



# Ohio Legislative Service Commission

## Comparative Synopsis

Amber Hardesty

### H.B. 386

129th General Assembly

This table summarizes how the House passed version of the bill differs from the Senate passed version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

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## Casino Law

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
<p><b>Inspector General's investigatory authority</b></p>	<p>Requires the Inspector General to do the following to determine whether wrongful acts or omissions have been committed or are being committed by present or former employees:</p> <ul style="list-style-type: none"> <li>• Investigate employees of the Office of the Attorney General who are contractually vested with duties to enforce the Casino Law;</li> <li>• Provide support in furtherance of enforcing the Casino Law.</li> </ul> <p>Permits the Inspector General and each deputy inspector to administer oaths, examine witnesses under oath, and issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of all kinds of books, records, papers, and tangible things. Upon the refusal of a witness to be sworn or to answer any question put to the witness, or if a person disobeys a subpoena, the Inspector General must apply to the court of common pleas for a contempt order, as in the case of disobedience to the requirements of a subpoena issued from the court of common pleas or a refusal to testify in the court. (R.C. 121.421.)</p>	<p>In order to determine whether wrongful acts or omissions have been committed or are being committed by present or former employees, requires the Inspector General to investigate employees of the Office of the Attorney General who are contractually vested with duties to enforce the Casino Law, including any designated Bureau of Criminal Identification and Investigation support staff that are necessary to fulfill the investigatory and law enforcement functions of the Ohio Casino Control Commission.</p> <p>Permits the Inspector General and any deputy inspector general to administer oaths, examine witnesses under oath, and issue subpoenas and subpoenas duces tecum to employees of the Office of the Attorney General to compel the attendance of witnesses and the production of all kinds of books, records, papers, and tangible things deemed necessary in the course of any such investigation.</p>

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<b>Institutional investor</b>	Modifies the definition of "institutional investor" to mean an entity owning more than 5%, but less than 15%, of an ownership interest in a casino facility, casino operator, management company, or holding company ( <i>R.C. 3772.01(O)</i> ).	Modifies the definition of "institutional investor" to mean an entity owning 5% or more, but less than 15%, of an ownership interest in a casino facility, casino operator, management company, or holding company.
<b>Rules related to passive institutional investment</b>	No such provision.	Requires the Commission to adopt rules for prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies can do and must not do in relation to casino facilities and casino gaming in Ohio, which standards must rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status ( <i>R.C. 3772.03(D)(27)</i> ).
<b>Criminal records checks</b>	No provisions.	<p>Specifies that for all criminal records checks, the applicant for a casino operator, management company, holding company, gaming-related vendor, key employee, or casino gaming employee license must pay the charge by the Bureau of Criminal Identification and Investigation or by a vendor approved by the Bureau to conduct a criminal records check based on the applicant's fingerprints.</p> <p>If the applicant for a key employee or casino gaming employee license is applying at the request of a casino operator or, management company, holding company, or gaming-related vendor, requires the casino operator,</p>



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		management company, holding company, or gaming-related vendor to pay the fee. (R.C. 3772.07.)
<b>Transfer of license</b>	<p>Permits the transfer of a casino operator license, subject to Commission approval and requires any change or transfer of control of a casino operator license to obtain Commission approval, and, as determined by the Commission, requires the filing of an application for transferring the casino operator license and submission of an application fee with the Commission before the approval of any change or transfer of control.</p> <p>No provision.</p> <p>No provision.</p>	<p>States that an initial license is not considered transferred, and a new license is not required, when an initial licensee that is licensed before June 1, 2013, does or has done both of the following:</p> <ul style="list-style-type: none"> <li>• Obtains a majority ownership interest in, or a change in or transfer of control of, another initial licensee for the same casino facility;</li> <li>• Was investigated under this chapter as a parent, affiliate, subsidiary, key employee, or partner, or joint venturer with another initial licensee that has held for the same casino facility a majority ownership interest in or control of the initial license when the initial license was issued and when such an initial licensee obtains a majority ownership interest in or a change in or transfer of control.</li> </ul> <p>Defines "initial license" as the first plenary license issued to an initial licensee.</p> <p>Defines "initial licensee" as any of the persons issued an initial license to conduct or participate in conducting casino gaming at each casino facility as a casino operator, a management company, or a holding company of a casino operator or management company.</p>

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	<p>Allows the Commission to assess a reasonable fee in the amount necessary to review the transfer application.</p> <p>In determining whether to approve the transfer, requires the Commission to consider all the factors established in the Casino Law that pertain to the granting of a casino operator license.</p> <p>Permits the Commission to reopen a licensing investigation at any time.</p> <p>Amends the definition of "control" for the purposes of a casino operator license transfer to mean either:</p> <ul style="list-style-type: none"> <li>• holding 30% or more of the outstanding voting securities of a licensee or, for an unincorporated licensee, having the right to 30% or more of the profits, or having the right in the event of dissolution to 30% or more of the assets, of the licensee; or</li> <li>• having the contractual power presently to designate 30% or more of the directors of a for-profit or not-for-profit corporation, or in the case of trusts described in paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such a trust. (R.C. 3772.091.)</li> </ul>	No provisions.
<b>License fee</b>	Clarifies that the upfront license fee to obtain a license as a casino must be paid upon each <i>initial</i> casino operator's filing of its casino operator license application with the Commission.	Clarifies that the upfront license fee to obtain a license as a casino operator must be paid upon each casino operator's filing of its casino operator license application with the Commission.



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	<p>Clarifies that the \$50 million upfront license fee to obtain a casino operator license must not be assessed on the transfer of a casino operator license to a new casino operator if the transfer is approved by the Commission (<i>R.C. 3772.17</i>).</p> <p>No provision.</p>	<p>No provision.</p> <p>If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility and the applicant for a license as a management company or holding company was reviewed for suitability as part of the investigation of the casino operator, requires only one license fee to be assessed against both applicants for that casino facility.</p>
<b>Application fee</b>	<p>Applies a \$1.5 million fee to the application to transfer a casino operator license to a new casino operator (<i>R.C. 3772.17</i>).</p> <p>No provisions.</p>	<p>No provision.</p> <p>Allows the application fee for a casino operator, management company, or holding company license to be increased to the extent that the actual review and investigation costs relating to an applicant exceed the application fee.</p> <p>If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility,</p>

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		with the exception of actual costs of the review and investigation of the additional applicant, states that only one \$1.5 million application fee is required of such applicants for that casino facility.
<b>Emergency order</b>	No provision.	Except with respect to a casino operator, management company, or holding company, permits, under certain conditions, the Executive Director of the Commission to issue an emergency order for the suspension, limitation, or conditioning of any license, registration, approval, or certificate issued, approved, granted, or otherwise authorized by the Commission under the Casino Law or the related rules, requiring the inclusion of persons on the Commission's exclusion list and requiring a casino facility not to pay a licensee, registrant, or approved or certified person any remuneration for services or any share of profits, income, or accruals on that person's investment in the casino facility <i>(R.C. 3772.04(G))</i> .
<b>Cheat</b>	No provision.	Provides that "cheat," as used under the Casino Law does not include an individual who, without the assistance of another individual or without the use of a physical aid or device of any kind, uses the individual's own ability to keep track of the value of cards played and uses predictions formed as a result of the tracking information in the individual's playing and betting strategy <i>(R.C. 3772.01(I))</i> .
<b>Bad debts</b>	Excludes from gross casino revenue "bad debts" from receipts on the basis of which the Gross Casino Revenue Tax was paid in a prior tax period to the extent not previously excluded.	No provisions.

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	<p>Defines "bad debts" as any debts that have become worthless or uncollectible in a prior tax period, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and related regulations, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis.</p> <p>Specifies that "bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the casino operator until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered. (R.C. 5753.01.)</p>	
<b>Wager</b>	No provision.	Specifies that it is a criminal offense under the Casino Law to permit a person less than 21 years of age to make a wager <i>at a casino facility</i> (R.C. 3722.99(D)).
<b>Use of "casino"</b>	No provision.	<p>Permits the Commission to levy and collect as a noncriminal violation under the Casino Law using the term "casino" in any advertisement in regard to a facility operating video lottery terminals in Ohio.</p> <p>Specifies penalties for the use of the term "casino" must not be levied against and collected from a person operating such a facility that used the term "casino" in any advertisement before November 3, 2009. (R.C. 3722.99(A).)</p>

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
<b>Ohio Law Enforcement Training Fund recommendations</b>	No provision.	<p>By December 31, 2013, requires the Attorney General to submit to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives a report on the Attorney General's recommendations on how to best use resources and moneys that are distributed to the Ohio Law Enforcement Training Fund from the Gross Casino Revenue Tax.</p> <p>Requires the report to include a provision on sharing a portion of such resources and moneys with local law enforcement agencies. <i>(Section 11.)</i></p>

### State Lottery Law

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
<b>Lottery sales agent license and renewal fees</b>	Eliminates the requirement that the Controlling Board approve the fees each applicant must pay for the following: a lottery sales agent license, administering and processing changes to a license application, or a renewal fee <i>(R.C. 3770.05)</i> .	Restores current law regarding Controlling Board approval and adds that the Permanent Joint Committee on Gaming and Wagering review the fees <i>(R.C. 3772.032)</i> .
<b>Debt owed to political subdivision</b>	No provisions.	If a person is entitled to a lottery prize award and is indebted to a political subdivision that has a certified claim and if the amount of the prize money or the cost of goods or services awarded as a lottery prize award is \$5,000 or more, the Director of the State Lottery Commission, or the Director's designee, must either deduct from

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		<p>lump sum prize award or from the installment payments, and pay to the Attorney General an amount in satisfaction of the debt and pay any remainder to that person.</p> <p>Sets out that if a person entitled to a lottery prize award owes more than one debt, any debt owed to the state must be satisfied first.</p> <p>States that any debt owed for child support or spousal support arrearages must be satisfied with first priority over other debts. (R.C. 3770.073.)</p>
<b>Jurisdiction</b>	<p>Provides that any action asserting that the laws authorizing the State Lottery Commission to adopt rules or that any rule adopted under those laws violates the Ohio Constitution, any claim asserting that any action taken by the Governor or the Commission under those laws violates any provision of the Ohio Constitution or of the Revised Code, or any claim asserting that any portion of the law authorizing the adoption of rules concerning VLTs violates any provision of the Ohio Constitution must be brought in the Franklin County Court of Common Pleas (R.C. 3770.21(F)).</p>	<p>Provides the following:</p> <ul style="list-style-type: none"> <li>• Any action asserting that the laws authorizing the State Lottery Commission to adopt rules or that any rule adopted under those laws violates the Ohio Constitution must be brought in the Franklin County Court of Common Pleas within 90 days after the bill's effective date or within 90 days after the effective date of any rule, as applicable.</li> <li>• Any claim asserting that any action taken by the Governor or the State Lottery Commission under those sections violates any provision of the Ohio Constitution or any provision of the Ohio law must be brought in the Franklin County Court of Common Pleas within 60 days after the action is taken.</li> <li>• The above do not apply to any claim within the original jurisdiction of the Supreme Court or a court of appeals under Article IV of the Ohio Constitution.</li> </ul>

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		<ul style="list-style-type: none"> <li>The Franklin County Court of Common Pleas must give any claim filed under the above priority over all other civil cases before the court, irrespective of position on the court's calendar, and must make a determination on the claim expeditiously and a court of appeals must give any appeal from a final order issued in a case brought under the above priority over all other civil cases before the court, irrespective of position on the court's calendar, and must make a determination on the appeal expeditiously. (R.C. 3770.21(G).)</li> </ul>

### Video Lottery Terminals

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
<b>Definition of video lottery terminal</b>	No provision.	Adds to the definition of video lottery terminal that such a terminal is located at a facility owned by a holder of a permit as defined in the Administrative Code (currently, a permit issued by the State Racing Commission to conduct a horse racing meeting in Ohio) (R.C. 3770.21(A)(1)).
<b>Video lottery terminal income</b>	Defines "video lottery terminal income" to mean credits played minus video lottery terminal promotional gaming credits and the value of video lottery terminal promotional gaming credits awarded that can be redeemed for cash or other designated prizes as a result of a video lottery winning game outcome (R.C. 3770.21(A)(3)).	Defines "video lottery terminal income" to mean credits played, minus approved video lottery terminal promotional gaming credits, minus video lottery prize awards.

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<b>Video lottery terminal promotional gaming credits</b>	<p>States that video lottery terminal promotional gaming credits are subject to oversight by the State Lottery Commission.</p> <p>Requires the Commission to adopt rules for video lottery terminal promotional gaming credits.</p> <p>Specifies that the rules must exclude video lottery terminal promotional gaming credits in the calculation of video lottery terminal income or any payments or amounts due to the state or to the Commission. <i>(R.C. 3770.21.)</i></p>	<p>States that video lottery terminal promotional gaming credits are subject to approval by the Director of the State Lottery Commission.</p>
<b>Video lottery sales agent's commission</b>	<p>Requires that each permit holder authorized by the State Lottery Commission to conduct video lottery terminal gaming receive a commission of video lottery terminal income as set forth in rule (current set at 66.5%).</p> <p>Permits a percentage of that commission to be paid to the State Racing Commission for the benefit of breeding and racing in Ohio and if so paid, requires the percentage paid to the State Racing Commission to be based on rules promulgated by the State Racing Commission.</p> <p>No provision.</p>	<p>No provision.</p> <p>Unless otherwise agreed to by the video lottery sales agent and the applicable horsemen's association recognized by the State Racing Commission to represent such persons, permits the State Racing Commission to direct through rule that a percentage of the lottery sales agent's commission as determined by the State Lottery Commission for conducting video lottery terminal gaming on behalf of the state be paid to the State Racing Commission for the benefit of breeding and racing in Ohio.</p> <p>Requires the percentage so determined to not be less than 9% or more than 11% of the video lottery terminal income.</p>

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	<p>No provision.</p> <p>Requires the permit holder to deposit into the Problem Casino Gambling and Addictions Fund 1% of that commission. <i>(R.C. 3769.087(C).)</i></p>	<p>States that the aggregate of 100% of video lottery terminal income minus the video lottery sales agent's commission percentage plus the percentage of that commission, as determined by the State Racing Commission or otherwise agreed to by the video lottery sales agent and the applicable horsemen's association for the benefit of breeding and racing in Ohio, must not exceed 45% of the video lottery terminal income.</p> <p>Permits the State Lottery Commission to adopt a rule to require the video lottery sales agent to disperse to the State Lottery Commission up to 1% of the video lottery sales agent's commission for the purpose of providing funding support to appropriate state agencies for programs that provide for gambling addiction and other related addiction services.</p>
<b>Confidential information</b>	No provision.	<p>States that any information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates that is submitted, collected, or gathered as part of an application to the State Lottery Commission for a video lottery related license is confidential and not subject to disclosure by a state agency or political subdivision as a public record under the Public Records Law.</p> <p>Requires the applicant to complete a cover sheet for the application on which the applicant must disclose the applicant's name, the business address of the lottery sales agent, management company, holding company, or gaming-related</p>

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		vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located. (R.C. 3770.22.)

### State Racing Law

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
<b>Simulcast signal rate</b>	No provision.	Prohibits the State Racing Commission from allowing the simulcast of any simulcast racing program conducted at tracks or facilities located outside Ohio unless the out-of-state simulcast racing program is available at the same signal rate to all permit holders, whether serving as simulcast hosts or simulcast guests, and all satellite facilities, in Ohio open and operating on that day (R.C. 3769.089(B)(1)).
<b>Simulcast racing</b>	Eliminates provisions authorizing a permit holder to file an objection with the State Racing Commission if the horsemen's organization withholds its consent for a permit holder to offer:  (1) simulcast racing programs of races conducted at tracks located outside Ohio at the same time and during the hours in which the live races of a live racing program are being conducted at its track;	Provides that the current law provisions related to (1) in the previous column remain in effect for each permit holder until the calendar year after that permit holder first receives a commission as a lottery sales agent for conducting video lottery terminal gaming on behalf of the state.



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	<p>(2) a special racing event as a simulcast host;</p> <p>(3) in emergency situations, a live racing day at a track in which all horse races on that racing day are simulcast from tracks and facilities located either inside or outside Ohio.</p> <p>(The Commission is then required to promptly consider the objection and determine whether withholding consent is without substantial merit and, if the Commission so determines, the Commission must authorize the permit holder to simulcast the simulcast racing programs. The determination of the Commission is final.)</p> <p>Eliminates a provision in current law requiring that, in order for a permit holder to offer simulcasts of horse races conducted at facilities located outside Ohio, the permit holder must have conducted live racing programs during the immediately preceding calendar year on a number of days that is not less than the number of regular live racing days it conducted in calendar year 1991, not including additional racing days conducted in calendar year 1991 by the permit holder at a winterized facility (however, a permit holder could include the number of days on which live racing programs were conducted under a permit issued for additional racing days at a winterized facility).</p> <p>Eliminates a provision requiring, for a permit holder to offer simulcasts of horse races conducted at facilities located outside Ohio, the permit holder to offer all simulcasts of horse</p>	<p>Provides that the current law provisions remain in effect for each permit holder until the calendar year after that permit holder first receives a commission as a lottery sales agent for conducting video lottery terminal gaming on behalf of the state.</p> <p>Provides that the current law provisions remain in effect for each permit holder until the calendar year after that permit holder first receives a commission as a lottery sales agent for</p>

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	races conducted in Ohio made available to it. <i>(R.C. 3769.089(B), (C), and (E).)</i>	conducting video lottery terminal gaming on behalf of the state.
<b>Live racing days</b>	<p>States that the live racing days must be selected by the permit holder, but are subject to the Commission's approval and establishes the following for the number of required live racing days:</p> <ul style="list-style-type: none"> <li>• In calendar year 2013: <ul style="list-style-type: none"> <li>○ The permit holder at each standardbred track must conduct a minimum of 75 live racing days.</li> <li>○ The permit holder at each thoroughbred track must conduct a minimum of 75 live racing days or the number of live racing days that were conducted at that track in calendar year 2012, whichever is greater.</li> </ul> </li> <li>• In calendar year 2014: <ul style="list-style-type: none"> <li>○ The permit holder at each standardbred track must conduct a minimum of 100 live racing days.</li> <li>○ The permit holder at each thoroughbred track must conduct a minimum of 100 live racing days or the number of live racing days that were conducted at that track in calendar year 2012, whichever is greater.</li> </ul> </li> <li>• In calendar year 2015 and in each subsequent calendar year a permit holder must conduct a minimum of 125 live racing</li> </ul>	<p>Unless otherwise agreed to by the applicable horsemen's association and the permit holder, beginning in the calendar year after the permit holder first receives VLT income, establishes that one of the following applies for the number of required live racing days as determined on a yearly basis:</p> <ul style="list-style-type: none"> <li>• If 11% of the gross gaming revenue from VLTs at the permit holder's facilities (either existing or relocated) in the previous calendar year exceeds \$15 million, a permit holder must conduct a minimum of 125 live racing days.</li> <li>• If 11% of the gross gaming revenue from VLTs at the permit holder's facilities (either existing or relocated) in the previous calendar year exceeds \$11 million, but is less than or equal to \$15 million, a permit holder must conduct a minimum of 100 live racing days or the number of racing days applied for by the permit holder in calendar year 2012, whichever is greater.</li> <li>• If 11% of the gross gaming revenue from VLTs at the permit holder's facilities (either existing or relocated) in the previous calendar year is less than or equal to \$11 million, a permit holder must conduct a minimum of 75 racing days or the number of racing days applied for by the permit holder for calendar year 2012, whichever is greater.</li> </ul>



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	days and a maximum of 210 live racing days. (R.C. 3769.089(B)(2).)	Specifies that the minimum number of racing days for any permit holder must not exceed 125.
<b>Thoroughbred tracks – payments for moneys wagered</b>	Beginning July 1, 2013, eliminates the requirement that of the moneys a thoroughbred racing permit holder pays to the Tax Commissioner for moneys wagered on racing days and on simulcast racing programs on those days, that the Tax Commissioner pay 1 <sup>1</sup> / <sub>8</sub> % into the Ohio Thoroughbred Race Fund and 1 <sup>1</sup> / <sub>4</sub> of 1% into the State Racing Commission Operating Fund and instead requires the Tax Commissioner to pay 1 <sup>3</sup> / <sub>8</sub> % of the moneys to each municipal corporation or township in which a race track is located (R.C. 3769.08(B) and 3769.21; Section 13).	No provision.
<b>Harness or quarter horse tracks – payments for moneys wagered</b>	Beginning July 1, 2013, eliminates the requirement that of the moneys paid to the Tax Commissioner by permit holders authorized to conduct harness racing, the Tax Commissioner must pay 5 <sup>5</sup> / <sub>8</sub> of 1%, and an additional tax of 1 <sup>1</sup> / <sub>2</sub> of 1%, of moneys wagered on a racing day into the Ohio Standardbred Development Fund; and, from the moneys paid by permit holders authorized to conduct harness or quarter horse racing, the Tax Commissioner must pay 1 <sup>1</sup> / <sub>4</sub> of 1% into the State Racing Commission Operating Fund and instead requires the Tax Commissioner to pay 1 <sup>3</sup> / <sub>8</sub> % of those moneys to each municipal corporation or township in which a race track is located (R.C. 3769.08(C) to (E); Section 13).	No provision.



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<b>Confidential information</b>	No provision.	Establishes that any information concerning the following that is submitted, collected, or gathered as part of an application to the State Racing Commission for a license or permit is confidential and not subject to disclosure by a state agency or political subdivision as a public record under the Public Records Law: a minor child of an applicant; the social security number, passport number, or federal tax identification number of an applicant or of the spouse of an applicant; the home address and telephone number of an applicant or of the spouse or dependent of an applicant; an applicant's birth certificate; the driver's license number of an applicant or of the applicant's spouse; the name or address of a previous spouse of the applicant; the date of birth of the applicant and of the spouse of an applicant; the place of birth of the applicant and of the spouse of an applicant; the personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings; any information concerning a victim of domestic violence, sexual assault, or stalking; the electronic mail address of the spouse or family member of the applicant; any trade secret, medical records, and patents or exclusive licenses; security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and



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		<p>countermeasures; information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates.</p> <p>Provides, notwithstanding any contrary law, upon written request from a person, that the Commission must provide the following information to the person, except as provided in the Racing Law: the information provided under the Racing Law concerning a licensee, permit holder, or an applicant; a copy of a letter providing the reasons for the denial of an applicant's license or permit and a copy of a letter providing the reasons for the Commission's refusal to allow an applicant to withdraw the applicant's application, but with confidential information redacted if that information is the reason for the denial or refusal to withdraw.</p> <p>States that the following is not confidential: the individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a license or permit; the reason for denial or revocation of a license or permit or for disciplinary action against the individual; the cover sheet completed by an applicant for a key employee license.</p> <p>Permits a person who holds, held, or has applied for a license or permit to waive the confidentiality requirements.</p>



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		<p>States that confidential information received by the Commission from another jurisdiction relating to a person who holds, held, or has applied for a license or permit is confidential and not subject to disclosure as a public record under the Public Records Law.</p> <p>Permits the Commission to share the information referenced in these provisions with, or disclose the information to, the Inspector General, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate governmental or licensing agency, if the agency that receives the information complies with the same requirements regarding confidentiality as those with which the Commission must comply. (R.C. 3769.041.)</p>
<b>Transfer of racing permits to new locations</b>	Permits the <i>state</i> to discuss and negotiate (Section 5).	Permits the State Racing Commission, in consultation with the Governor, to discuss and negotiate (Section 3).
<b>Money in the Racetrack Relocation Fund to other funds</b>	Requires the money to be allocated (Section 9).	Requires money to be transferred by the Director of Budget and Management (Section 7).
<b>Eligibility for funds in the Racetrack Facility Community Economic Redevelopment Fund</b>	Provides communities whose permit holders did not pay to move its track to a new location are not eligible (Section 9).	No provision.
<b>Amount of appropriation item 195673, Racetrack Facility Community Economic Redevelopment Fund</b>	\$12,000,000 in FY 2012, \$0 in FY 2013 (Section 10).	\$15,500,000 in FY 2012, \$3,500,000 in FY 2013 (Section 8).

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
<b>Use of money in the Racetrack Facility Community Economic Redevelopment Fund</b>	Requires the Fund to be used for repurposing or demolishing an abandoned horse-racing facility or reinvestment in the area ( <i>Section 9</i> ).	Requires up to \$12,000,000 for the same purpose, and \$7,000,000 to be used by municipal corporations and townships in which racetracks are located:  --\$500,000 in each of FY 2012 and FY 2013 to each community;  --At least 75% to be used for infrastructure or capital improvements;  --To be overseen and administered by the Director of Development ( <i>Section 7</i> ).
<b>Collection and settlement agent duties</b>	No provision.	Allows, after 60 days' notification to the State Racing Commission, a permit holder to take responsibility for handling any payments and distributions required of a collection and settlement agent for any or all related permits under common ownership in lieu of making the required payments and distributions through the collection and settlement agent designated by the Commission under current law.  Requires any permit holder having responsibility for payments and distributions required under the above to, on or before the 10th day of each month, file a report with the Commission showing the following:  <ul style="list-style-type: none"> <li>• All payments and disbursements made by the permit holder to permit holders operating as simulcast hosts and the method of calculation of the share of each simulcast host;</li> <li>• All payments and disbursements of required fees to tracks, racing associations, and state regulatory agencies located outside Ohio</li> </ul>



Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		<p>from which there were simulcasts of simulcast racing programs into the permit holder facilities;</p> <ul style="list-style-type: none"> <li>• Such other information regarding the performance of the permit holder's duties as the Commission requests.</li> </ul> <p>Allows a permit holder having responsibility for payments and distributions required under the above to utilize an authorized agent to make the required payments and distributions. (R.C. 3769.0810(K).)</p>
<b>Jockey fees</b>	No provision.	<p>Beginning in the calendar year after the first calendar year in which all thoroughbred permit holders receive a commission as a lottery sales agent for conducting video lottery terminal gaming on behalf of the state or on January 1, 2015, whichever occurs first, requires the fees to be paid to thoroughbred jockeys to be according to a schedule based on the following amounts: up to \$5,999; \$6,000 to \$7,799; \$10,000 to \$17,999; \$18,000 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$74,999; and \$75,000 and up (R.C. 3769.0812).</p>

**Tax-related provisions**

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
<p><b>School district population – Gross Casino Revenue Tax</b></p>	<p>No provisions.</p>	<p>Defines "public school district" as any city, local, exempted village, or joint vocational school district, community school established under R.C. Chapter 3314., STEM school established under R.C. Chapter 3326., or college-preparatory boarding school established under R.C. Chapter 3328., but excludes a STEM school operated under R.C. 3326.51.</p> <p>For the purpose of calculating student population for the Gross Casino Revenue Tax portion to be distributed among all 88 counties in proportion to such counties' respective public school district student populations, each public school district must, twice annually, report to the Department of Education the students enrolled in the district on the days specified.</p> <p>Defines "student population" as the number of students residing in a county who are enrolled in a public school district in grades kindergarten through 12 and the total number of preschool children with disabilities on the following dates: for the January distribution, the Friday of the first full school week in October; for the August distribution, the Friday of the first full school week in May.</p> <p>Specifies that a student is considered to be enrolled in a public school district if the student is participating in education programs of the public school district and the public school district has not: (1) received documentation from a parent</p>



Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		<p>terminating enrollment of the student, (2) been provided documentation of a student's enrollment in another public or private school, or (3) ceased to offer education to the student.</p> <p>If more than one public school district reports a student as enrolled, requires the Department to use procedures adopted by it for the reconciliation of enrollment.</p> <p>In the case of the dual enrollment of a student in a joint vocational school district and another public school district, requires the student to be included in the enrollments for both schools.</p> <p>If the valid school district or enrollment cannot be determined in time for the certification, requires the count of these students to be divided equally between the reporting districts.</p> <p>Requires the Department to certify to the Department of Taxation the student population for each county and the student population for each public school district located in whole or in part in the county on or before December 30, for the January distribution and on or before July 30, for the August distribution.</p> <p>Requires a student to be included in the school district enrollment for a county only if a student resides in that county.</p> <p>Requires the location of each community school to be the enrollment area required to be defined by the community school and its sponsor, the</p>



Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		<p>location of each STEM school to be any county in which its enrolled students reside, and the location of the college-preparatory boarding schools to be the territory of the school district in which the college-preparatory school is located or the territory of any city, exempted village, or local school district that has agreed to be a participating district.</p> <p>States that the certified student population count is final and must not be adjusted by future updates to the counts.</p> <p>Requires the Commissioner to calculate the amount of funds to distribute to each public school district as follows:</p> <p>(1) The Commissioner must calculate the proportional share of the funds attributable to each county by dividing the total student population certified for each county by the sum of the total student population certified in all counties statewide.</p> <p>(2) The Commissioner must multiply the amount in (1) by the total amount of funds in the Gross Casino Revenue County Student Fund to obtain the share of funds for each county.</p> <p>(3) The Commissioner must multiply the amount in (2) by the quotient of the student population certified for each individual district located in the county divided by the sum of the student population certified for all public school districts located in the county.</p>



Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		Establishes that payments from the Gross Casino Revenue County Student Fund must be made to the public school districts by the last day of January and by the last day of August of each year, beginning in 2013. <i>(R.C. 5753.03 and 5753.11.)</i>
<b>Income tax withholding from casino winnings and video lottery terminal prizes</b>	No provisions.	<p>Requires lottery sales agents to withhold income taxes from video lottery terminal prize awards that exceed \$3,000.</p> <p>Lowers the percentage of a person's lottery prize award and casino winnings that must be withheld for income tax purposes from 6% to 4%, and specifies that this lower percentage also applies to the withholding of taxes from video lottery terminal awards. <i>(R.C. 3770.072(C), 5747.062(A)(1), 5747.063(A)(1), and 5747.064(B).)</i></p> <p>Provides that lottery sales agents must comply with requirements for remitting withheld taxes and filing returns similar to those imposed on casino operators that withhold taxes from casino winnings <i>(R.C. 5747.062(A), 5747.063(B), and 5747.064(C)).</i></p> <p>Modifies the deadline for filing monthly returns so that they are due on or before the 10th day of each month <i>(R.C. 5747.062(A)(2), 5747.063(B)(1), and 5747.064(C)(1)).</i></p> <p>Requires that monthly returns specify the amount of winnings from which taxes were withheld, the type of casino gambling that resulted in those winnings, and any other information required by the Commissioner <i>(R.C. 5747.063(B)(1)).</i></p>

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		<p>Specifies that a lottery sales agent's monthly return must identify each person subject to tax withholding in the previous month, the amount that was withheld, the amount of each prize award from which taxes were withheld, and any other information required by the Commissioner <i>(R.C. 5747.064(C)(1))</i>.</p> <p>Imposes a requirement on lottery sales agents to issue an annual information return to each person that was subject to tax withholding during the previous year, requires lottery sales agents and casino operators to provide a copy of each annual information return to the Tax Commissioner, and allows the Tax Commissioner to require the copies to be submitted electronically <i>(R.C. 5747.062(A)(4), 5747.063(C), and 5747.064(D))</i>.</p> <p>Requires lottery sales agents to issue a receipt to each person subject to tax withholding with regard to a video lottery terminal award and specifies that, instead of the required electronic submission of receipts, casino operators and lottery sales agents need only maintain copies of the receipts and make the copies available to the Commissioner upon request <i>(R.C. 5747.063(A) and (B) and 5747.064(B) and (C)(2))</i>.</p> <p>Specifies that a lottery sales agent that fails to file a return or remit withheld taxes is personally liable for any amount not remitted. If the agent does not file a return or files a return late, or if the agent does not remit taxes or remits taxes late,</p>



Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		<p>the agent may also be subject to a fine of up to \$1,000 (<i>R.C. 5747.063(B)(4) and 5747.064(C)(4)</i>).</p> <p>Allows the Department of Taxation to disclose to the State Lottery Commission information necessary to ensure a lottery sales agent's compliance with the new video lottery terminal award tax withholding requirements (<i>R.C. 5703.21(C)(14) and (15)</i>).</p> <p>Specifies that, when a taxpayer has multiple debts and one of those debts arose out of a failure to pay the withholding tax on casino winnings or video lottery terminal awards, the debt arising out of the failure to pay the withholding tax must be satisfied first (<i>R.C. 5747.12</i>).</p> <p>Provides that, when a casino operator withholds taxes from an individual's winnings and obtains a written statement from the individual indicating whether the individual is in default under a support order, the casino operator must make the records available to the Department of Job and Family Services upon request (<i>R.C. 5747.063(A)(2)</i>).</p>
<b>Withholding – municipal corporations</b>	No provision.	Allows a municipal corporation to require a casino facility or a casino operator, or a lottery sales agent conducting video lottery terminals on behalf of the state to withhold and remit tax with respect to amounts other than qualifying wages at the rate of tax of the municipal corporation in which the facility is located ( <i>R.C. 718.03, 5747.063, and 5747.064</i> ).

## Charitable Gaming Law

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
<p><b>Charity card rooms</b></p>	<p>Authorizes the owner of a permitted location to establish a charity card room that offers games of chance conducted by a charitable organization on the premises of the permitted location.</p> <p>Defines "permitted location" as a building leased by a county in Ohio under a lease pursuant to which charitable organizations have operated festivals weekly for the 18 months immediately preceding the bill's effective date, at which games of chance were offered.</p> <p>Requires the owner of a permitted location to provide necessary game tables, chairs, surveillance, and other equipment.</p> <p>Allows a charitable organization to conduct games of chance in a charity card room for up to 128 hours annually, which hours need not be on consecutive days.</p> <p>Permits more than one charitable organization to conduct games of chance in a charity card room simultaneously.</p> <p>Permits charitable organizations to pool revenue and expenses when applicable in a charity card room.</p> <p>Requires the charitable organization to pay rent to the permitted location owner in the amount of</p>	<p>No provisions.</p>

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
	<p>15% of the revenue made from conducting the games of chance in the charity card room.</p> <p>Requires a charitable organization to pay expenses for conducting games of chance in a charity card room, including expenses for dealers, payroll administration, security, accounting, auditing, shuffle machine rental, insurance, marketing, advertising, utilities, cleanup, maintenance, and repair.</p> <p>Allows a charitable organization to pay these expenses from its share of the revenue made from conducting games of chance in the charity card room.</p> <p>Requires that 100% of the net revenue in a charity card room remaining after payment of expenses and rent be paid to each charitable organization on a pro rata basis, based on volunteer hours of each charitable organization.</p> <p>Allows a charitable organization to compensate dealers, dealer supervisors, human resource personnel, and other related personnel for operating games of chance in a charity card room.</p> <p>Permits dealers to accept tips from games of chance players.</p> <p>For purposes of the law authorizing games of chance to be conducted at festivals of a charitable organization for limited days, allows a charitable organization to conduct games of</p>	



Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
	chance at a permitted location, and conducting those games of chance in a charity card room is considered a festival if the charitable organization provides a display booth about the charitable organization in the charity card room at all times when it is conducting games of chance. (R.C. 2915.01 and 2915.18.)	
<b>Bingo location</b>	Adds that the location to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session may be within the municipal corporation in which the principal place of business of the applicant is located if the organization is located in more than one municipal corporation (R.C. 2915.08).	No provision.
<b>Instant bingo – top two tiers</b>	Eliminates a prohibition that prohibits a charitable organization that conducts instant bingo from failing, once it opens a deal of instant bingo tickets or cards (a single game of instant bingo tickets all the same serial number), to continue to sell the tickets or cards in that deal until those with the top two highest tiers of prizes in that deal are sold (R.C. 2915.091).	No provision.
<b>Expenses for conducting instant bingo other than at a bingo session</b>	Requires an owner or lessor of a location that enters into a contract to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session to pay the full gross profit, <i>minus the expenses incurred by the owner or lessor that can be attributed to conducting instant bingo at that location</i> , to the charitable instant bingo organization, in return for the deal of instant bingo tickets.	Requires the charitable instant bingo organization to pay 6% of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses.

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
	<p>Defines "expenses" as reasonable amounts actually expended and accounted for on a monthly basis, in total not to exceed 20% of the full gross profit of the deal, for all of the following: audits and accounting services; safes; cash registers; advertising instant bingo; tables and chairs; wages for employees of the owner or lessor that are attributable to managing or assisting with the conduct of instant bingo; expenses that can be attributed to maintaining the owner or lessor's premises at which instant bingo is conducted, including rent or other costs of facility ownership, property or casualty insurance premiums, and utility costs.</p> <p>Provides that the deduction of expenses does not make the owner or lessor a professional solicitor of contributions for a charitable organization under the Charitable Organization Professional Fund Raisers Law. (R.C. 2915.093(D).)</p>	<p>Defines "expenses" as the following which, in the aggregate must not exceed 6% of the total gross receipts of any deal of instant bingo tickets: audits and accounting services; safes; cash registers; hiring security personnel; advertising instant bingo; payment of real property taxes and assessments that are levied on a premises on which instant bingo is conducted; any other product or service directly related to the conduct of instant bingo that is authorized in rules adopted by the Attorney General; that percentage of the owner's or lessor's rent to the location where instant bingo is conducted.</p> <p>No provision.</p>
<b>Games of chance at festivals</b>	No provision.	Specifies, in the criteria that establishes what must be met for games of chance conducted at festivals to be exempt from the prohibition against gambling, that the number of days are allowed each <i>calendar</i> year, as opposed to each year (R.C. 2915.02(D)(1)(c)).
<b>Electronic fund transfers</b>	No provision.	Permits payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game to be made by electronic fund transfers drawn on the bingo session or game account (R.C. 2915.10).

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
Bingo at senior center		Decreases the age over which an individual may participate in bingo conducted at a multipurpose senior center to 21 years of age or older, from 60 years of age or older ( <i>R.C. 173.121</i> ).

### Miscellaneous

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
Supersedeas bonds	<p>Requires that any appellant who obtains a stay of execution pending the appeal, including an administrative-related appeal, of a final order, adjudication, or decision of any officer, tribunal, authority, board, bureau, commission, department, or other division of any political subdivision of the state, must simultaneously execute a supersedeas bond to the appellee with sufficient sureties and in an amount established by the court.</p> <p>In establishing the amount of the bond, requires that the court give great weight and due consideration to the reasonable value of the matter at issue in the final order, adjudication, or decision, the circumstances giving rise to the appeal, and the economic impact of other consequences of delay to the appellee and to those prevented from taking action that was permitted by the final order, adjudication, or decision.</p>	No provisions.

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
	States that the bond is not required for perfection of an administrative-related appeal of a final order that is not for the payment of money. <i>(R.C. 2505.09, 2505.12, and 2505.122.)</i>	
<b>Sweepstakes establishments</b>	No provisions.	<p>On and after the bill's effective date, and through June 30, 2013, prohibits a person from conducting a sweepstakes through the use of a sweepstakes terminal device that has not conducted such a sweepstakes before that date.</p> <p>Permits all sweepstakes establishments conducting a sweepstakes through the use of a sweepstakes terminal device, whether or not licensed by a local entity, in existence and operating before that date may continue to operate at only their current locations after that date.</p> <p>Upon the expiration of any current occupancy permit, permission to operate, or other permit or license issued by a local entity for a sweepstakes establishment that was in existence before that date, requires the local entity to renew the occupancy permits or licenses or grant permission at those pre-existing locations in accordance with that local entity's current permit or licensing ordinances or procedures.</p> <p>Clarifies that these provisions are not intended to supersede any similar action taken by a county, township, or municipal corporation.</p> <p>Declares that the General Assembly finds the following:</p>

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		<ul style="list-style-type: none"> <li>• The state has experienced a proliferation of retail businesses that utilize a sweepstakes to facilitate sales. These establishments utilize computer terminals or stand alone machines, which currently are not consistently and uniformly regulated statewide and have created a window of opportunity for rogue operators to open in cities across Ohio.</li> <li>• Judges across the state have issued conflicting rulings regarding the legality of these sweepstakes establishments.</li> <li>• The General Assembly has determined that a moratorium on new retail sweepstakes establishments is needed while legislation is being considered.</li> </ul> <p>Within 30 days after the bill's effective date, requires a sweepstakes establishment conducting a sweepstakes through the use of a sweepstakes terminal device in existence and operating before that date to file an affidavit with the Attorney General certifying that the establishment was in existence and operating before that date and indicating the address of the establishment.</p> <p>If a sweepstakes establishment was in existence and operating before that date, but was involuntarily shut down by law enforcement before that date, solely for the purposes of this moratorium, requires those sweepstakes establishments to be considered to be in existence and operating before that date.</p>



Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		<p>If the sweepstakes establishment is permitted to resume operations pursuant to court order, states that the sweepstakes establishment has 30 days from the date of resuming operations to file the required affidavit.</p> <p>On and after the bill's effective date, and through June 30, 2013, permits the Attorney General or the appropriate county prosecuting attorney to bring an action for injunction against a person that conducts a sweepstakes through the use of a sweepstakes terminal device that has not conducted such a sweepstakes before that date.</p> <p>If such a person continues to conduct such a sweepstakes after an injunction is granted, permits a contempt action to be brought by any means necessary. <i>(Section 10.)</i></p>
<b>Data match – child support</b>	No provisions.	<p>Within one year of the bill's effective date, requires the Department of Job and Family Services to negotiate with the casino operators and video lottery sales agents and to issue a report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives and the Permanent Joint Committee on Gaming and Wagering that makes recommendations on the processes and procedures necessary to allow the state to establish a data match and prize and winnings intercept program to identify obligors who are subject to a final and enforceable determination of default for child support.</p>

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
		<p>States that such a program must require casino operators and video lottery sales agents to withhold an amount sufficient to satisfy any past due support owed by an obligor from a lottery prize award or from casino winnings owed to an obligor identified in the data match, up to the amount of the award.</p> <p>Requires the report to include recommendations on taking steps necessary to limit access to an obligor's personal information viewed by employees of the casino operator or video lottery sales agent when determining a data match. (Section 12.)</p>
<b>Ohio Workforce Job Training</b>	Provides that any unexpended and unencumbered portion of the Ohio Workforce Job Training appropriation item remaining at the end of FY 2012 is reappropriated for the same purpose in FY 2013 (Sections 3 and 4).	No provision.
<b>Source of money to reimburse the Problem Casino and Gambling Addictions Fund (Fund 5JL0) for costs of a study of gaming addiction problems in Ohio</b>	No provision (Section 11).	Specifies the General Revenue Fund as the source (Section 9).
<b>Emergency clause</b>	<p>Limits the emergency clause to the provisions that do the following:</p> <ul style="list-style-type: none"> <li>Requires, on or before the 30th day of the month following the end of each calendar quarter, the Tax Commissioner to provide for payment from certain casino-related funds to</li> </ul>	Declares the entire bill to be an emergency measure (Section 15).

Topic	Sub. H.B. 386 (As Passed by the House)	Sub. H.B. 386 (As Passed by the Senate)
	<p>each county, municipal corporation, and school district.</p> <ul style="list-style-type: none"> <li>• Authorizes the Director to license, and to suspend or revoke the license of, video lottery technology providers, independent testing laboratories, and gaming employees, and to promulgate related rules. <i>(Section 14.)</i></li> </ul>	

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