

# INITIATIVE PETITION

Number \_\_\_\_\_

County Franklin

Issued to William White  
(Name of solicitor)

Date of Issuance 12-7-07

Amendment to the Constitution proposed by Initiative Petition  
To be submitted directly to the Electors

## AMENDMENT

### TITLE

Authorizing no more than one privately-owned casino to be operated in the State of Ohio with gross casino receipts taxes to be distributed among all 88 county governments in Ohio

### SUMMARY

The Amendment, to be enacted by adding new Section 6a to Article XV of the Ohio Constitution, will:

- Authorize no more than one privately-owned Ohio casino in the State of Ohio to be operated legally at a specified site in the northwest quadrant of the intersection of State Route 73 and Interstate 71 in Chester Township, Clinton County.
- Require the casino operator to pay a gross casino receipts tax of up to thirty percent (30%) which is to be distributed as follows: (i) up to one percent (1%) of the gross casino receipts tax collected may be used to fund problem gaming prevention and treatment programs; (ii) a reasonable amount as determined by the General Assembly shall be used to defray the reasonable administrative expenses of operating the Gaming Regulatory Commission; (iii) an amount sufficient to defray the expense of collecting and distributing the gross casino receipts tax shall be distributed to the fund or funds from which such expenses are paid; and (iv) the remaining gross casino receipts taxes collected to be distributed as follows: ten percent (10%) to the county in which the casino is located and ninety (90%) to be distributed on a per capita basis among all 88 counties in Ohio.

- Require the casino operator to make a minimum initial investment of \$600 million for the development of a casino destination resort to include the casino, a hotel and other resort related amenities, and permit the state to establish a fee, not to exceed fifteen million dollars (\$15 million), for the initial casino license.
- Provide that the initial casino license fee shall be treated as an interest-free advance on, and shall be credited against, the gross casino receipts taxes due from the licensee; and that no fee shall be charged for applying for a casino license or for renewing a casino license.
- Establish a Gaming Regulatory Commission, with members appointed by the Governor with advice and counsel of the Senate, to act as the State regulatory and licensing agency for ensuring the fairness and integrity of gaming activities conducted at the casino.
- Permit the casino to conduct certain gaming activities, including any type of card or table games, slot machines or electronic gaming devices permitted by the State of Nevada or any State adjacent to Ohio, except bets on races or sporting events.
- Provide a minimum age of twenty-one (21) for those placing wagers at the casino.
- Provide that, if other casino operations are ever subsequently permitted at any additional sites in the State of Ohio, the tax on Gross Casino Receipts at the casino authorized by this section shall not exceed the lesser of twenty-five percent or the percentage payable by any other casino operations subsequently authorized.

### **CERTIFICATION OF ATTORNEY GENERAL**

The certification of the Attorney General, pursuant to Ohio Revised Code Section 3519.01(A), will be inserted when it is provided. This initial petition must be submitted with at least one thousand (1,000) valid signatures of Ohio electors before the Attorney General will issue that certification.

### **COMMITTEE TO REPRESENT PETITIONERS**

The following people are designated as a committee to represent the petitioners in all matters relating to its circulation:

Ricky A. Lertzman	31980 Jackson Rd.	Moreland Hills, Ohio 44022
Dr. Bradford A. Pressman	9776 Riverwood Lane	Chagrin Falls, Ohio 44023
Matthew D. Lertzman	31980 Jackson Rd.	Moreland Hills, Ohio 44022

## FULL TEXT OF PROPOSED AMENDMENT

Be it resolved by the People of the State of Ohio that Article XV of the Ohio Constitution is amended by adopting a new Section 6a and adding a Schedule to Section 6a as follows:

### Section 6a

- (A) Notwithstanding any other provision in this Constitution, or any statute, ordinance, resolution, regulation, or order enacted by, or under the authority of, the State of Ohio or any agency, officer, authority, or subdivision thereof, one privately-owned casino may legally operate subject to regulatory oversight described in this section on all or any part of an approximately 94 acre site near the northwest corner of the intersection of State Route 73 and Interstate 71 in Chester Township, Clinton County, as more particularly described in the Schedule to this section.
- (B) The General Assembly shall authorize a tax of up to thirty percent (30%) of the gross casino receipts of the casino. In the event that another casino is permitted in Ohio by state or federal law to conduct gaming activities similar to that conducted by the casino authorized under division (A) of this section, the tax rate on gross casino receipts authorized by this subsection shall not exceed the lesser of twenty-five percent (25%) or the lowest percentage rate payable by any other casino subsequently authorized. The casino authorized under division (A) above shall be subject to all other state and local taxes that apply to businesses generally and that do not tax casinos or their gaming activities differently than other businesses. For purposes of the Commercial Activity Tax, or of any other tax measured or calculated on the basis of gross receipts, the casino's gross receipts shall not exceed Gross Casino Receipts as defined in this division. Except as provided in this division (B), there shall be no other tax on the casino, its gaming activities, its owners, or its patrons that does not apply similarly to other types of businesses.
  - (1) The proceeds of the tax on gross casino receipts shall be collected by the State and distributed as follows:
    - (a) One percent (1%) of the gross casino receipts tax collected shall be used to fund problem gaming prevention and treatment programs in the State;
    - (b) An amount reasonably determined by the General Assembly shall be used to pay for the reasonable administrative expenses of operating the Gaming Regulatory Commission;
    - (c) An amount sufficient to defray the expense of collecting and distributing the gross casino receipts tax shall be distributed to the fund or funds from which such expenses are paid; and

(d) The remaining gross casino receipts taxes collected shall be distributed as follows: ten percent (10%) to the county in which the casino is located and ninety (90%) to be distributed on a per capita basis among all 88 counties in Ohio, such funds to be deposited into the general fund of each county and spent at each county's discretion. Unless otherwise provided by law, the population of each county as reflected in the most recent decennial federal census shall be the basis for the per capita allocation.

- (2) "Gross Casino Receipts," as used in this division, means the total of all sums received by the casino in conducting gaming activities permitted by this Section, including payments for amounts collected from patrons to whom the casino has extended credit for gaming purposes and any compensation received by the casino for conducting a game in which the casino is not a party to the wager, less all cash or the value in money of all property paid or transferred to patrons by the casino in conducting such gaming activities, and less the amounts paid to fund periodic payments won by patrons.
- (C) The casino operator shall be required to:
- (1) make a minimum initial investment of \$600 million for the development of a casino destination resort to include the casino, a hotel and other resort-related amenities; and
  - (2) pay an initial license fee, upon approval of the initial casino license. The General Assembly or the Gaming Regulatory Commission shall establish the initial casino license fee based upon the estimated cost to the State of establishing the Gaming Regulatory Commission and for operating it until the State begins to collect the casino gross receipts tax, but in no event shall the initial casino license fee exceed fifteen million dollars (\$15,000,000). The initial casino license fee paid by the casino operator shall be treated as an interest-free advance payment on and shall be credited against the tax on Gross Casino Receipts described in division (B) of this section, to be applied against the first payment of such tax and, if the credit exceeds the first payment of such tax, against subsequent payments until the credit is exhausted. No fee shall be charged for applying for or for renewing a casino license.
- (D) The General Assembly shall provide by law for the establishment of a Gaming Regulatory Commission, whose members shall be appointed by the Governor with the advice and consent of the Senate. The Gaming Regulatory Commission, by rules adopted pursuant to law, shall establish procedures for granting, renewing, suspending, and revoking a license to operate the casino authorized under this section, and may adopt rules to insure the fairness and integrity of the gaming activities conducted at the casino.

- (E) The casino authorized to operate legally under this section may conduct those gaming activities, including any type of card or table games, slot machines or electronic gaming devices, currently or hereafter permitted at a gaming establishment operating under the laws of Nevada or of any state adjacent to Ohio, except that wagers on races or other sporting events shall not be permitted. No person shall be permitted to place a wager at the casino who has not attained the age of twenty-one years. No statute or regulation of the State or any agency or subdivision thereof, including any restriction on or condition for the granting of any license under this section, shall limit the amount that may be wagered on gaming activities permitted under this section or the days or hours of operation of the casino.
- (F) A license to conduct gaming activities at the casino authorized under this section shall pre-empt any local zoning resolution, code, or ordinance that would otherwise preclude a casino from operating on the property described in the Schedule to this section or that would require any local hearing, vote, variance, license, or conditional use approval for the establishment of a casino on that site.
- (G) If the Gaming Regulatory Commission to be established under division (D) is not operational and functioning within six months of the effective date of this section, its regulatory and licensing duties shall be performed by the Ohio Lottery Commission until such time as the Gaming Regulatory Commission is established and able to perform its duties. Once the Gaming Regulatory Commission is established and able to perform its duties, or in the alternative once the Ohio Lottery Commission has assumed the duties of the Gaming Regulatory Commission as provided hereinabove, the owner or lessee of the real property described in the Schedule to this section may apply to the Gaming Regulatory Commission or Ohio Lottery Commission as applicable, for a license to conduct gaming activities at the casino authorized under this section. A license to conduct gaming activities at the casino authorized under this section shall be granted and renewed so long as the licensee complies with reasonable laws and regulations designed to ensure that such gaming activities are conducted fairly and honestly and comply with all tax and other regulations generally applicable to restaurants, hotels, and other similar business establishments within the State. The Gaming Regulatory Commission or Ohio Lottery Commission, as applicable, shall either grant, deny or renew the license within ninety (90) days after the application is received by the applicable Commission. If the applicable Commission does not either approve, deny or renew the license within this period, a temporary license shall be granted until such time as the Gaming Regulatory Commission either approves, renews or denies the application for the initial license or its renewal. A denial or revocation of a license may be appealed to district court in the same manner as provided by law in the case of an appeal from an order of the Liquor Control Commission. If the Gaming Regulatory Commission denies a license renewal, or revokes an existing license, the license shall remain in effect until the licensee surrenders the license pursuant to the denial or revocation, or until all rights of appeal have been exhausted unless a court with jurisdiction over the appeal determines that there is a compelling public reason for the license not to remain in effect during the time of the appeal.

## SCHEDULE TO SECTION 6a

The one privately-owned casino authorized by Section 6a of Article XV may be located on all or any part of the two tracts of real property more particularly described as follows:

### TRACT 1

Situated in Chester Township, Clinton County, Ohio, Virginia Military Survey Number 1994, and being all of the remaining parts of two 50.00 acre tracts (Official Record 46, Page 791), all of the remaining part of a 30.00 acre tract (Official Record 167, Page 699), and all of a 5.002 acre tract as conveyed by deed to Roger L. Plummer and Alma J. Plummer as recorded in Volume 139, Page 490 of the Clinton County Official Records and being more particularly described as follows:

Commencing for reference at a railroad spike found at the intersection of Old Denny Road and State Route 73;

thence with the centerline of State Route 73 S 76°45'17" E 250.00' to the southeasterly corner of Midwest Land Supply, Inc.'s 4.464 acre tract (Official Record 70, Page 27), and also being the True Point of Beginning for this tract herein described;

thence with the easterly line of said 4.464 acre tract N 0°15'34" W (passing a ½" iron pin found at 39.80') 800.00' to a ⅝" iron pin found;

thence continuing with the northerly line of said 4.464 acre tract N 76°44'17" W 250.00' to a ⅝" iron pin found in the line of Rachel L. Pidgeon's 102.933 acre tract (Official Record 610, Page 592);

thence with the line of said Pidgeon N 0°15'31" W 441.64' to a ⅝" iron pin found in the line of VMS No. 1994 & 4297;

thence continuing with the line of said Pidgeon and the military survey line N 75°33'29" E 1441.82' to a ⅝" iron pin found at the corner of Barbara A. Bay et al Trust's 179.21 acre tract (Official Record 2, Page 482);

thence continuing with the military survey line and southerly line of said 179.21 acre tract N 78°25'44" E 999.29' to a 10" wood post found at the corner of William P. Thompson's 50 acre tract (Deed Book 276, Page 322);

thence with the line of said Thompson's 50 acre tract and becoming the line of Thomas A. Collett, Trustee's remaining part of an original 82.85 acre tract (Official Record 292, Page 127) S 36°46'58" E 306.85' to an iron pin set;

thence continuing with the westerly line of said Collett S 6°11'37" W 1395.99' to a ⅝" iron pin found at the northeasterly corner of Aarman LLC's 5.923 acre tract (Official Record 330, Page 328);

thence with the northerly line of said 5.923 acre tract N 76°45'59" W 500.34' to a 5/8" iron pin found;

thence continuing with the westerly line of said 5.923 acre tract S 6°09'57" W (passing a 1/2" iron pin found at 689.81') 719.57' to a mag nail set in the centerline of State Route 73;

thence with the centerline of said road N 76°45'17" W 701.23' to the southeasterly corner of Robert L. & Ceyrrae F. Bailey's 1.588 acre tract (Official Record 701, Page 703-706);

thence with the lines of said Bailey's 1.588 acre tract along the following courses:

N 13°14'25" E (passing a 5/8" iron pin found at 29.55') 461.27' to a 5/8" iron pin found; thence

N 76°45'17" W 150.00' to a 5/8" iron pin found; thence

S 13°14'25" W (passing a 5/8" iron pin found at 430.27' to the centerline of State Route 73;

thence with the centerline of said road N 76°45'17" W 787.44' to the True Point of Beginning containing 88.517 acres of land, more or less, subject to all legal highways, easements, conditions and restrictions of record.

This description is based upon a field survey conducted under the direction of R. Douglas Sutton, Ohio Professional Surveyor No. 7124 by CLINCO & SUTTON SURVEYORS in July 2007.

Iron pins referred to as set are 5/8" diameter steel and 30" in length with a yellow cap stamped "CLINCO & SUTTON."

Bearing are based upon NAD 83 (1995) Ohio State Plane Coordinates (South Zone) as derived from GPS Observations. Distances used are based upon Ground Distances.

## TRACT II

Situate in the County of Clinton, State of Ohio, Township of Chester, in Military Survey No. 1994, being a part of Lot No. 3, as designated on Plat Record Book No. 7, Pages 385-386, Surveyors Records of Clinton County, Ohio, bounded and described as follows:

Beginning at an iron spike in the center of State Route 73 (Harveysburg and Wilmington Pike), marking the southeast corner of lands of subject owner, common to lands of Matthias Toebben & Laverne Toebben (Vol. 192, Page 66), being in the south line of aforesaid Lot No. 3, bearing North 76° 56' 06" West, 200.00 feet, from the southeast corner of said Lot No. 3; thence, from said point of beginning, leaving the south line of said Lot No. 3, leaving said State Route 73, and running within said Lot No. 3, with lands of said Toebben North 05° 58' 34" East, 500.00 feet, to an iron pin; thence, South 76° 56' 06" East, 200.00 feet, to an iron pin in the east line of said Lot No. 3; thence, leaving the lands of said Toebben and running with the east line of said Lot No. 3 and the east line of lands

of subject owner, North 05° 58' 34" East, 220.00 feet to an iron pin in the west line of lands of Laura A. Collett; thence, leaving the east line of said Lot No. 3 and the lands of said Collett, and running entirely within said Lot No. 3, and entirely within lands of subject owner, North 76° 56' 06" West, 500.00 feet, to an iron pin; thence, South 5° 58' 34" West, 720.00 feet, to an iron spike in the center of said State Route 73, in the south line of said Lot No. 3, and in the south line of lands of subject owner, thence, with the south line of said Lot No. 3, and the south line of lands of subject owner, along the center of said State Route 73, South 76° 56' 06" East, 300.00 feet, to the place of beginning.

Containing 5.9232 acres, more or less.

Parcel Number: 030-001979-1



## STATEMENT OF SOLICITOR

I, William White, declare under penalty of election falsification that I am the solicitor of the foregoing petition paper containing the signatures of 30 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of the same, that I witnessed the affixing of every signature, and that all signers were to the best of my knowledge and belief qualified to sign. I am employed to circulate this petition by MyOhioNow.Com, LLC, 2000 Auburn Drive, One Chagrin Highlands, Suite 200, Beachwood, Ohio 44122, through its contractor, National Petition Management, 5281 River Ridge Drive, Brighton, MI 48116.

William White

Signature of Solicitor

599 E 8th

Number and Street (Solicitor's permanent residence in Ohio)

Columbus

City/Village

oh

State

43201

Zip code

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A  
FELONY OF THE FIFTH DEGREE**