

As Adopted by the Senate

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

Am. S. J. R. No. 8

Senators Goodman, Hughes

JOINT RESOLUTION

To amend Section 6 of Article XV of the Constitution 1
of the State of Ohio to change the authorized 2
location of the casino in central Ohio from 3
Columbus to a designated site in Franklin County. 4

Be it resolved by the General Assembly of the State of Ohio, 5
three-fifths of the members elected to each house concurring 6
herein, that there shall be submitted to the electors of the 7
state, in the manner prescribed by law at the special election to 8
be held on May 4, 2010, a proposal to amend Section 6 of Article 9
XV of the Constitution of the State of Ohio to read as follows: 10

ARTICLE XV

Section 6. Except as otherwise provided in this section, 11
lotteries, and the sale of lottery tickets, for any purpose 12
whatever, shall forever be prohibited in this State. 13

(A) The General Assembly may authorize an agency of the state 14
to conduct lotteries, to sell rights to participate therein, and 15
to award prizes by chance to participants, provided that the 16
entire net proceeds of any such lottery are paid into a fund of 17
the state treasury that shall consist solely of such proceeds and 18
shall be used solely for the support of elementary, secondary, 19
vocational, and special education programs as determined in 20
appropriations made by the General Assembly. 21

(B) The General Assembly may authorize and regulate the 22

operation of bingo to be conducted by charitable organizations for 23
charitable purposes. 24

(C)(1) Casino gaming shall be authorized at four casino 25
facilities (a single casino at a designated location within each 26
of the cities of Cincinnati, Cleveland, ~~Columbus~~ and Toledo, and 27
within Franklin County) to create new funding for cities, 28
counties, public school districts, law enforcement, the horse 29
racing industry and job training for Ohio's workforce. 30

(2) A thirty-three percent tax shall be levied and collected 31
by the state on all gross casino revenue received by each casino 32
operator of these four casino facilities. In addition, casino 33
operators, their operations, their owners, and their property 34
shall be subject to all customary non-discriminatory fees, taxes, 35
and other charges that are applied to, levied against, or 36
otherwise imposed generally upon other Ohio businesses, their 37
gross or net revenues, their operations, their owners, and their 38
property. Except as otherwise provided in section 6(C), no other 39
casino gaming-related state or local fees, taxes, or other charges 40
(however measured, calculated, or otherwise derived) may be, 41
directly or indirectly, applied to, levied against, or otherwise 42
imposed upon gross casino revenue, casino operators, their 43
operations, their owners, or their property. 44

(3) The proceeds of the tax on gross casino revenue collected 45
by the state shall be distributed as follows: 46

(a) Fifty-one percent of the tax on gross casino revenue 47
shall be distributed among all eighty-eight counties in proportion 48
to such counties' respective populations at the time of such 49
distribution. If a county's most populated city, as of the 2000 50
United States census bureau census, had a population greater than 51
80,000, then fifty percent of that county's distribution will go 52
to said city. 53

(b) Thirty-four percent of the tax on gross casino revenue shall be distributed among all eighty-eight counties in proportion to such counties' respective public school district student populations at the time of such distribution. Each such distribution received by a county shall be distributed among all public school districts located (in whole or in part) within such county in proportion to each school district's respective student population who are residents of such county at the time of such distribution to the school districts. Each public school district shall determine how its distributions are appropriated, but all distributions shall only be used to support primary and secondary education.

(c) Five percent of the tax on gross casino revenue shall be distributed to the host city where the casino facility that generated such gross casino revenue is located.

(d) Three percent of the tax on gross casino revenue shall be distributed to fund the Ohio casino control commission.

(e) Three percent of the tax on gross casino revenue shall be distributed to an Ohio state racing commission fund to support purses, breeding programs, and operations at all existing commercial horse racetracks permitted as of January 1, 2009. However, no funding under this division shall be distributed to operations of an Ohio commercial horse racetrack if an owner or operator of the racetrack holds a majority interest in an Ohio casino facility or in an Ohio casino license.

(f) Two percent of the tax on gross casino revenue shall be distributed to a state law enforcement training fund to enhance public safety by providing additional training opportunities to the law enforcement community.

(g) Two percent of the tax on gross casino revenue shall be distributed to a state problem gambling and addictions fund which

shall be used for the treatment of problem gambling and substance abuse, and related research. 85
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Tax collection, and distributions to public school districts and local governments, under sections 6(C)(2) and (3), are intended to supplement, not supplant, any funding obligations of the state. Accordingly, all such distributions shall be disregarded for purposes of determining whether funding obligations imposed by other sections of this Constitution are met. 87
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(4) There is hereby created the Ohio casino control commission which shall license and regulate casino operators, management companies retained by such casino operators, key employees of such casino operators and such management companies, gaming-related vendors, and all gaming authorized by section 6(C), to ensure the integrity of casino gaming. 94
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Said commission shall determine all voting issues by majority vote and shall consist of seven members appointed by the governor with the advice and consent of the senate. Each member of the commission must be a resident of Ohio. At least one member of the commission must be experienced in law enforcement and criminal investigation. At least one member of the commission must be a certified public accountant experienced in accounting and auditing. At least one member of the commission must be an attorney admitted to the practice of law in Ohio. At least one member of the commission must be a resident of a county where one of the casino facilities is located. Not more than four members may be affiliated with the same political party. No commission member may have any affiliation with an Ohio casino operator or facility. 100
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Said commission shall require each initial licensed casino operator of each of the four casino facilities to pay an upfront license fee of fifty million dollars (\$50,000,000) per casino 114
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facility for the benefit of the state, for a total of two hundred 117
million dollars (\$200,000,000). The upfront license fee shall be 118
used to fund state economic development programs which support 119
regional job training efforts to equip Ohio's workforce with 120
additional skills to grow the economy. 121

To carry out the tax provisions of section 6(C), and in 122
addition to any other enforcement powers provided under Ohio law, 123
the tax commissioner of the State and the Ohio casino control 124
commission, or any person employed by the tax commissioner or said 125
commission for that purpose, upon demand, may inspect books, 126
accounts, records, and memoranda of any person subject to such 127
provisions, and may examine under oath any officer, agent, or 128
employee of that person. 129

(5) Each initial licensed casino operator of each of the four 130
casino facilities shall make an initial investment of at least two 131
hundred fifty million dollars (\$250,000,000) for the development 132
of each casino facility for a total minimum investment of one 133
billion dollars (\$1,000,000,000) statewide. A casino operator: (a) 134
may not hold a majority interest in more than two of the four 135
licenses allocated to the casino facilities at any one time; and 136
(b) may not hold a majority interest in more than two of the four 137
casino facilities at any one time. 138

(6) Casino gaming authorized in section 6(C) shall be 139
conducted only by licensed casino operators of the four casino 140
facilities or by licensed management companies retained by such 141
casino operators. At the discretion of each licensed casino 142
operator of a casino facility: (a) casino gaming may be conducted 143
twenty-four hours each day; and (b) a maximum of five thousand 144
slot machines may be operated at such casino facility. 145

(7) Each of the four casino facilities shall be subject to 146
all applicable state laws and local ordinances related to health 147
and building codes, or any related requirements and provisions. 148

Notwithstanding the foregoing, no local zoning, land use laws, 149
subdivision regulations or similar provisions shall prohibit the 150
development or operation of the four casino facilities set forth 151
herein, provided that no casino facility shall be located in a 152
district zoned exclusively residential as of January 1, 2009. 153

(8) Notwithstanding any provision of the Constitution, 154
statutes of Ohio, or a local charter and ordinance, only one 155
casino facility shall be operated in each of the cities of 156
Cleveland, ~~Columbus~~, Cincinnati, and Toledo, and in Franklin 157
County. 158

(9) For purposes of this section 6(C), the following 159
definitions shall be applied: 160

"Casino facility" means all or any part of any one or more of 161
the following properties (together with all improvements situated 162
thereon) in Cleveland, Cincinnati, ~~Columbus~~ and Toledo, and 163
Franklin County: 164

(a) Cleveland: 165

Being an approximate 61 acre area in Cuyahoga County, Ohio, 166
as identified by the Cuyahoga County Auditor, as of 02/27/09, as 167
tax parcel numbers 004-28-001, 004-29-004A, 004-29-005, 168
004-29-008, 004-29-009, 004-29-010, 004-29-012, 004-29-013, 169
004-29-014, 004-29-020, 004-29-018, 004-29-017, 004-29-016, 170
004-29-021, 004-29-025, 004-29-027, 004-29-026, 004-28-008, 171
004-28-004, 004-28-003, 004-28-002, 004-28-010, 004-29-001, 172
004-29-007 and 004-04-017 and all lands and air rights lying 173
within and/or above the public rights of way adjacent to such 174
parcels. 175

Being an approximate 8.66 acre area in Cuyahoga County, Ohio, 176
being that parcel identified by the Cuyahoga County Auditor, as of 177
02/27/09, as tax parcel number 101-21-002 and all lands and air 178
rights lying within and/or above the public rights of way adjacent 179

to such parcel. 180

Being an approximate 2.56 acre area in Cuyahoga County, Ohio, 181
being that parcel identified by the Cuyahoga County Auditor, as of 182
02/27/09, as tax parcel number 101-21-002 and all lands and air 183
rights lying within and/or above the public rights of way adjacent 184
to such parcel. 185

Being an approximate 7.91 acre area in Cuyahoga County, Ohio, 186
being that parcel identified by the Cuyahoga County Auditor, as of 187
02/27/09, as tax parcel number 101-23-050A and all lands and air 188
rights lying within and/or above the public rights of way adjacent 189
to such parcel. 190

All air rights above the parcel located in Cuyahoga County, 191
Ohio identified by the Cuyahoga County Auditor, as of 02/27/09, as 192
tax parcel number 101-22-003. 193

Being an approximate 1.55 acre area in Cuyahoga County, Ohio, 194
as identified by the Cuyahoga County Auditor, as of 02/27/09, as 195
tax parcel numbers 122-18-010, 122-18-011 and 122-18-012 and all 196
lands and air rights lying within and/or above the public rights 197
of way adjacent to such parcels. 198

Being an approximate 1.83 acre area in Cuyahoga County, Ohio, 199
as identified by the Cuyahoga County Auditor, as of 02/27/09, as 200
tax parcel numbers 101-30-002 and 101-30-003 and all lands and air 201
rights lying within and/or above the public rights of way adjacent 202
to such parcels. 203

Consisting of floors one through four, mezzanine, basement, 204
sub-basement, Parcel No. 36-2, Item III, Parcels First and Second, 205
Item V, Parcel A, and Item VI, Parcel One of the Higbee Building 206
in Cuyahoga County, Ohio, as identified by the Cuyahoga County 207
Auditor, as of 2/29/09, as tax parcel numbers 101-23-002 and 208
101-23-050F and all lands and air rights lying within and/or above 209
the public rights of way adjacent to such parcels. 210

(b) ~~Columbus~~ Franklin County: 211

Being an approximate ~~18.312~~ 113.794 acre area in ~~the City of~~ 212
~~Columbus~~, Franklin County, Ohio, as identified by the Franklin 213
County Auditor, as of ~~03/05/09~~ 01/19/10, as tax parcel ~~numbers~~ 214
~~010-005518-80, 010-005518-90, 010-020215-80, 010-020215-90,~~ 215
~~010-008443-80 and 010-008443-90~~ number 140-003620-00. 216

(c) Cincinnati; 217

Being an approximate 20.4 acre area in Hamilton County, Ohio, 218
being identified by the Hamilton County Auditor, as of 02/27/09, 219
as tax parcel numbers 074-0002-0009-00, 074-0001-0001-00, 220
074-0001-0002-00, 074-0001-0003-00, 074-0001-0004-00, 221
074-0001-0006-00, 074-0001-0008-00, 074-0001-0014-00, 222
074-0001-0016-00, 074-0001-0031-00, 074-0001-0039-00, 223
074-0001-0041-00, 074-0001-0042-00, 074-0001-0043-00, 224
074-0002-0001-00, 074-0004-0001-00, 074-0004-0002-00, 225
074-0004-0003-00 and 074-0005-0003-00. 226

(d) Toledo: 227

Being an approximate 44.24 acre area in the City of Toledo, 228
Lucas County, Ohio, as identified by the Lucas County Auditor, as 229
of 03/05/09, as tax parcel numbers 18-76138 and 18-76515. 230

"Casino gaming" means any type of slot machine or table game 231
wagering, using money, casino credit, or any representative of 232
value, authorized in any of the states of Indiana, Michigan, 233
Pennsylvania and West Virginia as of January 1, 2009, and shall 234
include slot machine and table game wagering subsequently 235
authorized by, but shall not be limited by subsequent restrictions 236
placed on such wagering in, such states. Notwithstanding the 237
aforementioned definition, "casino gaming" does not include bingo, 238
as authorized in article XV, section 6 of the Ohio Constitution 239
and conducted as of January 1, 2009, or horse racing where the 240
pari-mutuel system of wagering is conducted, as authorized under 241

the laws of Ohio as of January 1, 2009. 242

"Casino operator" means any person, trust, corporation, 243
partnership, limited partnership, association, limited liability 244
company or other business enterprise that directly holds an 245
ownership or leasehold interest in a casino facility. "Casino 246
operator" does not include an agency of the state, any political 247
subdivision of the state, or any person, trust, corporation, 248
partnership, limited partnership, association, limited liability 249
company or other business enterprise that may have an interest in 250
a casino facility, but who is legally or contractually restricted 251
from conducting casino gaming. 252

"Gross casino revenue" means the total amount of money 253
exchanged for the purchase of chips, tokens, tickets, electronic 254
cards, or similar objects by casino patrons, less winnings paid to 255
wagerers. 256

"Majority interest" in a license or in a casino facility (as 257
the case may be) means beneficial ownership of more than fifty 258
percent (50%) of the total fair market value of such license or 259
casino facility (as the case may be). For purposes of the 260
foregoing, whether a majority interest is held in a license or in 261
a casino facility (as the case may be) shall be determined in 262
accordance with the rules for constructive ownership of stock 263
provided in Treas. Reg. § 1.409A-3(i)(5)(iii) as in effect on 264
January 1, 2009. 265

"Slot machines" shall include any mechanical, electrical, or 266
other device or machine which, upon insertion of a coin, token, 267
ticket, or similar object, or upon payment of any consideration, 268
is available to play or operate, the play or operation of which, 269
whether by reason of the skill of the operator or application of 270
the element of chance, or both, makes individual prize 271
determinations for individual participants in cash, premiums, 272
merchandise, tokens, or any thing of value, whether the payoff is 273

made automatically from the machine or in any other manner. 274

"Table game" means any game played with cards, dice, or any 275
mechanical, electromechanical, or electronic device or machine for 276
money, casino credit, or any representative of value. 277

(10) The General Assembly shall pass laws within six months 278
of the effective date of section 6(C) to facilitate the operation 279
of section 6(C). 280

(11) Each provision of section 6(C) is intended to be 281
independent and severable, and if any provision of section 6(C) is 282
held to be invalid, either on its face or as applied to any person 283
or circumstance, the remaining provisions of section 6(C), and the 284
application thereof to any person or circumstance other than those 285
to which it is held invalid, shall not be affected thereby. In any 286
case of a conflict between any provision of section 6(C) and any 287
other provision contained in this Constitution, the provisions of 288
section 6(C) shall control. 289

(12) Notwithstanding the provisions of section 6(C)(11), 290
nothing in this section 6(C) (including, without limitation, the 291
provisions of sections 6(C)(6) and 6(C)(8)) shall restrict or in 292
any way limit lotteries authorized under section 6(A) of this 293
article or bingo authorized under section 6(B) of this article. 294
The provisions of this section 6(C) shall have no effect upon 295
activities authorized under sections 6(A) and/or (6)(B) of this 296
article. 297

EFFECTIVE DATE AND REPEAL 298

If adopted by a majority of the electors voting on this 299
proposal, the amendment takes immediate effect, and existing 300
Section 6 of Article XV of the Constitution of the State of Ohio 301
is repealed from that effective date. 302