

OHIO CASINO CONTROL COMMISSION
RESOLUTION 2018-02
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, licensing and regulating all gaming authorized by Article XV, Section 6(C) of the Ohio Constitution;

WHEREAS, R.C. 3772.03(K) grants the Commission jurisdiction over all persons conducting or participating in the conduct of skill-based amusement machine operations authorized by R.C. Chapters 3772 and 2915, including the authority to complete the functions of licensing, regulating, investigating, and penalizing those persons in a manner that is consistent with the Commission’s authority with respect to casino gaming;

WHEREAS, R.C. 3772.03(K) authorizes the Commission to adopt rules under R.C. Chapter 119, including rules establishing fees and penalties related to the operation of skill-based amusement machines;

WHEREAS, on April 19, 2017, the Commission approved for original filing the following proposed rules (“Administrative Rules”):

- 3772-50-21 Independent skill-based amusement machine testing laboratory certification.
- 3772-50-22 Conditions of skill-based amusement machine testing laboratory certification.
- 3772-50-23 Duties of certified independent skill-based amusement machine testing laboratories.
- 3772-50-24 Skill-based amusement machine standards.

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 sixteenth 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 the original versions of the proposed rules were filed with JCARR;

WHEREAS, on October 24, 2017, the Commission's staff electronically filed the Administrative Rules and the public hearing notice with the SoS, LSC, and JCARR;

WHEREAS, on November 29, 2017, the Commission held a public hearing on the Administrative Rules;

WHEREAS, on December 11, 2017, JCARR held a public hearing on the Administrative Rules;

WHEREAS, on December 28, 2017, JCARR's jurisdiction over the Administrative Rules ended, providing the Commission with the authority to adopt it;

WHEREAS, the Commission considered the matter at its public meeting on January 17, 2018;

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

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

Adopted: January 17, 2018