



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2011-23K

The Emergency Adoption of Rules 3769-20-01, 3769-20-02, 3769-20-03 and 3769-20-04 of the Ohio Administrative Code by the Ohio State Racing Commission

WHEREAS, the horse racing industry in Ohio generates approximately \$730 million annually in economic benefits to the State, including job creation, contributions to the PASSPORT program created under Section 173.40 of the Ohio Revised Code, and support of programs and activities that advance sustainable agriculture.

WHEREAS, the implementation of video lottery terminals at commercial race tracks, where live horse racing and simulcasting are conducted in accordance with Chapter 3769 of the Ohio Revised Code, at the earliest opportunity will (1) increase revenue to the equine industry within Ohio and to the lottery education fund, (2) spur economic development, and (3) generate employment and resultant revenue to state and local governments.

WHEREAS, the Ohio State Racing Commission wishes to immediately adopt rules that authorize permit holders who operate a commercial race track where live horse racing and simulcasting are conducted in accordance with Chapter 3769 of the Ohio Revised Code (“Permit Holders”) (1) to be eligible to become a video lottery sales agent, and/or (2) the ability to relocate tracks, in order to: (i) capture revenue for the State; (ii) advance economic development in the State; and (iii) generate employment opportunities for the welfare of the citizens of the State which would otherwise be foregone.

WHEREAS, Section 3 of Substitute House Bill Number 277 of the 129th General Assembly (H.B. 277) authorizes the Ohio State Racing Commission to promulgate rules in accordance with Chapter 119 of the Ohio Revised Code that govern the ability of Permit Holders to be eligible to become a video lottery sales agent and/or relocate racetracks.

WHEREAS, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on the request of a state agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for ninety (90) days.

WHEREAS, the Ohio State Racing Commission has requested a determination whether an emergency exists that requires the immediate adoption of Rules 3769-20-01, 3769-20-02, 3769-20-03 and 3769-20-04 of the Ohio Administrative Code in order for the Ohio State Racing Commission, pursuant to Section 3 of H.B. 277, to immediately adopt rules necessary to govern

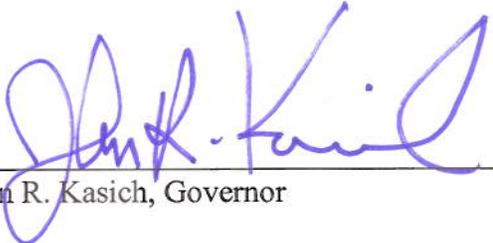
the ability of Permit Holders to be eligible to become a video lottery sales agent and/or relocate racetracks.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Ohio State Racing Commission, that an emergency exists requiring the immediate adoption of Rules 3769-20-01, 3769-20-02, 3769-20-03 and 3769-20-04 of the Ohio Administrative Code by the Ohio State Racing Commission. Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption of such specified rules be suspended and the Ohio State Racing Commission be permitted to immediately adopt these rules by electronically filing them with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with the Ohio State Racing Commission, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on October 20, 2011 in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State