

As Introduced

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

H. J. R. No. 4

Representative Murray

Cosponsors: Representatives Yuko, Koziura, Foley

JOINT RESOLUTION

Proposing to amend Section 6 and to enact Section 6a 1
of Article XV of the Constitution of the State of 2
Ohio to authorize the conduct of casino gaming at 3
facilities in specified locations in this state if 4
approved by the electors of a county or municipal 5
corporation and in accordance with laws enacted to 6
regulate and restrict these facilities. 7

Be it resolved by the General Assembly of the State of Ohio, 8
three-fifths of the members elected to each house concurring 9
herein, that there shall be submitted to the electors of the 10
state, in the manner prescribed by law at the general election to 11
be held on May 4, 2010, a proposal to amend Section 6 and to enact 12
Section 6a of Article XV of the Constitution of the State of Ohio 13
to read as follows: 14

ARTICLE XV

~~Sec. 6.~~ **Section 6.** Except as otherwise provided in this 15
section and in Section 6a of Article XV of this constitution, 16
lotteries, and the sale of lottery tickets, for any purpose 17
whatever, shall forever be prohibited in this State. 18

The General Assembly may authorize an agency of the state to 19

conduct lotteries, to sell rights to participate therein, and to 20
award prizes by chance to participants, provided that the entire 21
net proceeds of any such lottery are paid into a fund of the state 22
treasury that shall consist solely of such proceeds and shall be 23
used solely for the support of elementary, secondary, vocational, 24
and special education programs as determined in appropriations 25
made by the General Assembly. 26

The General Assembly may authorize and regulate the operation 27
of bingo to be conducted by charitable organizations for 28
charitable purposes. 29

Section 6a. (A) The general assembly shall enact laws 30
authorizing and regulating the operation of casinos and the 31
conduct of gaming in those casinos, which shall be consistent with 32
all of the following, not later than six months after the 33
effective date of this section. 34

(1) Casino gaming in this state is to be authorized at up to 35
fifteen casinos in the following manner: 36

(a) Up to six casinos in counties with a population of four 37
hundred thousand or more; 38

(b) Up to five casinos in counties with a population of one 39
hundred thousand or more but less than four hundred thousand; 40

(c) Up to four casinos in counties with a population of less 41
than one hundred thousand. 42

(2) A tax of fifty per cent is to be levied and collected on 43
all gross casino revenue that each casino operator receives. The 44
tax collected is to be distributed as follows: 45

(a) Forty-five per cent is to be paid into the general 46
revenue fund of the state. 47

(b) Twenty per cent is to be distributed among all counties 48
in the state in proportion to the counties' respective populations 49

at the time of the distribution. After receiving its distribution, 50
each county through its board of county commissioners is to 51
determine the percentage of the population of the county that 52
resides in municipal corporations and is to multiply this 53
percentage by the amount distributed to the county. The county 54
then is to distribute the resulting amount to municipal 55
corporations within the county in proportion to each municipal 56
corporation's respective population that resides in the county at 57
the time of the distribution. 58

(c) Twenty per cent is to be distributed among all counties 59
in the state in proportion to the counties' respective public 60
school district populations at the time of the distribution. Each 61
distribution that a county receives is to be distributed among all 62
public school districts located in whole or in part within the 63
county in proportion to each public school district's respective 64
student population composed of residents of the county at the time 65
of the distribution. Each public school district is to determine 66
how its distribution shall be appropriated, but all distributions 67
to a school district are to be used only to support primary and 68
secondary education. 69

(d) Five per cent is to be distributed to each municipal 70
corporation in which a casino is located or, if a casino is not 71
located in a municipal corporation, then to the county in which 72
the casino is located. 73

(e) Three per cent is to be used to pay for the expenses of 74
the Ohio casino control commission. 75

(f) Three per cent is to be used to support purses for horse 76
races, horse breeding programs, and operations at all commercial 77
horse racing tracks that were in existence on January 1, 2009. No 78
distribution is to be made under division (A)(2)(f) of this 79
section to a commercial horse racing track if an owner or operator 80
of the track holds a majority interest in a casino authorized by, 81

or in a casino license issued, under this section. 82

(g) Two per cent is to be used to enhance public safety by 83
providing additional training opportunities to law enforcement 84
agencies. 85

(h) Two per cent is to be used for the treatment of problem 86
gambling and substance abuse and for related research. 87

Casino operators and their operations, their owners, and 88
their property are to be subject to all customary 89
nondiscriminatory fees, taxes, and other charges that are applied 90
to, levied against, or otherwise generally imposed upon other 91
businesses in this state, their gross or net revenues, their 92
operations, their owners, and their property. 93

(3)(a) The Ohio casino control commission is to be created to 94
ensure the integrity of casino gaming. The commission is to 95
license casino operators, management companies retained by casino 96
operators, and employees of casino operators, and is to regulate 97
those operators, management companies, employees, gaming-related 98
vendors, and all gaming authorized by this section. 99

(b) The commission is to consist of seven members appointed 100
by the governor with the advice and consent of the senate. Each 101
member of the commission is to be a resident of this state. At 102
least one member is to be experienced in law enforcement and 103
criminal investigation, at least one member is to be a certified 104
public accountant experienced in accounting and auditing, at least 105
one member is to be an attorney admitted to the practice of law in 106
this state, and at least one member is to be a resident of a 107
county where a casino is located. Not more than four members are 108
to be affiliated with the same political party. No member is to 109
have an affiliation with a casino or a casino operator. The 110
governor is to appoint the members of the commission not later 111
than sixty days after the effective date of the law that 112

establishes the commission. 113

In order to carry out this section, and in addition to any 114
other enforcement provisions contained in the laws of this state, 115
the state tax commissioner and the casino control commission, or 116
any person employed by the tax commissioner or commission, upon 117
demand is to be allowed to inspect books, accounts, records, and 118
memoranda of any person subject to this section or those 119
provisions, and to examine under oath any officer, agent, or 120
employee of that person. 121

(c) Each of the initial licensed casino operators is to pay 122
to the casino control commission, for the benefit of the state, a 123
licensing fee for each casino. The commission is to issue casino 124
licenses competitively, based upon criteria the commission is to 125
establish within sixty days after all members of the commission 126
have been appointed. These criteria are to include the amount and 127
terms of the licensing fee the casino operator is required to pay, 128
the cost and quality of the proposed improvements to be 129
constructed in connection with a casino, including the anticipated 130
economic development impact of the construction on both the 131
economy of the state and the area where the casino will be 132
located, and the proximity of the location of the proposed casino 133
to other casinos in this state. The commission is not to be 134
required to issue all casino licenses at the same time and is to 135
be allowed to choose to issue the licenses over time and under 136
revised criteria. 137

(4)(a) Each initially licensed casino operator is to make an 138
initial investment of at least twenty-five million dollars for the 139
development of that casino. 140

(b) In order to provide for community-wide economic 141
development, each casino is to be planned and constructed in order 142
to provide overnight accommodations and restaurant facilities to 143
provide for not more than forty per cent of the casino's patrons, 144

with such determinations to be made by the commission in 145
consultation with economists or with the aid of market studies or 146
such other resources the commission considers necessary and 147
appropriate. 148

(c) In order to promote local control and increase the 149
percentage of profits subject to the taxes of this state, each 150
entity owning a casino is to be incorporated under the laws of 151
this state, and all facilities and operations related to each 152
casino is to be owned by a single entity. Each of these casino 153
corporations, if sold, is to be sold under the laws of this state 154
to an interstate purchaser. No person, family, or other affiliated 155
person is to be allowed to own more than ten per cent of such a 156
corporation. 157

(d) Only licensed casino operators, or licensed management 158
companies retained by such operators, are to be allowed to conduct 159
casino gaming authorized under this section. Gaming is to be 160
allowed to be conducted at a casino twenty-four hours each day at 161
the discretion of the casino operator. 162

(e) Each casino is to be subject to all applicable state laws 163
and local ordinances or resolutions related to health and building 164
codes and any related requirements and provisions. 165

(5) The electors of each county and each municipal 166
corporation are to be required to approve the licensing and 167
operation of casino gaming within the county or municipal 168
corporation before casino gaming may be conducted in that county 169
or municipal corporation. The question to be submitted to the 170
electors of the county or municipal corporation at a primary, 171
general, or special election shall read as follows: 172

"Shall casino gaming be authorized within this (county) 173
(municipal corporation)?" 174

Only if a majority of the electors voting on the question 175

vote "yes," shall casino gaming be allowed to be conducted in that 176
county or municipal corporation as authorized by this section. 177

(6)(a) The attorney general of this state is to have primary 178
responsibility to enforce the laws enacted by the general assembly 179
and rules adopted by the casino control commission to regulate 180
casinos. 181

(b) No owner or operator of a casino is to provide credit or 182
a loan to enable a person to participate in gaming at a casino. 183

(c) No person under twenty-one years of age is to be a 184
participant in gaming at a casino either as a player or as an 185
employee conducting the gaming. 186

(d) The commission is to license all employees of a casino. 187

(e) Neither the state nor any political subdivision is to 188
provide any tax abatement or deferment, or to provide a grant or 189
loan, to be used to construct or operate any casino. 190

(f) Laborers and mechanics employed in a casino are to be 191
paid the same prevailing rates of wages for their work as state 192
law determines must be paid for similar work throughout the state. 193

(g) An aggregate value of five per cent of the total value of 194
all contracts for the construction of a casino project and five 195
per cent of the total value of all materials and equipment 196
purchased for such a project are to be set aside for minority 197
business enterprises. 198

(7) There is to be a casino oversight commission, created as 199
a permanent body, to conduct hearings and make annual reports and 200
recommendations regarding the operation of casinos. 201

(B) Each provision of this section is intended to be 202
independent and severable. If any provision is determined to be 203
invalid, either on its face or as applied to any person or 204
circumstance, the remaining provisions and their application to 205

any person or circumstance other than those to which it is 206
determined to be invalid is not affected thereby. In any case of a 207
conflict between this section and any other provision contained in 208
the constitution of this state, this section prevails. 209

EFFECTIVE DATE 210

If the proposal is adopted by a majority of the electors 211
voting on the proposal, it takes effect on July 1, 2010, and 212
existing Section 6 of Article XV of the Constitution of the State 213
of Ohio is repealed and new Section 6a of Article XV is enacted on 214
that effective date. 215