sale between the hours of one p.m. and midnight was approved 6900
before the effective date of this amendment under question (B)(1), 6901
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 6902
under question (B)(2) of section 4301.355 of the Revised Code, or 6903
under section 4301.356 of the Revised Code and has been authorized 6904
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6905
Revised Code, under the other restrictions of that authorization. 6906

(B) Permit D-6 shall be issued to the holder of any permit, 6907
including a D-4a and D-5d permit, authorizing the sale of 6908
intoxicating liquor issued for a premises located at any publicly 6909
owned airport, as defined in section 4563.01 of the Revised Code, 6910
at which commercial airline companies operate regularly scheduled 6911
flights on which space is available to the public, to allow sale 6912
under such permit between the hours of ten a.m. and midnight on 6913
Sunday, whether or not that sale has been authorized under section 6914
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6915

(C) Permit D-6 shall be issued to the holder of a D-5a 6916
permit, and to the holder of a D-3 or D-3a permit who is the owner 6917
or operator of a hotel or motel that is required to be licensed 6918

under section 3731.03 of the Revised Code, that contains at least 6919
fifty rooms for registered transient guests, and that has on its 6920
premises a retail food establishment or a food service operation 6921
licensed pursuant to Chapter 3717. of the Revised Code that 6922
operates as a restaurant for purposes of this chapter and is 6923
affiliated with the hotel or motel and within or contiguous to the 6924
hotel or motel and serving food within the hotel or motel, to 6925
allow sale under such permit between the hours of ten a.m. and 6926
midnight on Sunday, whether or not that sale has been authorized 6927
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6928
Revised Code. 6929

(D) The holder of a D-6 permit that is issued to a sports 6930
facility may make sales under the permit between the hours of 6931
eleven a.m. and midnight on any Sunday on which a professional 6932
baseball, basketball, football, hockey, or soccer game is being 6933
played at the sports facility. As used in this division, "sports 6934
facility" means a stadium or arena that has a seating capacity of 6935
at least four thousand and that is owned or leased by a 6936
professional baseball, basketball, football, hockey, or soccer 6937
franchise or any combination of those franchises. 6938

(E) Permit D-6 shall be issued to the holder of any permit 6939
that authorizes the sale of beer or intoxicating liquor and that 6940
is issued to a premises located in or at the Ohio historical 6941
society area or the state fairgrounds, as defined in division (B) 6942
of section 4301.40 of the Revised Code, to allow sale under that 6943
permit between the hours of ten a.m. and midnight on Sunday, 6944
whether or not that sale has been authorized under section 6945
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6946

(F) Permit D-6 shall be issued to the holder of any permit 6947
that authorizes the sale of intoxicating liquor and that is issued 6948
to an outdoor performing arts center to allow sale under that 6949
permit between the hours of one p.m. and midnight on Sunday, 6950

whether or not that sale has been authorized under section 6951
4301.361 of the Revised Code. A D-6 permit issued under this 6952
division is subject to the results of an election, held after the 6953
D-6 permit is issued, on question (B)(4) as set forth in section 6954
4301.351 of the Revised Code. Following the end of the period 6955
during which an election may be held on question (B)(4) as set 6956
forth in that section, sales of intoxicating liquor may continue 6957
at an outdoor performing arts center under a D-6 permit issued 6958
under this division, unless an election on that question is held 6959
during the permitted period and a majority of the voters voting in 6960
the precinct on that question vote "no." 6961

As used in this division, "outdoor performing arts center" 6962
means an outdoor performing arts center that is located on not 6963
less than eight hundred acres of land and that is open for 6964
performances from the first day of April to the last day of 6965
October of each year. 6966

(G) Permit D-6 shall be issued to the holder of any permit 6967
that authorizes the sale of beer or intoxicating liquor and that 6968
is issued to a golf course owned by the state, a conservancy 6969
district, a park district created under Chapter 1545. of the 6970
Revised Code, or another political subdivision to allow sale under 6971
that permit between the hours of ten a.m. and midnight on Sunday, 6972
whether or not that sale has been authorized under section 6973
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6974

(H) Permit D-6 shall be issued to the holder of a D-5g permit 6975
to allow sale under that permit between the hours of ten a.m. and 6976
midnight on Sunday, whether or not that sale has been authorized 6977
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6978
Revised Code. 6979

(I) Permit D-6 shall be issued to the holder of any D permit 6980
for a premises that is licensed under Chapter 3717. of the Revised 6981
Code and that is located at a ski area to allow sale under the D-6 6982

permit between the hours of ten a.m. and midnight on Sunday, 6983
whether or not that sale has been authorized under section 6984
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6985

As used in this division, "ski area" means a ski area as 6986
defined in section 4169.01 of the Revised Code, provided that the 6987
passenger tramway operator at that area is registered under 6988
section 4169.03 of the Revised Code. 6989

(J) Permit D-6 shall be issued to the holder of any permit 6990
that is described in division (A) of this section for a permit 6991
premises that is located in a community entertainment district, as 6992
defined in section 4301.80 of the Revised Code, that was approved 6993
by the legislative authority of a municipal corporation under that 6994
section between October 1 and October 15, 2005, to allow sale 6995
under the permit between the hours of ten a.m. and midnight on 6996
Sunday, whether or not that sale has been authorized under section 6997
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6998

(K) If the restriction to licensed premises where the sale of 6999
food and other goods and services exceeds fifty per cent of the 7000
total gross receipts of the permit holder at the premises is 7001
applicable, the division of liquor control may accept an affidavit 7002
from the permit holder to show the proportion of the permit 7003
holder's gross receipts derived from the sale of food and other 7004
goods and services. If the liquor control commission determines 7005
that affidavit to have been false, it shall revoke the permits of 7006
the permit holder at the premises concerned. 7007

(L) The fee for the D-6 permit is five hundred dollars when 7008
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 7009
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 7010
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee 7011
for the D-6 permit is four hundred dollars when it is issued to 7012
the holder of a C-2 permit. 7013

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 7014
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 7015
D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be exercised at not 7016
more than two fixed counters, commonly known as bars, in rooms or 7017
places on the permit premises, where beer, mixed beverages, wine, 7018
or spirituous liquor is sold to the public for consumption on the 7019
premises. For each additional fixed counter on the permit premises 7020
where those beverages are sold for consumption on the premises, 7021
the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, 7022
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 7023
D-5l, D-5m, D-5n, D-5o, or D-6 permit. 7024

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 7025
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 7026
or D-6 permit shall be granted, upon application to the division 7027
of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 7028
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 7029
D-5n, D-5o, or D-6 permit for each additional fixed counter on the 7030
permit premises at which beer, mixed beverages, wine, or 7031
spirituous liquor is sold for consumption on the premises, 7032
provided the application is made in the same manner as an 7033
application for an original permit. The application shall be 7034
identified with DUPLICATE printed on the permit application form 7035
furnished by the department, in boldface type. The application 7036
shall identify by name, or otherwise amply describe, the room or 7037
place on the premises where the duplicate permit is to be 7038
operative. Each duplicate permit shall be issued only to the same 7039
individual, firm, or corporation as that of the original permit 7040
and shall be an exact duplicate in size and word content as the 7041
original permit, except that it shall show on it the name or other 7042
ample identification of the room, or place, for which it is issued 7043
and shall have DUPLICATE printed on it in boldface type. A 7044
duplicate permit shall bear the same number as the original 7045

permit. The fee for a duplicate permit is: D-1, one hundred 7046
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 7047
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 7048
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 7049
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 7050
dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; 7051
D-6, one hundred dollars when issued to the holder of a D-4a 7052
permit; and in all other cases one hundred dollars or an amount 7053
which is twenty per cent of the fees payable for the A-1-A, D-2, 7054
D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, 7055
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, and D-6 permits issued to the 7056
same premises, whichever is higher. Application for a duplicate 7057
permit may be filed any time during the life of an original 7058
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 7059
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 7060
D-5n, D-5o, or D-6 permit shall be paid in accordance with section 7061
4303.24 of the Revised Code. 7062

Sec. 5502.03. (A) There is hereby created in the department 7063
of public safety a division of homeland security. 7064

(B) The division shall do all of the following: 7065

(1) Coordinate all homeland security activities of all state 7066
agencies and be the liaison between state agencies and local 7067
entities for the purposes of communicating homeland security 7068
funding and policy initiatives; 7069

(2) Collect, analyze, maintain, and disseminate information 7070
to support local, state, and federal law enforcement agencies, 7071
other government agencies, and private organizations in detecting, 7072
deterring, preventing, preparing for, responding to, and 7073
recovering from threatened or actual terrorist events. This 7074
information is not a public record pursuant to section 149.43 of 7075
the Revised Code. 7076

(3) Coordinate efforts of state and local governments and private organizations to enhance the security and protection of critical infrastructure, including casino facilities, and key assets in this state;

(4) Develop and coordinate policies, protocols, and strategies that may be used to prevent, detect, prepare for, respond to, and recover from terrorist acts or threats;

(5) Develop, update, and coordinate the implementation of an Ohio homeland security strategic plan that will guide state and local governments in the achievement of homeland security in this state.

(C) The director of public safety shall appoint an executive director, who shall be head of the division of homeland security and who regularly shall advise the governor and the director on matters pertaining to homeland security. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements.

(D) Except as otherwise provided by law, nothing in this section shall be construed to give the director of public safety or the executive director of the division of homeland security authority over the incident management structure or responsibilities of local emergency response personnel.

(E) There is hereby created in the state treasury the homeland security fund. The fund shall consist of sixty cents of each fee collected under sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised Code as specified in those sections, plus on and after October 1, 2009, sixty cents of each fee collected under sections 4505.14 and 4519.63 of the Revised Code as

specified in those sections. The fund shall be used to pay the 7108
expenses of administering the law relative to the powers and 7109
duties of the executive director of the division of homeland 7110
security, except that the director of budget and management may 7111
transfer excess money from the homeland security fund to the state 7112
highway safety fund if the director of public safety determines 7113
that the amount of money in the homeland security fund exceeds the 7114
amount required to cover such costs incurred by the division of 7115
homeland security and requests the director of budget and 7116
management to make the transfer. 7117

Sec. 5703.052. (A) There is hereby created in the state 7118
treasury the tax refund fund, from which refunds shall be paid for 7119
taxes illegally or erroneously assessed or collected, or for any 7120
other reason overpaid, that are levied by Chapter 4301., 4305., 7121
5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 7122
5749., ~~or~~ 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 7123
4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 7124
of the Revised Code. Refunds for fees illegally or erroneously 7125
assessed or collected, or for any other reason overpaid, that are 7126
levied by sections 3734.90 to 3734.9014 of the Revised Code also 7127
shall be paid from the fund. Refunds for amounts illegally or 7128
erroneously assessed or collected by the tax commissioner, or for 7129
any other reason overpaid, that are due under section 1509.50 of 7130
the Revised Code shall be paid from the fund. However, refunds for 7131
taxes levied under section 5739.101 of the Revised Code shall not 7132
be paid from the tax refund fund, but shall be paid as provided in 7133
section 5739.104 of the Revised Code. 7134

(B)(1) Upon certification by the tax commissioner to the 7135
treasurer of state of a tax refund, a fee refund, or an other 7136
amount refunded, or by the superintendent of insurance of a 7137
domestic or foreign insurance tax refund, the treasurer of state 7138
shall place the amount certified to the credit of the fund. The 7139

certified amount transferred shall be derived from current 7140
receipts of the same tax, fee, or other amount from which the 7141
refund arose. If current receipts from the tax, fee, or other 7142
amount from which the refund arose are inadequate to make the 7143
transfer of the amount so certified, the treasurer of state shall 7144
transfer such certified amount from current receipts of the sales 7145
tax levied by section 5739.02 of the Revised Code. 7146

(2) When the treasurer of state provides for the payment of a 7147
refund of a tax, fee, or other amount from the current receipts of 7148
the sales tax, and the refund is for a tax, fee, or other amount 7149
that is not levied by the state, the tax commissioner shall 7150
recover the amount of that refund from the next distribution of 7151
that tax, fee, or other amount that otherwise would be made to the 7152
taxing jurisdiction. If the amount to be recovered would exceed 7153
twenty-five per cent of the next distribution of that tax, fee, or 7154
other amount, the commissioner may spread the recovery over more 7155
than one future distribution, taking into account the amount to be 7156
recovered and the amount of the anticipated future distributions. 7157
In no event may the commissioner spread the recovery over a period 7158
to exceed twenty-four months. 7159

Sec. 5703.19. (A) To carry out the purposes of the laws that 7160
the tax commissioner is required to administer, the commissioner 7161
or any person employed by the commissioner for that purpose, upon 7162
demand, may inspect books, accounts, records, and memoranda of any 7163
person or public utility subject to those laws, and may examine 7164
under oath any officer, agent, or employee of that person or 7165
public utility. Any person other than the commissioner who makes a 7166
demand pursuant to this section shall produce the person's 7167
authority to make the inspection. 7168

(B) If a person or public utility receives at least ten days' 7169
written notice of a demand made under division (A) of this section 7170

and refuses to comply with that demand, a penalty of five hundred 7171
dollars shall be imposed upon the person or public utility for 7172
each day the person or public utility refuses to comply with the 7173
demand. Penalties imposed under this division may be assessed and 7174
collected in the same manner as assessments made under Chapter 7175
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 7176
5747., 5749., ~~or 5751.~~ or 5753., or sections 3734.90 to 7177
3734.9014, of the Revised Code. 7178

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 7179
of this section, no agent of the department of taxation, except in 7180
the agent's report to the department or when called on to testify 7181
in any court or proceeding, shall divulge any information acquired 7182
by the agent as to the transactions, property, or business of any 7183
person while acting or claiming to act under orders of the 7184
department. Whoever violates this provision shall thereafter be 7185
disqualified from acting as an officer or employee or in any other 7186
capacity under appointment or employment of the department. 7187
7188

(B)(1) For purposes of an audit pursuant to section 117.15 of 7189
the Revised Code, or an audit of the department pursuant to 7190
Chapter 117. of the Revised Code, or an audit, pursuant to that 7191
chapter, the objective of which is to express an opinion on a 7192
financial report or statement prepared or issued pursuant to 7193
division (A)(7) or (9) of section 126.21 of the Revised Code, the 7194
officers and employees of the auditor of state charged with 7195
conducting the audit shall have access to and the right to examine 7196
any state tax returns and state tax return information in the 7197
possession of the department to the extent that the access and 7198
examination are necessary for purposes of the audit. Any 7199
information acquired as the result of that access and examination 7200
shall not be divulged for any purpose other than as required for 7201
the audit or unless the officers and employees are required to 7202

testify in a court or proceeding under compulsion of legal 7203
process. Whoever violates this provision shall thereafter be 7204
disqualified from acting as an officer or employee or in any other 7205
capacity under appointment or employment of the auditor of state. 7206

(2) For purposes of an internal audit pursuant to section 7207
126.45 of the Revised Code, the officers and employees of the 7208
office of internal auditing in the office of budget and management 7209
charged with conducting the internal audit shall have access to 7210
and the right to examine any state tax returns and state tax 7211
return information in the possession of the department to the 7212
extent that the access and examination are necessary for purposes 7213
of the internal audit. Any information acquired as the result of 7214
that access and examination shall not be divulged for any purpose 7215
other than as required for the internal audit or unless the 7216
officers and employees are required to testify in a court or 7217
proceeding under compulsion of legal process. Whoever violates 7218
this provision shall thereafter be disqualified from acting as an 7219
officer or employee or in any other capacity under appointment or 7220
employment of the office of internal auditing. 7221

(3) As provided by section 6103(d)(2) of the Internal Revenue 7222
Code, any federal tax returns or federal tax information that the 7223
department has acquired from the internal revenue service, through 7224
federal and state statutory authority, may be disclosed to the 7225
auditor of state or the office of internal auditing solely for 7226
purposes of an audit of the department. 7227

(4) For purposes of Chapter 3739. of the Revised Code, an 7228
agent of the department of taxation may share information with the 7229
division of state fire marshal that the agent finds during the 7230
course of an investigation. 7231

(C) Division (A) of this section does not prohibit any of the 7232
following: 7233

(1) Divulging information contained in applications,	7234
complaints, and related documents filed with the department under	7235
section 5715.27 of the Revised Code or in applications filed with	7236
the department under section 5715.39 of the Revised Code;	7237
(2) Providing information to the office of child support	7238
within the department of job and family services pursuant to	7239
section 3125.43 of the Revised Code;	7240
(3) Disclosing to the board of motor vehicle collision repair	7241
registration any information in the possession of the department	7242
that is necessary for the board to verify the existence of an	7243
applicant's valid vendor's license and current state tax	7244
identification number under section 4775.07 of the Revised Code;	7245
(4) Providing information to the administrator of workers'	7246
compensation pursuant to sections 4123.271 and 4123.591 of the	7247
Revised Code;	7248
(5) Providing to the attorney general information the	7249
department obtains under division (J) of section 1346.01 of the	7250
Revised Code;	7251
(6) Permitting properly authorized officers, employees, or	7252
agents of a municipal corporation from inspecting reports or	7253
information pursuant to rules adopted under section 5745.16 of the	7254
Revised Code;	7255
(7) Providing information regarding the name, account number,	7256
or business address of a holder of a vendor's license issued	7257
pursuant to section 5739.17 of the Revised Code, a holder of a	7258
direct payment permit issued pursuant to section 5739.031 of the	7259
Revised Code, or a seller having a use tax account maintained	7260
pursuant to section 5741.17 of the Revised Code, or information	7261
regarding the active or inactive status of a vendor's license,	7262
direct payment permit, or seller's use tax account;	7263
(8) Releasing invoices or invoice information furnished under	7264

section 4301.433 of the Revised Code pursuant to that section;	7265
(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;	7266 7267 7268 7269 7270
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	7271 7272
(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;	7273 7274 7275 7276 7277
(12) Disclosing to the department of natural resources information in the possession of the department that is necessary to verify the taxpayer's compliance with division (A)(1), (8), or (9) of section 5749.02 of the Revised Code and information received pursuant to section 1509.50 of the Revised Code concerning the amount due under that section;	7278 7279 7280 7281 7282 7283
(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.	7284 7285 7286 7287 7288 7289 7290 7291 7292
<u>(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a taxpayer's compliance with section</u>	7293 7294 7295

5753.02 of the Revised Code and sections related thereto. 7296

Sec. 5703.70. (A) On the filing of an application for refund 7297
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 7298
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 7299
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 7300
5749.08, ~~or~~ 5751.08, or 5753.06 of the Revised Code, or an 7301
application for compensation under section 5739.061 of the Revised 7302
Code, if the tax commissioner determines that the amount of the 7303
refund or compensation to which the applicant is entitled is less 7304
than the amount claimed in the application, the commissioner shall 7305
give the applicant written notice by ordinary mail of the amount. 7306
The notice shall be sent to the address shown on the application 7307
unless the applicant notifies the commissioner of a different 7308
address. The applicant shall have sixty days from the date the 7309
commissioner mails the notice to provide additional information to 7310
the commissioner or request a hearing, or both. 7311

(B) If the applicant neither requests a hearing nor provides 7312
additional information to the tax commissioner within the time 7313
prescribed by division (A) of this section, the commissioner shall 7314
take no further action, and the refund or compensation amount 7315
denied becomes final. 7316

(C)(1) If the applicant requests a hearing within the time 7317
prescribed by division (A) of this section, the tax commissioner 7318
shall assign a time and place for the hearing and notify the 7319
applicant of such time and place, but the commissioner may 7320
continue the hearing from time to time as necessary. After the 7321
hearing, the commissioner may make such adjustments to the refund 7322
or compensation as the commissioner finds proper, and shall issue 7323
a final determination thereon. 7324

(2) If the applicant does not request a hearing, but provides 7325
additional information, within the time prescribed by division (A) 7326

of this section, the commissioner shall review the information, 7327
make such adjustments to the refund or compensation as the 7328
commissioner finds proper, and issue a final determination 7329
thereon. 7330

(3) The commissioner shall serve a copy of the final 7331
determination made under division (C)(1) or (2) of this section on 7332
the applicant in the manner provided in section 5703.37 of the 7333
Revised Code, and the decision is final, subject to appeal under 7334
section 5717.02 of the Revised Code. 7335

(D) The tax commissioner shall certify to the director of 7336
budget and management and treasurer of state for payment from the 7337
tax refund fund created by section 5703.052 of the Revised Code, 7338
the amount of the refund to be refunded under division (B) or (C) 7339
of this section. The commissioner also shall certify to the 7340
director and treasurer of state for payment from the general 7341
revenue fund the amount of compensation to be paid under division 7342
(B) or (C) of this section. 7343

Sec. 5747.02. (A) For the purpose of providing revenue for 7344
the support of schools and local government functions, to provide 7345
relief to property taxpayers, to provide revenue for the general 7346
revenue fund, and to meet the expenses of administering the tax 7347
levied by this chapter, there is hereby levied on every 7348
individual, trust, and estate residing in or earning or receiving 7349
income in this state, on every individual, trust, and estate 7350
earning or receiving lottery winnings, prizes, or awards pursuant 7351
to Chapter 3770. of the Revised Code, on every individual, trust, 7352
and estate earning or receiving winnings on casino gaming, and on 7353
every individual, trust, and estate otherwise having nexus with or 7354
in this state under the Constitution of the United States, an 7355
annual tax measured in the case of individuals by Ohio adjusted 7356
gross income less an exemption for the taxpayer, the taxpayer's 7357

spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows:

(1) For taxable years beginning in 2004:

OHIO ADJUSTED GROSS INCOME LESS

EXEMPTIONS (INDIVIDUALS)

OR

MODIFIED OHIO

TAXABLE INCOME (TRUSTS)

OR

OHIO TAXABLE INCOME (ESTATES)

TAX

\$5,000 or less .743%

More than \$5,000 but not more than \$10,000 \$37.15 plus 1.486% of the amount in excess of \$5,000

More than \$10,000 but not more than \$15,000 \$111.45 plus 2.972% of the amount in excess of \$10,000

More than \$15,000 but not more than \$20,000 \$260.05 plus 3.715% of the amount in excess of \$15,000

More than \$20,000 but not more than \$40,000 \$445.80 plus 4.457% of the amount in excess of \$20,000

More than \$40,000 but not more than \$80,000 \$1,337.20 plus 5.201% of the amount in excess of \$40,000

More than \$80,000 but not more than \$100,000 \$3,417.60 plus 5.943% of the amount in excess of \$80,000

More than \$100,000 but not more than \$200,000 \$4,606.20 plus 6.9% of the amount in excess of \$100,000

More than \$200,000 \$11,506.20 plus 7.5% of the amount in excess of \$200,000

(2) For taxable years beginning in 2005:

OHIO ADJUSTED GROSS INCOME LESS		7381
EXEMPTIONS (INDIVIDUALS)		
OR		7382
MODIFIED OHIO		7383
TAXABLE INCOME (TRUSTS)		7384
OR		7385
OHIO TAXABLE INCOME (ESTATES)	TAX	7386
\$5,000 or less	.712%	7387
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	7388
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	7389
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	7390
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	7391
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	7392
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	7393
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	7394
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	7395
(3) For taxable years beginning in 2006:		7396
OHIO ADJUSTED GROSS INCOME LESS		7397
EXEMPTIONS (INDIVIDUALS)		
OR		7398
MODIFIED OHIO		7399
TAXABLE INCOME (TRUSTS)		7400
OR		7401
OHIO TAXABLE INCOME (ESTATES)	TAX	7402
\$5,000 or less	.681%	7403

More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	7404
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	7405
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	7406
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	7407
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	7408
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	7409
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	7410
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	7411
(4) For taxable years beginning in 2007:		7412
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		7413
OR		7414
MODIFIED OHIO		7415
TAXABLE INCOME (TRUSTS)		7416
OR		7417
OHIO TAXABLE INCOME (ESTATES)	TAX	7418
\$5,000 or less	.649%	7419
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	7420
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	7421
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	7422
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	7423

More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	7424
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	7425
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	7426
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	7427
(5) For taxable years beginning in 2008, 2009, or 2010:		7428
OHIO ADJUSTED GROSS INCOME LESS		7429
EXEMPTIONS (INDIVIDUALS)		
OR		7430
MODIFIED OHIO		7431
TAXABLE INCOME (TRUSTS)		7432
OR		7433
OHIO TAXABLE INCOME (ESTATES)	TAX	7434
\$5,000 or less	.618%	7435
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	7436
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	7437
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	7438
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	7439
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	7440
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	7441
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	7442
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	7443

(6) For taxable years beginning in 2011 or thereafter:		7444
OHIO ADJUSTED GROSS INCOME LESS		7445
EXEMPTIONS (INDIVIDUALS)		
OR		7446
MODIFIED OHIO		7447
TAXABLE INCOME (TRUSTS)		7448
OR		7449
OHIO TAXABLE INCOME (ESTATES)	TAX	7450
\$5,000 or less	.587%	7451
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	7452
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	7453
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	7454
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	7455
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	7456
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	7457
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	7458
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	7459
In July of each year, beginning in 2010, the tax commissioner shall adjust the income amounts prescribed in this division 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		7460 7461 7462 7463 7464 7465 7466 7467

to the nearest multiple of fifty dollars. The tax commissioner 7468
also shall recompute each of the tax dollar amounts to the extent 7469
necessary to reflect the adjustment of the income amounts. The 7470
rates of taxation shall not be adjusted. 7471

The adjusted amounts apply to taxable years beginning in the 7472
calendar year in which the adjustments are made. The tax 7473
commissioner shall not make such adjustments in any year in which 7474
the amount resulting from the adjustment would be less than the 7475
amount resulting from the adjustment in the preceding year. 7476

(B) If the director of budget and management makes a 7477
certification to the tax commissioner under division (B) of 7478
section 131.44 of the Revised Code, the amount of tax as 7479
determined under division (A) of this section shall be reduced by 7480
the percentage prescribed in that certification for taxable years 7481
beginning in the calendar year in which that certification is 7482
made. 7483

(C) The levy of this tax on income does not prevent a 7484
municipal corporation, a joint economic development zone created 7485
under section 715.691, or a joint economic development district 7486
created under section 715.70 or 715.71 or sections 715.72 to 7487
715.81 of the Revised Code from levying a tax on income. 7488

(D) This division applies only to taxable years of a trust 7489
beginning in 2002 or thereafter. 7490

(1) The tax imposed by this section on a trust shall be 7491
computed by multiplying the Ohio modified taxable income of the 7492
trust by the rates prescribed by division (A) of this section. 7493

(2) A nonresident trust may claim a credit against the tax 7494
computed under division (D) of this section equal to the lesser of 7495
(1) the tax paid to another state or the District of Columbia on 7496
the nonresident trust's modified nonbusiness income, other than 7497
the portion of the nonresident trust's nonbusiness income that is 7498

qualifying investment income as defined in section 5747.012 of the Revised Code, or (2) the effective tax rate, based on modified Ohio taxable income, multiplied by the nonresident trust's modified nonbusiness income other than the portion of the nonresident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) The credits enumerated in divisions (A)(1) to (13) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

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

Sec. 5747.063. (A)(1) If a person's winnings at a casino facility are an amount for which reporting to the internal revenue

service of the amount is required by 26 U.S.C. 6041 or a 7530
subsequent, analogous section of the Internal Revenue Code, the 7531
casino operator shall deduct and withhold Ohio income tax from the 7532
person's winnings at a rate of six per cent of the amount won. A 7533
person's amount of winnings shall be determined each time the 7534
person exchanges amounts won in tokens, chips, casino credit, or 7535
other pre-paid representations of value for cash or a cash 7536
equivalent. The casino operator shall issue, to a person from 7537
whose winnings an amount has been deducted and withheld, a receipt 7538
for the amount deducted and withheld, and also shall obtain from 7539
the person additional information that will be necessary for the 7540
casino operator to prepare the returns required by this section. 7541

(2) If a person's winnings at a casino facility require 7542
reporting to the internal revenue service under division (A)(1) of 7543
this section, the casino operator also shall require the person to 7544
state in writing, under penalty of falsification, whether the 7545
person is in default under a support order. 7546

(B) Amounts deducted and withheld by a casino operator are 7547
held in trust for the benefit of the state. 7548

(1) On or before the tenth banking day of each month, the 7549
casino operator shall file a return electronically with the tax 7550
commissioner identifying the persons from whose winnings amounts 7551
were deducted and withheld and the amount of each such deduction 7552
and withholding during the preceding calendar month. With the 7553
return, the casino operator shall remit electronically to the tax 7554
commissioner all the amounts deducted and withheld during the 7555
preceding month. And together with the return and remittance, the 7556
casino operator shall transmit electronically to the tax 7557
commissioner a copy of each receipt issued, and a copy of each 7558
statement made, under divisions (A)(1) and (2) of this section. 7559

(2) Annually on or before the thirty-first day of January, a 7560

casino operator shall file an annual return electronically with 7561
the tax commissioner indicating the total amount deducted and 7562
withheld during the preceding calendar year. The casino operator 7563
shall remit electronically with the annual return any amount that 7564
was deducted and withheld and that was not previously remitted. If 7565
the identity of a person and the amount deducted and withheld with 7566
respect to that person were omitted on a monthly return, that 7567
information shall be indicated on the annual return. And if a copy 7568
of the receipt and statement pertaining to a person was not 7569
previously transmitted to the tax commissioner, the receipt and 7570
statement shall be transmitted to the tax commissioner 7571
electronically with the annual return. 7572

(3)(a) A casino operator who fails to file a return and remit 7573
the amounts deducted and withheld is personally liable for the 7574
amount deducted and withheld and not remitted. The tax 7575
commissioner may impose a penalty up to one thousand dollars if a 7576
return is filed late, if amounts deducted and withheld are 7577
remitted late, if a return is not filed, or if amounts deducted 7578
and withheld are not remitted. Interest accrues on past due 7579
amounts deducted and withheld at the rate prescribed in section 7580
5703.47 of the Revised Code. The tax commissioner may collect past 7581
due amounts deducted and withheld and penalties and interest 7582
thereon by assessment under section 5747.13 of the Revised Code as 7583
if they were income taxes collected by an employer. 7584

(b) If a casino operator sells the casino facility or 7585
otherwise quits the casino business, the amounts deducted and 7586
withheld and any penalties and interest thereon are immediately 7587
due and payable. The successor shall withhold an amount of the 7588
purchase money that is sufficient to cover the amounts deducted 7589
and withheld and penalties and interest thereon until the 7590
predecessor casino operator produces either a receipt from the tax 7591
commissioner showing that the amounts deducted and withheld and 7592

penalties and interest thereon have been paid or a certificate 7593
from the tax commissioner indicating that no amounts deducted and 7594
withheld or penalties and interest thereon are due. If the 7595
successor fails to withhold purchase money, the successor is 7596
personally liable for payment of the amounts deducted and withheld 7597
and penalties and interest thereon, up to the amount of the 7598
purchase money. 7599

(C) Annually, on or before the thirty-first day of January, a 7600
casino operator shall issue an information return to each person 7601
with respect to whom an amount has been deducted and withheld 7602
during the preceding calendar year. The information return shall 7603
show the total amount deducted from the person's winnings by the 7604
casino operator during the preceding calendar year. 7605

(D) Amounts deducted and withheld shall be treated as a 7606
credit against the tax imposed by section 5747.02 of the Revised 7607
Code. The credit is refundable and shall be claimed in the order 7608
required under section 5747.98 of the Revised Code. Only the 7609
person for whom the amount is deducted and withheld may claim a 7610
credit for such amount. 7611

(E) The failure of a casino operator to deduct and withhold 7612
the required amount from a person's winnings does not relieve the 7613
person from liability for the tax imposed by section 5747.02 of 7614
the Revised Code with respect to those winnings. And compliance 7615
with this section does not relieve a casino operator or a person 7616
who has winnings at a casino facility from compliance with 7617
relevant provisions of federal tax laws. 7618

(F) The tax commissioner shall prescribe the form of the 7619
receipt, statement, and returns required by this section. 7620

Sec. 5747.98. (A) To provide a uniform procedure for 7621
calculating the amount of tax due under section 5747.02 of the 7622
Revised Code, a taxpayer shall claim any credits to which the 7623

taxpayer is entitled in the following order:	7624
(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;	7625 7626
(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	7627 7628
(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	7629 7630
(4) The dependent care credit under section 5747.054 of the Revised Code;	7631 7632
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	7633 7634
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	7635 7636
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	7637 7638
(8) The low-income credit under section 5747.056 of the Revised Code;	7639 7640
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	7641 7642
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	7643 7644
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	7645 7646
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	7647 7648
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	7649 7650
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	7651 7652

(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	7653 7654
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	7655 7656
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	7657 7658
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	7659 7660
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	7661 7662
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	7663 7664
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	7665 7666 7667
(22) The job training credit under section 5747.39 of the Revised Code;	7668 7669
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	7670 7671
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	7672 7673
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	7674 7675
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	7676 7677
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	7678 7679
(28) The export sales credit under section 5747.057 of the Revised Code;	7680 7681

(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	7682 7683
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	7684 7685
(31) The research and development credit under section 5747.331 of the Revised Code;	7686 7687
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	7688 7689
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	7690 7691
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	7692 7693
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	7694 7695
(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	7696 7697 7698
(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	7699 7700
(38) <u>The refundable credit for tax withheld under section 5747.063 of the Revised Code;</u>	7701 7702
<u>(39)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	7703 7704 7705
(39) (40) The refundable motion picture production credit under section 5747.66 of the Revised Code.	7706 7707
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for	7708 7709 7710

a taxable year shall not exceed the tax due after allowing for any 7711
other credit that precedes it in the order required under this 7712
section. Any excess amount of a particular credit may be carried 7713
forward if authorized under the section creating that credit. 7714
Nothing in this chapter shall be construed to allow a taxpayer to 7715
claim, directly or indirectly, a credit more than once for a 7716
taxable year. 7717

Sec. 5753.01. As used in this chapter: 7718

(A) "Casino facility" has the same meaning as in section 7719
3772.01 of the Revised Code. 7720

(B) "Casino gaming" has the same meaning as in section 7721
3772.01 of the Revised Code. 7722

(C) "Casino operator" has the same meaning as in section 7723
3772.01 of the Revised Code. 7724

(D) "Gross casino revenue" means the total amount of money 7725
exchanged for the purchase of chips, tokens, tickets, electronic 7726
cards, or similar objects by casino patrons, less winnings paid to 7727
wagerers. 7728

(E) "Person" has the same meaning as in section 3772.01 of 7729
the Revised Code. 7730

(F) "Slot machine" has the same meaning as in section 3772.01 7731
of the Revised Code. 7732

(G) "Table game" has the same meaning as in section 3772.01 7733
of the Revised Code. 7734

(H) "Tax period" means one twenty-four-hour period with 7735
regard to which a casino operator is required to pay the tax 7736
levied by this chapter. 7737

Sec. 5753.02. For the purpose of funding the needs of cities, 7738
counties, public school districts, law enforcement, and the horse 7739

racinq industry; funding efforts to alleviate problem gambling and 7740
substance abuse; defraying Ohio casino control commission 7741
operating costs; and defraying the costs of administering the tax, 7742
a tax is levied on the gross casino revenue received by a casino 7743
operator of a casino facility at the rate of thirty-three per cent 7744
of the casino operator's gross casino revenue at the casino 7745
facility. The tax is in addition to any other taxes or fees 7746
imposed under the Revised Code or other law and for which the 7747
casino operator is liable under Section 6(C)(2) of Article XV, 7748
Ohio Constitution. 7749

Sec. 5753.03. (A) For the purpose of receiving and 7750
distributing, and accounting for, revenue received from the tax 7751
levied by section 5753.02 of the Revised Code, the following funds 7752
are created in the state treasury: 7753

(1) The casino tax revenue fund; 7754

(2) The gross casino revenue county fund; 7755

(3) The gross casino revenue county student fund; 7756

(4) The gross casino revenue host city fund; 7757

(5) The Ohio state racing commission fund; 7758

(6) The Ohio law enforcement training fund; 7759

(7) The problem casino gambling and addictions fund; 7760

(8) The casino control commission fund; 7761

(9) The casino tax administration fund. 7762

(B) All moneys collected from the tax levied under this 7763
chapter shall be deposited into the casino tax revenue fund. 7764

(C) From the casino tax revenue fund the director of budget 7765
and management shall transfer as needed to the tax refund fund 7766
amounts equal to the refunds certified by the tax commissioner 7767

under section 5753.06 of the Revised Code. 7768

(D) After making any transfers required by division (C) of 7769
this section, but not later than the fifteenth day of each 7770
calendar quarter, the director of budget and management shall 7771
transfer amounts to each fund as follows: 7772

(1) Fifty-one per cent to the gross casino revenue county 7773
fund to make payments as required by Section 6(C)(3)(a) of Article 7774
XV, Ohio Constitution; 7775

(2) Thirty-four per cent to the gross casino revenue county 7776
student fund to make payments as required by Section 6(C)(3)(b) of 7777
Article XV, Ohio Constitution; 7778

(3) Five per cent to the gross casino revenue host city fund 7779
to make payments to the cities in which casino facilities are 7780
located as required by Section 6(C)(3)(c) of Article XV, Ohio 7781
Constitution; 7782

(4) Three per cent to the Ohio state racing commission fund 7783
to support horse racing in this state at which the pari-mutuel 7784
system of wagering is conducted; 7785

(5) Two per cent to the Ohio law enforcement training fund to 7786
support law enforcement functions in the state; 7787

(6) Two per cent to the problem casino gambling and 7788
addictions fund to support efforts to alleviate problem gambling 7789
and substance abuse and related research in the state; 7790

(7) Three per cent to the casino control commission fund to 7791
support the operations of the Ohio casino control commission and 7792
to defray the cost of administering the tax levied under section 7793
5753.02 of the Revised Code. 7794

Payments under divisions (D)(1), (2), and (3) of this section 7795
shall be made by the end of the month following the end of the 7796
quarterly period. 7797

Of the money credited to the Ohio law enforcement training fund, the director of budget and management shall distribute eighty-five per cent of the money to the Ohio peace officer training academy and fifteen per cent of the money to the division of criminal justice services. 7798
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(E) The director of budget and management shall transfer one per cent of the money credited to the Ohio casino control commission fund to the casino tax administration fund. The tax commissioner shall use the casino tax administration fund to defray the costs incurred in administering the tax levied by this chapter. 7803
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Sec. 5753.04. Daily each day banks are open for business, not later than noon, a casino operator shall file a return electronically with the tax commissioner. The return shall be in the form required by the tax commissioner, and shall reflect the relevant tax period. The return shall include, but is not limited to, the amount of the casino operator's gross casino revenue for the tax period and the amount of tax due under section 5753.02 of the Revised Code for the tax period. The casino operator shall remit electronically with the return the tax due. 7809
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If the casino operator ceases to be a taxpayer at any time, the casino operator shall indicate the last date for which the casino operator was liable for the tax. The return shall include a space for this purpose. 7818
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Sec. 5753.05. (A)(1) A casino operator who fails to file a return or to remit the tax due as required by section 5753.04 of the Revised Code shall pay a penalty not to exceed the greater of fifty dollars or ten per cent of the tax due. 7822
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(2) If the tax commissioner finds additional tax to be due, the tax commissioner may impose an additional penalty of up to 7826
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fifteen per cent of the additional tax found to be due. A 7828
delinquent payment of tax made as the result of a notice or an 7829
audit is subject to the additional penalty imposed by this 7830
division. 7831

(3) If a casino operator fails to file a return 7832
electronically or to remit the tax electronically, the tax 7833
commissioner may impose an additional penalty of fifty dollars or 7834
ten per cent of the tax due as shown on the return, whichever is 7835
greater. 7836

(B) If the tax due under section 5753.02 of the Revised Code 7837
is not timely paid, the casino operator shall pay interest at the 7838
rate per annum prescribed in section 5703.47 of the Revised Code 7839
beginning on the day the tax was due through the day the tax is 7840
paid or an assessment is issued, whichever occurs first. 7841

(C) The tax commissioner shall collect any penalty or 7842
interest as if it were the tax levied by section 5753.02 of the 7843
Revised Code. Penalties and interest shall be treated as if they 7844
were revenue arising from the tax levied by section 5753.02 of the 7845
Revised Code. 7846

(D) The tax commissioner may abate all or a portion of any 7847
penalty imposed under this section and may adopt rules governing 7848
abatements. 7849

(E) If a casino operator fails to file a return or remit the 7850
tax due as required by section 5753.04 of the Revised Code within 7851
a period of one year after the due date for filing the return or 7852
remitting the tax, the Ohio casino control commission may suspend 7853
the casino operator's license. 7854

Sec. 5753.06. (A) A casino operator may apply to the tax 7855
commissioner for refund of the amount of taxes under section 7856
5753.02 of the Revised Code that were overpaid, paid illegally or 7857

erroneously, or paid on an illegal or erroneous assessment. The 7858
application shall be on a form prescribed by the tax commissioner. 7859
The casino operator shall provide the amount of the requested 7860
refund along with the claimed reasons for, and documentation to 7861
support, the issuance of a refund. The casino operator shall file 7862
the application with the tax commissioner within four years after 7863
the date the payment was made, unless the applicant has waived the 7864
time limitation under division (D) of section 5753.07 of the 7865
Revised Code. In the latter event, the four-year limitation is 7866
extended for the same period of time as the waiver. 7867

(B) Upon the filing of a refund application, the tax 7868
commissioner shall determine the amount of refund to which the 7869
applicant is entitled. If the amount is not less than that 7870
claimed, the tax commissioner shall certify the amount to the 7871
director of budget and management and treasurer of state for 7872
payment from the tax refund fund. If the amount is less than that 7873
claimed, the tax commissioner shall proceed under section 5703.70 7874
of the Revised Code. 7875

(C) Interest on a refund applied for under this section, 7876
computed at the rate provided for in section 5703.47 of the 7877
Revised Code, shall be allowed from the later of the date the tax 7878
was due or the date payment of the tax was made. Except as 7879
provided in section 5753.07 of the Revised Code, the tax 7880
commissioner may, with the consent of the casino operator, provide 7881
for crediting against the tax due for a tax period, the amount of 7882
any refund due the casino operator for a preceding tax period. 7883

(D) Refunds under this section are subject to offset under 7884
section 5753.061 of the Revised Code. 7885

Sec. 5753.061. As used in this section, "debt to the state" 7886
means unpaid taxes that are due the state, unpaid workers' 7887

compensation premiums that are due, unpaid unemployment 7888
compensation contributions that are due, unpaid unemployment 7889
compensation payments in lieu of contributions that are due, 7890
unpaid fees payable to the state or to the clerk of courts under 7891
section 4505.06 of the Revised Code, incorrect medical assistance 7892
payments, or any unpaid charge, penalty, or interest arising from 7893
any of the foregoing. A debt to the state is not a "debt to the 7894
state" as used in this section unless the liability underlying the 7895
debt to the state has become incontestable because the time for 7896
appealing, reconsidering, reassessing, or otherwise questioning 7897
the liability has expired or the liability has been finally 7898
determined to be valid. 7899

If a casino operator who is entitled to a refund under 7900
section 5753.06 of the Revised Code owes a debt to the state, the 7901
amount refundable may be applied in satisfaction of the debt to 7902
the state. If the amount refundable is less than the amount of the 7903
debt to the state, the amount refundable may be applied in partial 7904
satisfaction of the debt. If the amount refundable is greater than 7905
the amount of the debt, the amount refundable remaining after 7906
satisfaction of the debt shall be refunded to the casino operator. 7907

Sec. 5753.07. (A)(1) The tax commissioner may issue an 7908
assessment, based on any information in the tax commissioner's 7909
possession, against a casino operator who fails to pay the tax 7910
levied under section 5753.02 of the Revised Code or to file a 7911
return under section 5753.04 of the Revised Code. The tax 7912
commissioner shall give the casino operator written notice of the 7913
assessment under section 5703.37 of the Revised Code. With the 7914
notice, the tax commissioner shall include instructions on how to 7915
petition for reassessment and on how to request a hearing with 7916
respect to the petition. 7917

(2) Unless the casino operator, within sixty days after 7918

service of the notice of assessment, files with the tax 7919
commissioner, either personally or by certified mail, a written 7920
petition signed by the casino operator, or by the casino 7921
operator's authorized agent who has knowledge of the facts, the 7922
assessment becomes final, and the amount of the assessment is due 7923
and payable from the casino operator to the treasurer of state. 7924
The petition shall indicate the casino operator's objections to 7925
the assessment. Additional objections may be raised in writing if 7926
they are received by the tax commissioner before the date shown on 7927
the final determination. 7928

(3) If a petition for reassessment has been properly filed, 7929
the tax commissioner shall proceed under section 5703.60 of the 7930
Revised Code. 7931

(4) After an assessment becomes final, if any portion of the 7932
assessment, including penalties and accrued interest, remains 7933
unpaid, the tax commissioner may file a certified copy of the 7934
entry making the assessment final in the office of the clerk of 7935
the court of common pleas of Franklin county or in the office of 7936
the clerk of the court of common pleas of the county in which the 7937
casino operator resides, the casino operator's casino facility is 7938
located, or the casino operator's principal place of business in 7939
this state is located. Immediately upon the filing of the entry, 7940
the clerk shall enter a judgment for the state against the 7941
taxpayer assessed in the amount shown on the entry. The judgment 7942
may be filed by the clerk in a loose-leaf book entitled, "special 7943
judgments for the gross casino revenue tax." The judgment has the 7944
same effect as other judgments. Execution shall issue upon the 7945
judgment at the request of the tax commissioner, and all laws 7946
applicable to sales on execution apply to sales made under the 7947
judgment. 7948

(5) The portion of an assessment not paid within sixty days 7949
after the day the assessment was issued bears interest at the rate 7950

per annum prescribed by section 5703.47 of the Revised Code from 7951
the day the tax commissioner issued the assessment until the 7952
assessment is paid. Interest shall be paid in the same manner as 7953
the tax levied under section 5753.02 of the Revised Code and may 7954
be collected by the issuance of an assessment under this section. 7955

(B) If the tax commissioner believes that collection of the 7956
tax levied under section 5753.02 of the Revised Code will be 7957
jeopardized unless proceedings to collect or secure collection of 7958
the tax are instituted without delay, the commissioner may issue a 7959
jeopardy assessment against the casino operator who is liable for 7960
the tax. Immediately upon the issuance of a jeopardy assessment, 7961
the tax commissioner shall file an entry with the clerk of the 7962
court of common pleas in the manner prescribed by division (A)(4) 7963
of this section, and the clerk shall proceed as directed in that 7964
division. Notice of the jeopardy assessment shall be served on the 7965
casino operator or the casino operator's authorized agent under 7966
section 5703.37 of the Revised Code within five days after the 7967
filing of the entry with the clerk. The total amount assessed is 7968
immediately due and payable, unless the casino operator assessed 7969
files a petition for reassessment under division (A)(2) of this 7970
section and provides security in a form satisfactory to the tax 7971
commissioner that is in an amount sufficient to satisfy the unpaid 7972
balance of the assessment. If a petition for reassessment has been 7973
filed, and if satisfactory security has been provided, the tax 7974
commissioner shall proceed under division (A)(3) of this section. 7975
Full or partial payment of the assessment does not prejudice the 7976
tax commissioner's consideration of the petition for reassessment. 7977

(C) The tax commissioner shall immediately forward to the 7978
treasurer of state all amounts the tax commissioner receives under 7979
this section, and the amounts forwarded shall be treated as if 7980
they were revenue arising from the tax levied under section 7981
5753.02 of the Revised Code. 7982

(D) Except as otherwise provided in this division, no assessment shall be issued against a casino operator for the tax levied under section 5753.02 of the Revised Code more than four years after the due date for filing the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. This division does not bar an assessment against a casino operator who fails to file a return as required by section 5753.04 of the Revised Code or who files a fraudulent return, or when the casino operator and the tax commissioner waive in writing the time limitation.

(E) If the tax commissioner possesses information that indicates that the amount of tax a casino operator is liable to pay under section 5753.02 of the Revised Code exceeds the amount the casino operator paid, the tax commissioner may audit a sample of the casino operator's gross casino revenue over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the casino operator in selecting a representative sample. The tax commissioner may apply a sampling method only if the tax commissioner has prescribed the method by rule.

(F) If the whereabouts of a casino operator who is liable for the tax levied under section 5753.02 of the Revised Code are unknown to the tax commissioner, the tax commissioner shall proceed under section 5703.37 of the Revised Code.

(G) If a casino operator fails to pay the tax levied under section 5753.02 of the Revised Code within a period of one year after the due date for remitting the tax, the Ohio casino control commission may suspend the casino operator's license.

Sec. 5753.08. If a casino operator who is liable for the tax

levied under section 5753.02 of the Revised Code sells the casino facility, disposes of the casino facility in any manner other than in the regular course of business, or quits the casino gaming business, any tax owed by that person becomes immediately due and payable, and the person shall pay the tax due, including any applicable penalties and interest. The person's successor shall withhold a sufficient amount of the purchase money to cover the amounts due and unpaid until the predecessor produces a receipt from the tax commissioner showing that the amounts due have been paid or a certificate indicating that no taxes are due. If the successor fails to withhold purchase money, the successor is personally liable, up to the purchase money amount, for amounts that were unpaid during the operation of the business by the predecessor.

Sec. 5753.09. The tax commissioner shall administer and enforce this chapter. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(A) Prescribe all forms that are required to be filed under this chapter;

(B) Adopt rules that are necessary and proper to carry out this chapter; and

(C) Appoint professional, technical, and clerical employees as are necessary to carry out the tax commissioner's duties under this chapter.

Sec. 5753.10. The tax commissioner may prescribe requirements for the keeping of records and pertinent documents, for the filing of copies of federal income tax returns and determinations, and for computations reconciling federal income tax returns with the return required by section 5753.04 of the Revised Code. The tax commissioner may require a casino operator, by rule or by notice

served on the casino operator, to keep records and other documents 8044
that the tax commissioner considers necessary to show the extent 8045
to which the casino operator is subject to this chapter. The 8046
records and other documents shall be open to inspection by the tax 8047
commissioner during business hours, and shall be preserved for a 8048
period of four years unless the tax commissioner, in writing, 8049
consents to their destruction within that period, or by order 8050
served on the casino operator requires that they be kept longer. 8051
If the records are normally kept electronically by the casino 8052
operator, the casino operator shall provide the records to the tax 8053
commissioner electronically at the tax commissioner's request. 8054

Any information required by the tax commissioner under this 8056
section is confidential under section 5703.21 of the Revised Code. 8057

Section 2. That existing sections 101.70, 102.02, 102.03, 8058
109.32, 109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2915.01, 8059
2915.02, 2915.061, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 8060
2915.093, 2915.10, 2915.101, 2915.13, 3793.02, 4301.355, 4301.62, 8061
4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 8062
5703.70, 5747.02, and 5747.98 and section 2915.06 of the Revised 8063
Code are hereby repealed. 8064

Section 3. Except as otherwise provided in this act, all 8065
appropriation items in this act are appropriated out of moneys in 8066
the state treasury to the credit of the designated fund that are 8067
not otherwise appropriated. For all appropriations in this act, 8068
the amounts in the first column are for fiscal year 2010 and the 8069
amounts in the second column are for fiscal year 2011. 8070

Section 4. CAC CASINO CONTROL COMMISSION 8071
State Special Revenue 8072

5Hs0 955321	Casino Control -	\$	0 \$	7,666,000	8073
	Operating				
TOTAL SSR	State Special Revenue	\$	0 \$	7,666,000	8074
Fund Group					

Section 5. DEV DEPARTMENT OF DEVELOPMENT 8076

General Service Fund Group 8077

5AD0 195668	Workforce Guarantee	\$	0 \$	60,000,000	8078
	Program				

TOTAL GSF	General Services Fund	\$	0 \$	60,000,000	8079
Group					

State Special Revenue 8080

XXX 195xxx	Urban Workforce	\$	0 \$	70,000,000	8081
	Initiative				

XXX 195xxx	Build Your Own	\$	0 \$	10,000,000	8082
	Business Program				

TOTAL SSR	State Special Revenue	\$	0 \$	80,000,000	8083
Fund Group					

Should proceeds from license or application fees be available 8084
before June 30, 2010, the Director of Budget and Management may 8085
seek Controlling Board approval to establish such funds and 8086
appropriations as are necessary to carry out the provisions of 8087
this act. The Director of Budget and Management shall transfer 8088
\$60,000,000 when it is available in the Economic Development 8089
Programs Fund (Fund XXXX) to the Job Development Initiative Fund 8090
(Fund 5AD0). 8091

The foregoing appropriation item, 195xxx, Build Your Own 8092
Business Program, shall be used by the Director of Development, in 8093
consultation with the Chancellor of the Board of Regents, for the 8094
establishment and administration of the Build Your Own Business 8095
Program. Pursuant to the Build Your Own Business Program, the 8096
Director shall administer a competitive process for making grants 8097

to small business development centers and participants in the 8098
Microenterprise Business Development Program, to provide micro 8099
loans, supportive services, and technical assistance for 8100
businesses that have been newly established by Ohioans who were 8101
unemployed immediately prior to establishing such businesses. 8102

The Director shall issue a request for proposals setting 8103
forth criteria of the program to be offered by the selected small 8104
business development centers and the selected participants in the 8105
Microenterprise Business Development Program. As a prerequisite 8106
for eligibility, individuals must have completed an acceptable 8107
entrepreneurship education program at any state institution of 8108
higher education as defined in section 3345.011 of the Revised 8109
Code or career center. 8110

Section 6. IGO OFFICE OF THE INSPECTOR GENERAL 8111

State Special Revenue 8112

XXX xxxxxx	Casino Investigations	\$	0	\$	100,000	8113
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TOTAL SSR	State Special Revenue	\$	0	\$	100,000	8114
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Fund Group

The foregoing appropriation shall be used only for the 8115
performance of casino-related duties. 8116

Section 7. ETH ETHICS COMMISSION 8117

State Special Revenue 8118

XXX xxxxxx	Casino Investigations	\$	0	\$	234,000	8119
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TOTAL SSR	State Special Revenue	\$	0	\$	234,000	8120
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Fund Group

The foregoing appropriation shall be used only for the 8121
performance of casino-related duties. 8122

Section 8. BOR BOARD OF REGENTS 8123

State Special Revenue				8124
XXX 235xxx Co-Op/Internship	\$	0	\$ 60,000,000	8125
Program				
TOTAL SSR State Special Revenue	\$	0	\$ 60,000,000	8126
Fund Group				
TOTAL All BUDGET FUND GROUPS	\$	0	\$ 208,000,000	8127

Section 8.20. CO-OP/INTERNSHIP PROGRAM 8129

The foregoing appropriation item, 235xxx, Co-op/Internship 8130
Program, shall be used by the Chancellor of the Board of Regents 8131
to operate the Co-op/Internship Program under sections 3333.71 to 8132
3333.80 of the Revised Code. Funding for eligible institutions 8133
shall be disbursed in accordance with the terms of the agreements 8134
entered into under section 3333.75 of the Revised Code. 8135

Section 9. The first return filed under section 5753.04 of 8136
the Revised Code shall reflect the tax period consisting of or 8137
beginning on the day on which operations of the casino facility 8138
commence. 8139

Section 10. The General Assembly, applying the principle 8140
stated in division (B) of section 1.52 of the Revised Code that 8141
amendments are to be harmonized if reasonably capable of 8142
simultaneous operation, finds that the following sections, 8143
presented in this act as composites of the sections as amended by 8144
the acts indicated, are the resulting versions of the sections in 8145
effect before the effective date of the sections as presented in 8146
this act: 8147

Section 109.572 of the Revised Code as amended by both Am. 8148
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 8149

Section 109.77 of the Revised Code as amended by both Am. 8150
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 8151

Section 4301.62 of the Revised Code as amended by both Am.	8152
Sub. H.B. 562 and Sub. S.B. 150 of the 127th General Assembly.	8153