

Comprehensive Case Management and Employment Program across all counties. The Department of Job and Family Services has the necessary expertise and will develop an evaluation system through the public rule-making process and will work with stakeholders to ensure that the evaluation system best meets the needs of the people of the state. Therefore, this veto is in the public interest.

### **ITEM NUMBER 20**

- On page 7, delete the following boxed text "2323.44".
- On page 15, delete the following boxed text "2323.44".
- On page 806, delete the boxed text.
- On page 807, delete the boxed text.

#### **Distribution of Recoveries in Tort Actions**

This item contains significant changes to long-established procedures for distributing recoveries in tort actions involving subrogation. Subrogation is a complex issue that affects multiple stakeholders in numerous ways. These changes could very well be merited and that can be best determined after a thorough public debate. While respecting the intent of the General Assembly, the impact of this item should be minimized until that public debate can occur. Therefore, this veto is in the public interest.

### **ITEM NUMBER 21**

- On page 4, delete the following boxed text "3770.03".
- On page 13, delete the following boxed text "3770.03".
- On page 1474, delete the boxed text.
- On page 1475, delete the boxed text.
- On page 1476, delete the boxed text.
- On page 1477, delete the boxed text.
- On page 2431, delete the following boxed text "3770.03".

#### **Creation of New Lottery Games**

This item mandates that the State Lottery Commission offer EZPlay® Keno and EZPlay® Bingo games at self-service terminals in bars and restaurants having certain liquor permits. Adding terminal-generated instant lottery games in the legislative process erodes the executive authority of the State Lottery Commission and unnecessarily restricts its ability to determine the best deployment of resources to maximize net proceeds to the Lottery Profits Education Fund. In addition, given the unplanned costs, uncertain market demand, and short time frame to introduce these new games, it is improbable that sales performance would yield the anticipated revenue projections – putting structural pressure on the state budget. Therefore, this veto is in the public interest.

Sec. 2323.44. (A) As used in this section:

(1) "Health care provider-sponsored organization" means an entity that is sponsored by hospitals, physician groups, other licensed health care providers, or any combination of hospitals, physician groups, or other licensed health care providers that are affiliated through common ownership or control and share financial risk for the purpose of delivering health care services.

(2) "Injured party" means any person who claims any injury, death, or loss to person in a tort action or an estate that makes a survivorship claim due to injury, death, or loss to person, but not including a derivative claim, a claim made by a beneficiary in a wrongful death action pursuant to section 2125.02 of the Revised Code, or a claim for punitive damages arising from a person's claim of injury, death, or loss to person.

(3) "Injured party's interest" means the injured party's past and future income loss, past and future medical expense, past and future life care expense, and past and future noneconomic damages.

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(4) "Recovery" means the amount obtained from a third party in a tort action or the amount obtained for a claim in connection with uninsured or underinsured motorist coverage.

(5) "Third party" means any individual, automobile insurance company, or public or private entity against which a person or estate has a tort action.

(6) "Subrogee" means any of the following:

(a) An insurance company doing business in this state;

(b) A self-funded plan providing health, sickness, or disability benefits;

(c) A health care provider-sponsored organization;

(d) Any person or entity that claims a right of subrogation by contract or common law.

(7) "Subrogee's interest" means medical expenses paid by a subrogee on behalf of an injured party that are directly and proximately related to the injury, death, or loss to person that is the basis of the tort action.

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(8) "Tort action" means a civil action for injury, death, or loss to person. "Tort action" includes any claim for damages for injury, death, or loss to person, whether or not a lawsuit is pending, or a claim in connection with uninsured or underinsured motorist coverage, but does not include a civil action for breach of contract or another agreement between persons.

(B) Notwithstanding any contract or statutory provision to the contrary, the rights of a subrogee or any other person or entity that asserts a contractual, statutory, or common law subrogation claim against a third party or an injured party in a tort action shall be subject to all of the following:

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Date: 6-30-15  
John R. Kasich, Governor

(1) If less than the full value of the tort action is recovered for any reason, including, but not limited to, comparative negligence, diminishment due to a party's liability under sections 2307.22 to 2307.28 of the Revised Code, or by reason of the collectability of the full value of the claim for injury, death, or loss to person resulting from limited liability insurance or any other cause, the subrogee's or other person's or entity's claim shall be diminished in the same proportion as the injured party's interest is diminished.

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(2) Regardless of the recovery in the tort action, any reasonable attorney's fees contracted by the injured party and the expenses of procuring a recovery in the tort action, including, but not limited to, deposition costs, court costs, expert and other witness fees, and costs for trial preparation and presentation, shall be shared by the injured party and the subrogee or other person or entity on a pro rata basis.

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(3) A tort action and any settlement of a tort action shall be controlled solely by the injured party. If a dispute regarding the distribution of the recovery in the tort action arises, either party may file an action under Chapter 2721. of the Revised Code to resolve the issue of the distribution of the recovery.

Sec. 2919.21. (A) No person shall abandon, or fail to provide adequate support to:

- (1) The person's spouse, as required by law;
- (2) The person's child who is under age eighteen, or mentally or physically handicapped child who is under age twenty-one;
- (3) The person's aged or infirm parent or adoptive parent, who from lack of ability and means is unable to provide adequately for the parent's own support.

(B) No person shall abandon, or fail to provide support as established by a court order to, another person whom, by court order or decree, the person is legally obligated to support.

(C) No person shall aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in section 2151.04 of the Revised Code, or a neglected child, as defined in section 2151.03 of the Revised Code.

(D) It is an affirmative defense to a charge of failure to provide adequate support under division (A) of this section or a charge of failure to provide support established by a court order under division (B) of this section that the accused was unable to provide adequate support or the established support but did provide the support that was within the accused's ability and means.

The above boxed and initialed text was disapproved.  
 Date: 6-30-15  
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 John R. Kasich, Governor