

OHIO CASINO CONTROL COMMISSION

RESOLUTION 2018-39

ADMINISTRATIVE RULES – ADOPTION & FINAL FILE

WHEREAS, Article XV, Section 6(C)(4) of the Ohio Constitution created the Ohio Casino Control Commission (“Commission”) to ensure the integrity of casino gaming by, among other things, regulating all gaming authorized by Article XV, Section 6(C) of the Ohio Constitution;

WHEREAS, R.C. 3772.03(B), (C), and (D) require the Commission to adopt regulations pursuant to R.C. Chapter 119 to complete the functions stated in R.C. 3772.03;

WHEREAS, R.C. 3772.03(D) requires the Commission to adopt regulations that, among other things, concern:

- The prevention of practices detrimental to the public interest;
- The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;
- Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state; and
- Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter;

WHEREAS, on May 16, 2018, the Commission approved the initial filing of proposed amendments to Ohio Adm.Code 3772-9-05, titled “Transportation of electronic gaming machines to and from a casino facility,” and 3772-11-06, titled “Transportation of table game mechanisms and gaming chips to and from a casino facility” (“Administrative Rules”);

WHEREAS, R.C. 121.82 prohibits an agency, as defined by R.C. 107.51, from electronically filing proposed rules that have an adverse impact on business, as defined by R.C. 107.52, with the Secretary of State (“SoS”), the Director of the Legislative Service Commission (“LSC”), and the Joint Committee on Agency Rule Review (“JCARR”) any sooner than the 16th business day after filing the proposed rule and accompanying Business Impact Analysis with the Common Sense Initiative Office (“CSI”);

WHEREAS, after complying with the CSI filing requirement, R.C. 119.03(B) requires that an agency electronically file proposed rules with the SoS and with LSC at least 65 days before the agency may adopt them;

WHEREAS, R.C. 119.03(H) requires that an agency electronically file proposed rules with JCARR at least 65 days before the agency may adopt them;

WHEREAS, if the proposed rules adversely impact business, R.C. 119.03(H) requires the agency to include with its electronic filing the Business Impact Analysis, any recommendations received from CSI, and the agency's Memorandum in Response;

WHEREAS, R.C. 119.03(A) requires that reasonable public notice be given in the Register of Ohio at least 30 days prior to the date set for a public hearing, which must be held no sooner than the 31st nor any later than the 40th day after any proposed rules are filed under R.C. 119.03(B);

WHEREAS, R.C. 119.03(I)(1)(f) requires JCARR to hold a public hearing on any proposed administrative rules no earlier than the 41st day after filing with JCARR;

WHEREAS, on August 21, 2018, Commission staff electronically filed the Administrative Rules and the public hearing notice with the SoS, LSC, and JCARR;

WHEREAS, on September 25, 2018, the Commission held a public hearing on the Administrative Rules;

WHEREAS, on October 15, 2018, JCARR held a public hearing on the Administrative Rules;

WHEREAS, on October 25, 2018, JCARR's jurisdiction over the Administrative Rules ended, providing the Commission with the authority to adopt; and

WHEREAS, the Commission considered the matter at its public meeting on November 14, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Administrative Rules are **ADOPTED**.

BE IT FURTHER RESOLVED that Commission staff is hereby authorized and directed to **FINAL FILE** the Administrative Rules in accordance with R.C. Chapter 119.

Adopted: November 14, 2018