SC5585

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

1 Engross the bill as directed by the commands in the
2 amendments attached hereto, ignoring matter extraneous to those
3 commands

4 INDEX

5 The following amendments are attached hereto:

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SC-4696-1	Attorney General — Capital case costs
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SC-5075	LGF direct distributions to municipalities
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SC-5108-1	Statewide watershed management; Regional water and sewer districts

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Amendment No.	Subject
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SC-5589	Disposition of surplus revenue
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SC-5599	Use of settlement funds from opioid-related legal proceedings

6 The motion was _____ agreed to.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 28 of the title, after "3301.0711," insert "3301.0712,"

In line 34 of the title, after "3313.618," insert "3313.6110,"

In line 142 of the title, after "3313.6024," insert "3313.617, 3313.6114,"

In line 143 of the title, delete "3313.912,"

In line 220, after "3301.0711," insert "3301.0712,"

In line 225, after "3313.618," insert "3313.6110,"

In line 304, after "3313.6024," insert "3313.617, 3313.6114,"

In line 305, delete "3313.912,"

In line 20776, strike through "division" and insert "divisions" after "(b)" insert "and (c)"

After line 20789, insert:

"(c) A student shall not be required to retake the Algebra I end-of-course examination or the English language arts II end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code in grades nine through twelve if the student demonstrates at least a proficient level of

skill, as prescribed under division (B)(5)(a) of that section, or achieves a competency score, as prescribed under division (B)(10) of that section, in an administration of the examination prior to grade nine."

After line 21348, insert:

"**Sec. 3301.0712.** (A) The state board of education, the superintendent of public instruction, and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1) Nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the state superintendent and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(2) ~~Seven~~ (a) Except as provided in division (B)(2)(b) of

this section, seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in accordance with division (B)(4)(a)(i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B)(4)(a)(ii) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2019, five end-of-course examinations, one in each areas of English language arts II, science, Algebra I, American history, and American government. However, only the end-of-course examinations in English language arts II and Algebra I shall be required for graduation.

The department of education shall, as necessary to implement division (B)(2)(b) of this section, seek a waiver from any geometry assessment requirement prescribed under federal law. If the department does not receive a waiver under this division, the end-of-course examinations for students described in division (B)(2)(b) of this section also shall include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination shall not be required for graduation.

(3)(a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B)(3)(b)(i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B)(2) of this section.

(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate

examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcripted credit, as defined in section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as

substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The state board shall do all of the following:

(a) ~~Determine~~ In consultation with the respective standing committees of the house of representatives and senate that consider primary and secondary education legislation, determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(i) An advanced level of skill;

(ii) An accelerated level of skill;

(iii) A proficient level of skill;

(iv) A basic level of skill;

(v) A limited level of skill.

(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;

(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma~~;~~ under division (A)(2) of section 3313.618 of the Revised Code. However, the state board shall not determine a new minimum cumulative performance score after the effective date of this amendment.

(d) Develop a table of corresponding score equivalents for

the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.

(ii) The examination was not available for administration prior to July 1, 2015.

Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:

(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;

(ii) The student's final course grade shall be used in lieu

of a score on the end-of-course examination from which the student is exempt.

The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(7)(a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course examination prescribed under division (B)(2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.

(b) If the state board replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B)(7)(a) of this section, both of the following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department ~~of education~~ shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code.

(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.

<u>(10) Not later than March 1, 2020, the governor's executive</u>

workforce board established under section 6301.04 of the Revised Code, in consultation with the chancellor and the state superintendent, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility.

(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;

(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school

diploma under division (B) of section 3313.614 of the Revised Code;

(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code.

(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation.

(F)(1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments.

(2) The department shall adopt rules for the administration and scoring of any assessments under division (F)(1) of this section.

(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's

workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student."

After line 21447, insert:

"(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (c) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code."

After line 25485, insert:

"**Sec. 3313.617.** Not later than June 30, 2020, each board of education of a school district and governing authority of a chartered nonpublic school shall adopt a policy regarding students who are at risk of not qualifying for a high school diploma. The policy shall require the district or school to do all of the following:

(A) Develop criteria for identifying at-risk students, which shall include a student's lack of adequate progress in meeting the terms of a graduation plan developed or updated under division (E) of this section. The criteria also may include other factors, such as if a student has issues regarding excessive absences or misconduct.

(B) Develop procedures for identifying at-risk students. The procedures shall include a method for determining if a student is not making adequate progress in meeting the terms of a graduation plan developed or updated under division (E) of this section. The procedures shall allow for a student to be identified as at risk in each of grades nine through twelve. The procedures also may include the identification of students in other grades.

(C) Develop a notification process in which the district or school shall notify an at-risk student's parent, guardian, or custodian in each year in which the student has been identified as at risk. The notification process shall at least include providing a written notification to the at-risk student's parent, guardian, or custodian, which shall include all of the following:

(1) A statement that the student is at risk of not qualifying for a high school diploma;

(2) A description of the district's or school's curriculum requirements, or the student's individualized education program, and, as appropriate, the graduation conditions prescribed under section 3313.618 or 3313.619 of the Revised Code;

(3) A description of any additional instructional or support services available to the at-risk student through the district or school.

(D) Assist at-risk students with additional instructional or support services to help the students qualify for a high school diploma. The instructional and support services may include any of the following:

(1) Mentoring programs;

(2) Tutoring programs;

(3) High school credit through demonstrations of subject area

competency under division (J) of section 3313.603 of the Revised Code;

(4) Adjusted curriculum options;

(5) Career-technical programs;

(6) Mental health services;

(7) Physical health care services;

(8) Family engagement and support services.

(E)(1) Develop a graduation plan for each student enrolled in grades nine through twelve in the district or school. The graduation plan shall address the student's academic pathway to meet the curriculum requirements specified by the district or school and satisfy the graduation conditions, as appropriate, under section 3313.618 or 3313.619 of the Revised Code.

(2) The graduation plan shall be developed jointly by the student and a representative of the district or school and updated each school year in which the student is enrolled in the district or school, until the student qualifies for a high school diploma. The district or school shall invite a student's parent, guardian, or custodian to assist in developing and updating the graduation plan.

(3) A district or school shall include a student's lack of progress in meeting the terms of a graduation plan developed or updated under this division as both a criterion for identifying at-risk students under division (A) of this section and a procedure for identifying at-risk students under division (B) of this section.

(4) A graduation plan developed under this section shall supplement a school district's policy on career advising adopted

under section 3313.6020 of the Revised Code.

(5) A school district may use the individualized education program developed for a student pursuant to section 3323.08 of the Revised Code in lieu of developing a graduation plan under this division, if the individualized education program contains academic goals substantively similar to a graduation plan."

In line 25486, strike through "applicable"

In line 25487, after "requirements" insert "specified by the board of education of a school district or governing authority of a chartered nonpublic school"

In line 25488, after "2014," insert "but prior to July 1, 2019,"

In line 25489, after "conditions" insert "or the conditions prescribed under division (B) of this section"

In line 25507, delete "Subject to section 3313.912 of the Revised Code" and insert "For the purposes of this division"

In line 25519, after "(B)" insert "In addition to the curriculum requirements specified by the district board or school governing authority, each student entering ninth grade for the first time on or after July 1, 2019, shall satisfy the following conditions in order to qualify for a high school diploma:

(1) Attain a competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on each of the Algebra I and English language arts II end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code.

School districts shall offer remedial support to any student who fails to attain a competency score on one or both of the

Algebra I and English language arts II end-of-course examinations.

Following the first administration of the exam, if a student fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations that student must retake the respective examination at least once.

If a student fails to attain a competency score on a retake examination, the student may demonstrate competency in the failed subject area through one of the following options:

(a) Earn course credit taken through the college credit plus program established under Chapter 3365. of the Revised Code in the failed subject area;

(b) Complete two of the following options, one of which must be foundational:

(i) Foundational options to demonstrate competency, which include earning a score of proficient or higher on four state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway, obtaining an industry-recognized credential approved under section 3313.6113 of the Revised Code, completing a pre-apprenticeship or apprenticeship in the student's chosen career field, or providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older;

(ii) Supporting options to demonstrate competency, which include completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations, obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code, or attaining a workforce readiness score, as determined by the department of education, on the nationally recognized job skills assessment selected by the state board under

division (G) of section 3301.0712 of the Revised Code.

(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

For any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division.

(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following:

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.

(C)"

In line 25522, strike through "and" and insert an underlined comma; after "3313.6112" insert ", and 3313.6114"

After line 25525, insert:

"**Sec. 3313.6110.** (A) A person who has completed the final year of instruction at home, as authorized under section 3321.04 of the Revised Code, and has successfully fulfilled the high school curriculum applicable to that person may be granted a high school diploma by the person's parent, guardian, or other person

having charge or care of a child, as defined in division (A)(1) of section 3321.01 of the Revised Code.

(B) Beginning with diplomas issued on or after July 1, 2015, each diploma granted under division (A) of this section shall be accompanied by the official letter of excuse issued by the district superintendent for the student's final year of home education.

(C) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

(D) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

(F) A diploma granted under division (A) of this section may include a state seal of biliteracy ~~or~~, an OhioMeansJobs-readiness seal, or a state diploma seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for diplomas and transcripts issued by school districts and chartered nonpublic schools under sections 3313.6111 ~~and~~,

3113.6112, and 3313.6114 of the Revised Code.

Sec. 3313.6114. (A) The state board of education shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following:

(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(3) The state diploma seals prescribed under division (C) of this section.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division.

(C) The state board shall establish all of the following state diploma seals:

(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by earning an industry-recognized credential approved under section 3313.6113 of the Revised Code that is aligned to a job that is determined to be in demand in this state and its regions under section 6301.11 of

the Revised Code.

(2) A college-ready seal. A student shall meet the requirement for this seal by attaining a score that is remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(3) A military enlistment seal. A student shall meet the requirement for this seal by doing either of the following:

(a) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code;

(b) Participating in a junior reserve officer training program approved by the congress of the United States under title 10 of the United States Code.

(4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations in lieu of the American history and American government end-of-course examinations;

(c) Attaining a final course grade that is the equivalent of

a "B" or higher in appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the American history and American government end-of-course examinations.

(5) A science seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on the science end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination in lieu of the science end-of-course examination;

(c) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the science end-of-course examination.

(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code.

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination;

(b) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code;

(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by the department.

(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority.

(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority.

(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a meaningful extent, as determined by guidelines adopted by the student's district board or school governing authority.

(D) Each district or school shall develop guidelines for at least one of the state seals prescribed under divisions (C)(8) to (10) of this section.

(E) Each district or school shall maintain appropriate records to identify students who have met the requirements prescribed under division (C) of this section for earning the

state seals established under that division.

(F) The department shall prepare and deliver to each district or school an appropriate mechanism for assigning a state diploma seal established under division (C) of this section.

(G) A student shall not be charged a fee to be assigned a state seal prescribed under division (C) of this section on the student's diploma and transcript."

Delete lines 25878 through 25925

In line 27052, strike through "and"; after "3313.614" insert ", 3313.617, 3313.618, and 3313.6114"

In line 31477, after "3313.615," insert "3313.617, 3313.618, 3313.6114,"

In line 32005, after "3313.6024," insert "3313.617, 3313.618, 3313.6114,"

In line 74444, after "3301.0711," insert "3301.0712,"

In line 74449, after "3313.618," insert "3313.6110,"

After line 87574, insert:

"**Section 733.___.** (A) The Superintendent of Public Instruction, in collaboration with the Chancellor of Higher Education and the Governor's Office of Workforce Transformation, shall establish a committee to develop policy recommendations regarding methods to assist high school students who completed the twelfth grade, but did not meet the graduation requirements to achieve a high school diploma.

(B) The recommendations developed by the committee shall include identifying additional assistance and supports to aid students who completed the twelfth grade, but did not meet the graduation requirements to achieve a high school diploma, as well

as the amount of state funding necessary to ensure the adequate operation of the identified assistance and supports. The recommendations also shall address methods to minimize the social stigma associated with not graduating on time. Additionally, the recommendations may include any changes to the Revised Code or the Administrative Code necessary to implement the identified assistance and supports.

(C) The committee shall consist of a representative of each of the following:

(1) Career-technical educators;

(2) Community colleges;

(3) Guidance counselors;

(4) Ohio technical centers;

(5) Principals;

(6) Superintendents;

(7) Teachers.

(D) Not later than October 1, 2020, the committee shall issue a report to the State Board of Education and, in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall include the policy recommendations developed by the committee."

The motion was _____ agreed to.

SYNOPSIS

High school graduation requirements

New graduation requirements

R.C. 3313.618; conforming changes in R.C. 3314.03, 3326.11, and 3328.24

Establishes new high school graduation requirements for students attending public and chartered nonpublic schools, beginning with the Class of 2023 (that is, students entering 9th grade after July 1, 2019). The new requirements are optional for students in the Classes of 2018, 2019, 2020, 2021, and 2022.

Stipulates that, in order to qualify for a high school diploma, a student must do both of the following: (1) attain a "competency score" on both the Algebra I and English language arts II end-of-course exams (or use an alternative demonstration of competency) and (2) attain two state diploma seals.

"Competency score" and alternative demonstrations of competency

R.C. 3313.618; conforming changes in R.C. 3301.0712 and 3301.0714

Requires the Governor's Executive Workforce Board, in consultation with the Superintendent of Public Instruction and the Chancellor of Higher Education, to determine a "competency score" for the Algebra I and English language arts II end-of-course exams.

Stipulates that a district or school must offer remedial support to any student who fails to attain a "competency score" on one or both of the specified exams.

Specifies that a student who still fails to attain a "competency score" upon a second administration of the specified

exams may demonstrate competency in math or English language arts by doing one of the following:

(1) Earning course credit through the College Credit Plus program in the failed subject area;

(2) Providing evidence that the student has enlisted in the U.S. Armed Forces;

(3) Completing at least one "foundational" option (including earning proficient scores on state technical assessments, obtaining an industry-recognized credential, completing a pre-apprenticeship or apprenticeship, or providing evidence of acceptance into an apprenticeship program after high school) and either another "foundational" option or a "supporting" option (including completing 250 hours of work-based learning experience, obtaining an OhioMeansJobs-readiness seal, or attaining a score on the WorkKeys assessment).

Specifies that an individualized education program of a student receiving special education services must specify the manner in which the student will participate in assessments related to the new graduation requirements.

State diploma seals

R.C. 3313.618 and 3313.6114; conforming changes R.C. 3301.0714 and 3313.6110

Requires the State Board of Education to establish a series of state diploma seals that students may use to meet the new graduation requirements; however, the requirements to earn each state diploma seal are generally either specified in statute or set by a student's district or school.

Stipulates that, in order to qualify for a high school diploma, a student must earn at least one state diploma seal that

is either established under continuing law or that has a requirement specified in statute.

Specifies that the state diploma seals must consist of all of the following:

(1) State Seal of Biliteracy (established under continuing law);

(2) OhioMeansJobs-readiness seal (established under continuing law);

(3) An industry-recognized credential seal (requirement specified in statute);

(4) A college-ready seal (requirement specified in statute);

(5) A military enlistment seal (requirement specified in statute);

(6) A citizenship seal (requirement specified in statute);

(7) A science seal (requirement specified in statute);

(8) An honors diploma seal (requirement specified in statute);

(9) A technology seal (requirement specified in statute);

(10) A community service seal (requirement set by district or school);

(11) A fine and performing arts seal (requirement set by district or school);

(12) A student engagement seal (requirement set by district or school).

Requires a district or school to develop guidelines for at least one of the state seals listed in (10) to (12), above.

Assistance for students at risk of not graduating

R.C. 3313.617

Requires each district or school to adopt a policy regarding students who are at risk of not qualifying for a high school diploma.

Stipulates that the adopted policy must include (1) criteria for identifying at-risk students; (2) procedures for identifying at-risk students; (3) a process to notify an at-risk student's parent, guardian, or custodian that the student is at risk; (4) additional instructional or support services for at-risk students and (5) the development of a graduation plan, which must be updated in each year of high school, for each student.

13th year committee

Section 733.___

Requires the State Superintendent, in collaboration with the Chancellor and the Governor's Office of Workforce Transformation, to establish a committee to develop policy recommendations regarding students who completed 12th grade, but did not qualify for a high school diploma.

Changes to end-of-course examinations

R.C. 3301.0711 and 3301.0712

Specifies that, beginning with the Class of 2023, students will be required to complete only the (1) English language arts II, (2) science, (3) Algebra I, (4) American history, and (5) American government end-of-course exams. (Under current law students also must complete the English language arts I and geometry end-of-course exams.)

Requires the Department of Education to seek a federal waiver to eliminate the Geometry end-of-course exam, and stipulates that

that exam must not be eliminated if a waiver is not received.

Prohibits the State Board from setting a new minimum cumulative performance score on the end-of-course exams for the purposes of qualifying for a high school diploma under continuing law after the provisions effective date.

Stipulates that the State Board, in determining and designating at least five ranges of scores on the end-of-course exams, must consult with the standing committees of the House and Senate that consider primary and secondary legislation.

Specifies that a student shall not be required to retake the Algebra I end-of-course exam or the English language arts II end-of-course exam in high school if the student achieved at least a proficient score or a "competency score" on the exam prior to high school.

Industry-recognized credentials at CTPDs

R.C. 3313.912; conforming changes in R.C. 3313.618

Removes a provision of the House version of the bill that establishes a process in which a career-technical planning district (CTPD) may approve a credential point value, for the purposes of qualifying for a high school diploma under continuing law, for each industry-recognized credential that is (1) approved by the committee established by the State Superintendent and (2) offered by the CTPD.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 145 of the title, after "3333.052," insert "3333.167,"

In line 306, after "3333.052," insert "3333.167,"

After line 32028, insert:

"**Sec. 3333.167.** (A) As used in this section:

(1) "Approved course" means a career-technical education course offered by a career-technical planning district to which either of the following applies:

(a) The course complies with the criteria, policies, and procedures established under section 3333.162 of the Revised Code.

(b) The course is approved through an articulation agreement that a career-technical planning district has entered into with a state institution of higher education.

(2) "Career-technical planning district" has the same meaning as in section 3317.023 of the Revised Code.

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The chancellor of higher education, in consultation with the superintendent of public instruction, shall develop and, if

determined appropriate by the chancellor and the state superintendent, implement a statewide plan that permits a high school student enrolled in a career-technical planning district to receive post-secondary credit on a college transcript in a manner comparable to the college credit plus program established under Chapter 3365. of the Revised Code for the completion of an approved course.

(C) The statewide plan developed under division (B) of this section shall do all of the following:

(1) Identify and define the criteria, policies, procedures, and timelines necessary for a high school student to receive post-secondary credit on a college transcript for completing an approved course;

(2) Identify any technology solutions or statewide data information systems necessary to streamline and facilitate the electronic exchange of student data to improve the credit verification process for students, career-technical planning districts, and state institutions of higher education;

(3) Identify any regional or national accreditation requirements or state policy barriers that currently exist that need to be considered in developing the statewide plan;

(4) If the chancellor and the state superintendent determine it appropriate to implement the statewide plan, recommend a date and the method by which the statewide plan shall be implemented.

(D) The chancellor shall convene a group of stakeholders to assist in preparing the plan under division (B) of this section. The group shall include a representative from each of the following:

(1) The Ohio association of career-technical education;

(2) The Ohio association of career-technical superintendents;

(3) The Ohio association of compact and comprehensive career-technical schools;

(4) The Ohio association of community colleges;

(5) The inter-university council of Ohio;

(6) The association of independent colleges and universities of Ohio;

(7) Any other stakeholders determined appropriate by the chancellor.

(E) Not later than June 30, 2020, the chancellor shall submit to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives, the completed plan developed under division (B) of this section."

The motion was _____ agreed to.

SYNOPSIS

Career-tech post-secondary credit plan

R.C. 3333.167

Requires the Chancellor of Higher Education, in collaboration with the Superintendent of Public Instruction and with the assistance of specified stakeholders, to develop a statewide plan that permits a high school student enrolled in a career-technical planning district (CTPD) to receive post-secondary credit on a college transcript in a manner comparable to the College Credit Plus program for the completion of a course that is approved

through either the CTAG statewide articulation agreements or an articulation agreement between a CTPD and a state institution of higher education.

Requires the Chancellor to implement the plan only if the Chancellor and state Superintendent determine it is appropriate to do so.

Requires the Chancellor to submit to the Governor, the Speaker and Minority Leader of the House, and the President and Minority Leader of the Senate, the completed statewide plan by June 30, 2020.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 17 of the title, after "956.01," insert "956.031,"

In line 212, after "956.01," insert "956.031,"

After line 14525, insert:

"**Sec. 956.031.** In addition to complying with rules adopted under section 956.03 of the Revised Code, a high volume breeder shall do all of the following with regard to a dog that is kept, housed, and maintained by the breeder:

(A) Unless otherwise directed by a veterinarian, provide the dog, twice each day, with food that is all of the following:

(1) Sufficient to maintain normal body condition and weight;

(2) Unspoiled and uncontaminated;

(3) Provided in accordance with a nutritional plan recommended by a veterinarian;

(4) Served in receptacles that are clean and sanitary.

A high volume breeder may temporarily withhold food when directed by a veterinarian to do so.

(B) Each day provide access to a continuous supply of potable water in clean and sanitary receptacles that is of sufficient quality and quantity to ensure maintenance of normal body condition and growth unless otherwise directed by a veterinarian.

(C) Keep or confine the dog in a primary enclosure that complies with all of the following:

(1) The interior of the enclosure is at least six inches higher than the head of the tallest dog housed in the enclosure when the dog is in a normal standing position.

(2) It allows each dog housed in the enclosure to turn in a complete circle, lie down, and fully extend its limbs.

(3) It is not stacked on top of another primary enclosure.

(4) It is cleaned at least once per day to remove excreta, dirt, grime, and other waste.

(D) On and after December 31, 2021, keep or confine the dog in a primary enclosure that has a minimum floor space in square inches equal to the following: (the length of the dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches)^2 multiplied by two. For each additional dog that is kept or confined in a primary enclosure, the enclosure shall have additional floor space in square inches equal to the following: (length of each additional dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches)^2.

<u>As used in this division, "dog" means a puppy that is twelve weeks of age or older or an adult dog.</u>

(E) On and after December 31, 2021, ensure that the minimum floor space provided in accordance with division (D) of this section is solid or consists of slats. If the floor space consists of slats, the high volume breeder shall ensure that all of the following apply:

(1) The spaces between the slats are not more than one-half inch in width.

(2) The slats are not less than three and one-half inches in width.

(3) All of the slats run in the same direction.

(4) The floor is level.

(F) On and after December 31, 2021, ensure that all flooring complies with the following:

(1) It consists of materials that can be cleaned and sanitized; are safe for the breed, size, and age of the dog; are free from protruding sharp edges; and are designed so that the paw of the dog is unable to extend through or become caught in the flooring.

(2) If the flooring surface consists of a material that is not solid, it has a solid resting area that can accommodate the full length of the dog while lying down.

(3) It does not sag, bend, or bounce.

(4) It does not consist of ~~wire made of metal, including~~ metal wire ~~that~~, unless the metal wire is coated with another material and the outer diameter of the coated metal measures six gauge or thicker.

(G) If the high volume breeder is using an indoor primary enclosure to house the dog, ensure that the enclosure is located in a facility that permits regulation of temperature, ventilation, and lighting, including diurnal lighting. The high volume breeder shall ensure that the lighting is sufficient, either through natural or artificial means, to observe the physical condition of the dog and to permit inspection and cleaning of the dog and the primary enclosure.

(H) Use an outdoor primary enclosure to house the dog only if

a veterinarian approves such use;

(I) If the high volume breeder is using an outdoor primary enclosure to house the dog as provided in division (H) of this section and if climatic or ambient temperatures pose a threat to the health and welfare of the dog, take effective measures to eliminate the threat. If the high volume breeder has to take such measures, the high volume breeder shall consider the dog's age, breed, overall health, and acclimation to the environment. The high volume breeder shall not use an outdoor primary enclosure to house the dog if the dog is unable to tolerate the prevalent temperatures within the dog's thermoneutral zone.

(J) House the dog with other dogs, except for reasons of health, biosecurity, breeding, and behavioral issues.

(K) If the dog is a puppy that is four months or younger, house the dog with an adult dog only if the adult dog is the puppy's dam or foster dam;

(L) If the dog is a female, breed the dog only if the dog has maintained a normal body condition and has been declared healthy by a veterinarian following a physical examination;

(M) If the dog is a female, ensure that the dog does not produce more than eight litters in its lifetime;

(N) Provide a clean, dry whelping area for each dam and her nursing puppies. The high volume breeder shall ensure that the area fully accommodates all puppies, allows the dam to lie fully recumbent and stand, and permits the dam to temporarily move away from her puppies as she chooses. The high volume breeder shall ensure that no other animals inhabit the whelping area other than the dam and her puppies.

(O) Provide the dog ~~with~~ an opportunity for daily exercise of

at least thirty minutes. However, this requirement does not apply to an expectant female dog beginning fifty-two days after the first breeding date until the dog gives birth, postpartum female dog, or any other dog as directed by a veterinarian.

(P) Provide the dog an opportunity to safely access the outdoors during daylight hours~~;~~. However, this requirement does not apply to an expectant female dog beginning fifty-two days after the first breeding date and until the dog gives birth, a female dog that is nursing, or a puppy that is younger than twelve weeks of age.

(Q) Provide the dog with daily environmental enrichment in the dog's primary enclosure;

(R) Provide human interaction with the dog for at least fifteen minutes each day in addition to interaction that occurs during feeding and cleaning time. The interaction, at a minimum, shall include verbal and tactile stimulation in a positive and beneficial manner.

(S) Provide the dog appropriate medical care by a veterinarian, including prompt treatment for any significant disease, illness, or injury;

(T) If the dog is an adult dog, provide the dog with an annual physical examination by a veterinarian;

(U) Comply with a vaccination and parasite control program that is provided by a veterinarian and that is consistent with recommendations of the American veterinarian medical association or the American animal hospital association;

(V) If a surgical or euthanasia procedure is required, use a veterinarian to perform the procedure."

In line 74437, after "956.01," insert "956.031,"

The motion was _____ agreed to.

SYNOPSIS

High volume dog breeders – standards of care

R.C. 956.031

Revises the standards of care for dogs that are kept, housed, and maintained by a high volume dog breeder (breeder) as follows:

1. Regarding the primary enclosure requirements for housing a dog that are to take effect December 31, 2021, clarifies that a dog includes a puppy that is 12 weeks or older or an adult dog (An adult dog is a dog that is 12 months or older.)

2. Regarding the flooring requirements for a dog enclosure that are to take effect December 31, 2021, requires any metal wire that is coated with another material that is used for flooring to measure six gauge or thicker. (Current law does not address the diameter of the wire.)

3. Regarding the requirement that a dog be provided with an opportunity for daily exercise of at least 30 minutes, excludes an expectant female dog beginning 52 days after the first breeding date until the dog gives birth. (Current law exempts expectant female dogs, but does not qualify the exclusion with a beginning and ending date.)

4. Regarding the requirement that a dog be provided an opportunity to safely access the outdoors during daylight hours, excludes an expectant female dog beginning 52 days after the first breeding date and until the dog gives birth, a female dog that is nursing, or a puppy that is younger than 12 weeks.

SC4696X1

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

1 After line 75308a, insert:

2 "GRF 055505 Pike County Capital Case "$1,000,000 0"

3 In line 75309, add $1,000,000 to fiscal year 2020

4 In line 75349, add $1,000,000 to fiscal year 2020

5 After line 75447, insert:

6 "PIKE COUNTY CAPITAL CASE

7 The foregoing appropriation item 055505, Pike County
8 Capital Case, shall be used, subject to the approval of the
9 Controlling Board, to defray the costs of ongoing capital case
10 litigation in Pike County."

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Attorney General**

14 **Sections 221.10 and 221.30**

15 Appropriates $1,000,000 in FY 2020 to GRF appropriation
16 item 055505, Pike County Capital Case, and requires the
17 appropriation to be used, subject to the approval of the
18 Controlling Board, to defray the costs of ongoing capital case
19 litigation in Pike County.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 42 of the title, after "3319.283," insert "3321.191,"

In line 231, after "3319.283," insert "3321.191,"

After line 31439, insert:

"**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 school year, the board of education of each city, exempted village, local, joint vocational, and cooperative education school district and the governing board of each educational service center shall adopt a new or amended policy to guide employees of the school district or service center in addressing and ameliorating student absences. In developing the policy, the appropriate board shall consult with the judge of the juvenile court of the county or counties in which the district or service center is located, with the parents, guardians, or other persons having care of the pupils attending school in the district, and with appropriate state and local agencies.

(B) The policy developed under division (A) of this section shall include as an intervention strategy all of the following actions, if applicable:

(1) Providing a truancy intervention plan for any student who is excessively absent from school, as described in the first

paragraph of division (C) of this section;

(2) Providing counseling for an habitual truant;

(3) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend parental involvement programs, including programs adopted under section 3313.472 or 3313.663 of the Revised Code;

(4) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;

(5) Notification of the registrar of motor vehicles under section 3321.13 of the Revised Code;

(6) Taking legal action under section 2919.222, 3321.20, or 3321.38 of the Revised Code.

(C)(1) In the event that a child of compulsory school age is absent with <u>a nonmedical excuse</u> or without legitimate excuse from the public school the child is supposed to attend for thirty-eight or more hours in one school month, or sixty-five or more hours in a school year, the attendance officer of that school shall notify the child's parent, guardian, or custodian of the child's absences, in writing, within seven days after the date after the absence that triggered the notice requirement. At the time notice is given, the school also may take any appropriate action as an intervention strategy contained in the policy developed by the board pursuant to division (A) of this section.

(2)(a) If the absences of a student surpass the threshold for an habitual truant as set forth in section 2151.011 of the Revised Code, the principal or chief administrator of the school or the superintendent of the school district shall assign the student to an absence intervention team. Within fourteen school days after

the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication under division (C)(2)(b) of section 3321.191 of the Revised Code. Within seven days after the development of the plan, the school district or school shall make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan.

(b) As part of the absence intervention plan described in division (C)(2) of this section, the school district or school, in its discretion, may contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in division (G) of section 2151.27 of the Revised Code. If the school district or school chooses to have students informally enrolled in an alternative to adjudication, the school district or school shall develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.

(c) The superintendent of each school district, or the superintendent's designee, shall establish an absence intervention team for the district to be used by any schools of the district that do not establish their own absence intervention team as permitted under division (C)(2)(d) of this section. Membership of each absence intervention team may vary based on the needs of each individual student but shall include a representative from the

child's school district or school, another representative from the child's school district or school who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

(d) The principal or chief administrator of each school may establish an absence intervention team or series of teams to be used in lieu of the district team established pursuant to division (C)(2)(c) of this section. Membership of each absence intervention team may vary based on the needs of each individual student but shall include a representative from the child's school district or school, another representative from the child's school district or school who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

(e) A superintendent, as described in division (C)(2)(c) of this section, or principal or chief administrator, as described in division (C)(2)(d) of this section, shall select the members of an absence intervention team within seven school days of the triggering event described in division (C)(2)(a) of this section. The superintendent, principal, or chief administrator, within the same period of seven school days, shall make at least three meaningful, good faith attempts to secure the participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian on that team. If the student's parent responds to any of those attempts, but is unable to participate for any

reason, the representative of the school district shall inform the parent of the parent's right to appear by designee. If seven school days elapse and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the school district or school shall do both of the following:

(i) Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in section 2151.421 of the Revised Code;

(ii) Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

(f) In the event that a student becomes habitually truant within twenty-one school days prior to the last day of instruction of a school year, the school district or school may, in its discretion, assign one school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer. If the school district or school selects this method, the plan shall be implemented not later than seven days prior to the first day of instruction of the next school year. In the alternative, the school district or school may toll the time periods to accommodate for the summer months and reconvene the absence intervention process upon the first day of instruction of the next school year.

(3) For purposes of divisions (C)(2)(c) and (d) of this section, the state board of education shall develop a format for parental permission to ensure compliance with the "Family

Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code.

(D) Each school district or school may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.

(E) Beginning with the 2017-2018 school year, each school district shall report to the department of education, as soon as practicable, and in a format and manner determined by the department, any of the following occurrences:

(1) When a notice required by division (C)(1) of this section is submitted to a parent, guardian, or custodian;

(2) When a child of compulsory school age has been absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year;

(3) When a child of compulsory school age who has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication;

(4) When an absence intervention plan has been implemented for a child under this section.

(F) Nothing in this section shall be construed to limit the duty or authority of a district board of education or governing body of an educational service center to develop other policies related to truancy or to limit the duty or authority of any employee of the school district or service center to respond to pupil truancy. However, a board shall be subject to the prohibition against suspending, expelling, or otherwise preventing

a student from attending school for excessive absences as prescribed by section 3313.668 of the Revised Code."

In line 74455, after "3319.26," insert "3321.191,"

The motion was _____ agreed to.

SYNOPSIS

Notice of excessive absences

R.C. 3321.191

Specifies that only a student's non-medical excused absences and *unexcused* absences are considered in determining whether the student is excessively absent triggering a required notice. (Currently, the notice requirement is triggered when all of a student's excused absences (medical and non-medical) together with student's unexcused absences total at least 38 hours in one month or 65 or more hours in a year.)

SC4746X1

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 76905, delete "$1,352,876 $1,352,172" and insert "$1,452,876 $1,452,172"

In line 76913, add $100,000 to each fiscal year

In line 76967, add $100,000 to each fiscal year

In line 78213, delete "The" and insert "Of the foregoing appropriation item 200566, Literacy Improvement, up to $100,000 in each fiscal year shall be used to support the Read, Baby, Read! Program.

The remainder of the"

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Sections 265.10 and 265.240

Increases GRF appropriation item 200566, Literacy Improvement, by $100,000 in each fiscal year and earmarks those amounts for the Read, Baby, Read! Program.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 63 of the title, after "4509.70," insert "4549.65,"

In line 151 of the title, after "4303.2011," insert "4516.01, 4516.02, 4516.03, 4516.04, 4516.05, 4516.06, 4516.07, 4516.08, 4516.09, 4516.10, 4516.11, 4516.12, 4516.13,"

In line 246, after "4509.70," insert "4549.65,"

In line 310, after "4303.2011," insert "4516.01, 4516.02, 4516.03, 4516.04, 4516.05, 4516.06, 4516.07, 4516.08, 4516.09, 4516.10, 4516.11, 4516.12, 4516.13,"

After line 45037, insert:

"**Sec. 4516.01.** As used in this chapter:

(A) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, with the car sharing start time, in accordance with the peer-to-peer car sharing program agreement, and ends with the car sharing termination time.

(B) "Car sharing delivery period" means the period of time in which a shared vehicle is being delivered to the location for the shared vehicle driver to take possession of the shared vehicle, in accordance with the peer-to-peer car sharing program agreement.

(C) "Car sharing start time" means either the point in time when the shared vehicle driver takes possession of the shared vehicle or the point in time when the shared vehicle driver was

scheduled to take possession of the shared vehicle, whichever occurs first.

(D) "Car sharing termination time" means the point in time when the earliest of the following events occurs:

(1) The expiration time established in the peer-to-peer car sharing program agreement for use of the shared vehicle, provided that the shared vehicle is returned to the location designated in the agreement by the expiration time;

(2) The shared vehicle is returned to an alternate location, if the shared vehicle owner and the shared vehicle driver agree on the alternate location, as communicated through the peer-to-peer car sharing program;

(3) The shared vehicle owner or the owner's designee takes possession of the shared vehicle.

(E) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.

(F) "Motor-vehicle liability policy" has the same meaning as in section 4509.01 of the Revised Code.

(G) "Peer-to-peer car sharing" means the authorized use of a motor vehicle by an individual other than the motor vehicle's owner through a peer-to-peer car sharing program.

(H) "Peer-to-peer car sharing program" or "program" means a person who operates a business platform that connects a shared vehicle owner to a shared vehicle driver to enable the sharing of vehicles for financial consideration. "Peer-to-peer car sharing program" does not include a motor vehicle leasing dealer as defined in section 4517.01 of the Revised Code or a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code.

(I) "Peer-to-peer car sharing program agreement" or "agreement" means an agreement established through the peer-to-peer car sharing program that serves as a contract between the peer-to-peer car sharing program, the shared vehicle owner, and the shared vehicle driver and describes the specific terms and conditions of the agreement, including the car sharing period and the location or locations for transfer of possession.

(J) "Proof of financial responsibility" has the same meaning as in section 4509.01 of the Revised Code.

(K) "Safety recall" means a recall issued pursuant to 49 U.S.C. 30118 pertaining to a defect related to motor vehicle safety or noncompliance with an applicable federal motor vehicle safety standard.

(L) "Shared vehicle" means a personal motor vehicle that is registered as a passenger car under Chapter 4503. of the Revised Code or a substantially similar law in another state and that is enrolled in a peer-to-peer car sharing program.

(M) "Shared vehicle driver" means a person authorized by a shared vehicle owner, in accordance with the terms and conditions of a peer-to-peer car sharing program agreement, to operate a shared vehicle during a car sharing period.

(N) "Shared vehicle owner" means a registered owner of a shared vehicle or a person designated by the registered owner.

Sec. 4516.02. (A) A peer-to-peer car sharing program shall collect all of the following information before entering into a peer-to-peer car sharing program agreement including, but not limited to:

(1) The name and address of the shared vehicle owner and the

shared vehicle driver;

(2) The driver's license number and state of issuance of the shared vehicle driver;

(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period;

(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have motor-vehicle liability policy or other proof of financial responsibility and information related to that policy or proof and any policy limits;

(5) Whether the shared vehicle owner knows of any safety recalls regarding the shared vehicle;

(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.

(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the agreement or knows that such a person does not have a valid driver's license.

(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered.

(D) A peer-to-peer car sharing program shall collect, verify, and maintain records pertaining to the use of each shared vehicle enrolled in the program, including records pertaining to all of the following:

(1) The dates, times, and duration of time that the shared vehicle is in use through the program;

(2) The dates, times, and duration of time that the shared vehicle driver possesses the shared vehicle through the program;

(3) Any fees or other financial consideration paid by the shared vehicle driver;

(4) Any revenues or other financial consideration received by the shared vehicle owner;

(5) Any other information or data that is necessary to establish the car sharing period, including the car sharing delivery period, the car sharing start time, and the car sharing termination time, for the shared vehicle.

(E) The program shall provide the records required by division (D) of this section, upon request, to any shared vehicle owner, shared vehicle driver, the shared vehicle owner's insurer, the shared vehicle driver's insurer, or law enforcement for purposes of facilitating the investigation of a claim, incident, or accident.

(F) The program shall retain records required by division (D) of this section regarding each car sharing period for not less than three years after the car sharing period.

Sec. 4516.03. A peer-to-peer car sharing program shall disclose all of the following to the shared vehicle owner and the shared vehicle driver in the peer-to-peer car sharing program agreement:

(A) Any right of the program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the program resulting from a breach of the terms

and conditions of the agreement;

(B) That any motor-vehicle liability policy or other proof of financial responsibility issued to the shared vehicle owner for the shared vehicle or issued to the shared vehicle driver does not provide a defense against or indemnification for any claim asserted by the program;

(C) That the program's motor vehicle insurance coverage on the shared vehicle owner, the shared vehicle driver, and the shared vehicle is in effect only during the car sharing period and that any use of the shared vehicle by the shared vehicle driver after the car sharing termination time may not be covered by either the program's insurance or any other motor-vehicle liability policy or proof of financial responsibility;

(D) The daily rate, fees, and any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;

(E) That the shared vehicle owner's motor-vehicle liability policy or other proof of financial responsibility may not provide coverage for a shared vehicle during the car sharing period or for any use outside of the policy's or proof's stated terms and conditions;

(F) Any conditions under which a shared vehicle driver must maintain a separate motor-vehicle liability policy or other proof of financial responsibility with certain applicable coverage limits in order to reserve and use a shared vehicle under the agreement;

(G) Emergency contact information for roadside assistance and other customer service inquiries.

Sec. 4516.04. A peer-to-peer car sharing program shall have sole responsibility for any equipment, including a global positioning system or other special equipment that is installed in or on the shared vehicle to monitor or facilitate peer-to-peer car sharing. The program shall agree to indemnify and hold harmless the shared vehicle owner for any damage or theft of the system or equipment during the car sharing period that is not caused by the shared vehicle owner. The program may seek indemnity from the shared vehicle driver for any loss or damage to the system or equipment that occurs during the car sharing period that is caused by the shared vehicle driver.

Sec. 4516.05. (A) When a motor vehicle owner registers as a shared vehicle owner with a peer-to-peer car sharing program and before the shared vehicle owner makes the shared vehicle available for peer-to-peer car sharing, the program shall do all of the following:

(1) Verify that the shared vehicle does not have any outstanding safety recalls on the vehicle;

(2) Provide notice to the shared vehicle owner of the owner's responsibilities under division (B) of this section.

(B)(1) If a shared vehicle owner receives actual notice of a safety recall on the shared vehicle, the shared vehicle owner shall not make the shared vehicle available through a peer-to-peer car sharing program until the safety recall repair is made.

(2) If the shared vehicle owner receives actual notice of a safety recall on the shared vehicle after the shared vehicle is available through a peer-to-peer car sharing program but while the shared vehicle is not currently possessed by a shared vehicle driver, the shared vehicle owner shall remove the shared vehicle

from availability until the safety recall repair is made.

(3) If the shared vehicle owner receives actual notice of a safety recall on the shared vehicle while the vehicle is possessed by a shared vehicle driver, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall, so that the car sharing period can be terminated to allow the shared vehicle owner to address the safety recall repair.

(C) The peer-to-peer car sharing program shall establish commercially reasonable procedures to determine any safety recalls that apply to a shared vehicle registered with the program after the initial registration of the shared vehicle with the program.

Sec. 4516.06. (A) Peer-to-peer car sharing and a peer-to-peer car sharing program agreement are a consumer transaction for purposes of sections 1345.01 to 1345.13 of the Revised Code. The peer-to-peer car sharing program and the shared vehicle owner are the suppliers and the shared vehicle driver is the consumer for purposes of those sections.

(B) Any violation of sections 4516.02 to 4516.05 of the Revised Code is deemed an unfair or deceptive act in violation of section 1345.02 of the Revised Code. A person injured by a violation of these sections has a cause of action and is entitled to the same relief available to a consumer under section 1345.09 of the Revised Code, and all the powers and remedies available to the attorney general to enforce sections 1345.01 to 1345.13 of the Revised Code are available to the attorney general to enforce sections 4516.02 to 4516.05 of the Revised Code.

(C) A peer-to-peer car sharing program is not liable for a violation under sections 1345.01 to 1345.13 of the Revised Code when the alleged violation is the result of false, misleading, or

inaccurate information provided to the program by a shared vehicle owner or a shared vehicle driver and the program relied on that information in good faith.

Sec. 4516.07. (A) As used in this section, "public-use airport" has the same meaning as in section 4563.30 of the Revised Code.

(B) The operator of a public-use airport may adopt reasonable standards, regulations, procedures, and fees that are applicable to peer-to-peer car sharing programs. The operator may enter into such agreements, including concession agreements, with a peer-to-peer car sharing program. A peer-to-peer car sharing program, shared vehicle owner, and shared vehicle driver shall comply with any applicable standards, regulations, procedures, fees, and agreements adopted by a public-use airport, and shall pay any applicable fees in a timely manner.

Sec. 4516.08. It is not the intent of the general assembly that any provision in Chapter 4516. of the Revised Code be interpreted as either limiting or restricting an insurer's ability to exclude insurance coverage from any insurance policy or an insurer's ability to underwrite any insurance policy.

Sec. 4516.09. (A) Except as provided in division (B) of this section, a peer-to-peer car sharing program shall assume liability of a shared vehicle owner for any death, bodily injury, or property damage to a third party or an uninsured or underinsured motorist that is proximately caused by the operation of the shared vehicle during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement. The amount shall be not less than that specified in division (A)(1) of section 4516.10

of the Revised Code.

(B) The assumption of liability under division (A) of this section does not apply if either of the following occurs:

(1) The shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the program regarding the shared vehicle owner's motor-vehicle liability policy, other proof of financial responsibility, or the type or condition of the shared vehicle before the car sharing period in which the loss occurs;

(2) The shared vehicle owner and the shared vehicle driver conspire to have the shared vehicle driver fail to return the shared vehicle, in violation of the terms of the peer-to-peer car sharing agreement.

Sec. 4516.10. (A)(1) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are each covered by a motor-vehicle liability policy or other proof of financial responsibility that recognizes their status as a shared vehicle owner or shared vehicle driver and provides coverage for the operation of the shared vehicle during the car sharing period. Each policy or proof shall be maintained in the following amounts:

(a) At least twenty-five thousand dollars because of bodily injury to or death of one person in any one accident;

(b) At least fifty thousand dollars because of bodily injury or death of two or more persons in any one accident;

(c) At least twenty-five thousand dollars because of injury to property of others in any one accident.

(2) The insurance required by division (A)(1) of this section

may be satisfied by any of the following or a combination of any of the following:

(a) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the shared vehicle owner;

(b) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the shared vehicle driver;

(c) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the peer-to-peer car sharing program.

(3)(a) If the motor-vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or shared vehicle driver does not provide liability coverage for peer-to-peer car sharing in the amounts required by division (A)(1) of this section, the insurance maintained by the peer-to-peer car sharing program shall provide the required coverage, beginning with the first dollar of the claim and shall have the duty to defend the claim.

(b) A motor-vehicle liability policy or other proof of financial responsibility maintained by a peer-to-peer car sharing program in accordance with this section shall not require the shared vehicle owner's or shared vehicle driver's insurer to first deny a claim before providing coverage.

(B) A motor-vehicle liability policy that meets the requirements of this section satisfies the requirement for proof of financial responsibility for motor vehicles under Chapter 4509. of the Revised Code.

(C)(1) The peer-to-peer car sharing program shall examine the

motor-vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or a shared vehicle driver to determine whether that policy or proof provides or excludes coverage for peer-to-peer car sharing prior to entering into a peer-to-peer car sharing agreement with that shared vehicle owner or shared vehicle driver if either of the following occur:

(a) The shared vehicle owner or the shared vehicle driver refuses insurance coverage provided by the program.

(b) The shared vehicle owner or the shared vehicle driver claims the policy or proof maintained by that shared vehicle owner or shared vehicle driver provides coverage for peer-to-peer car sharing.

(2) The peer-to-peer car sharing program may require increased limits of insurance beyond what is required by division (A)(1) of this section as a condition of participation in the agreement.

Sec. 4516.11. (A) In addition to any liability assumed when a peer-to-peer car sharing program is providing all of the required coverage, the program shall assume liability for a claim when all of the following apply:

(1) The program is providing at least part of the required insurance coverage;

(2) A dispute exists as to who was operating the shared vehicle at the time of the loss;

(3) The program either does not have available or cannot promptly produce the records required by section 4516.02 of the Revised Code.

(B) A peer-to-peer car sharing program may seek indemnity from a shared vehicle owner if the shared vehicle owner is determined to have been the operator of the shared vehicle at the time of the loss.

(C) In addition to any other insurance coverage required by this chapter, a peer-to-peer car sharing program shall maintain insurance in an amount of at least one million dollars that provides coverage for the program's liability for an act or omission of the program that is the proximate cause of death, bodily injury, or property damage to any person in any one accident because of the operation of a shared vehicle through the program.

Sec. 4516.12. A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability in accordance with 49 U.S.C. 30106 and under any state law or municipal ordinance that imposes liability solely based on vehicle ownership.

Sec. 4516.13. Nothing in this chapter does any of the following:

(A) Limits the liability of the peer-to-peer car sharing program for any act or omission of the program itself that results in death, bodily injury, or property damage to any person as a result of the use of a shared vehicle through the program.

(B) Limits the ability of the program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the program resulting from a breach of the terms and conditions of the peer-to-peer car sharing agreement.

(C) Creates, implies, or otherwise grants insurance coverage not found in any motor-vehicle liability policy or other policy of insurance.

Sec. 4549.65. (A) As used in this section:

(1) "Motor vehicle leasing dealer" has the meaning set forth in division (M) of section 4517.01 of the Revised Code.

(2) "Motor vehicle renting dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, rental agreement, or other contractual arrangement for a period of less than thirty days under which a charge is made for its use at a periodic rate and the title to the motor vehicle is in a person other than the user, but does not mean a manufacturer or its affiliate renting to its employees or to dealers.

(B) A motor vehicle leasing dealer or a motor vehicle renting dealer and its officers, employees, agents, and representatives are not liable to a lessee or renter for damages or injuries sustained as a result of the lessee's or renter's being stopped, detained, arrested, or charged in connection with a theft offense involving the leased or rented motor vehicle if such dealer, its officers, employees, agents, or representatives act in good faith upon a reasonable belief that the motor vehicle was or is being converted or stolen or if both of the following apply:

(1) The lessee or renter did not return the motor vehicle at the time and place specified in the lease or rental contract;

(2) The lessee or renter failed to return the motor vehicle within twenty-four hours after the dealer, or an officer, employee, agent, or representative of the dealer has served a

written notice upon the lessee or renter, requesting the return of the motor vehicle, at the lessee's or renter's address set forth in the lease or rental contract. Service may be by certified mail, return receipt requested, or by personal or residence service.

(C)(1) Any agreement, when the transaction is for purposes that are primarily personal, family, or household, between a motor vehicle leasing dealer and the lessee or a motor vehicle renting dealer and renter is a consumer transaction for purposes of sections 1345.01 to 1345.13 of the Revised Code. The dealer is the supplier and the lessee or renter is the consumer for purposes of those sections.

(2) A dealer is not liable for a violation under sections 1345.01 to 1345.13 of the Revised Code when the alleged violation is the result of false, misleading, or inaccurate information provided to the dealer by the lessee or renter and the dealer relied on that information in good faith."

In line 64983, after "company" insert "or a peer-to-peer car sharing program"

In line 64984, after "services" insert "or peer-to-peer car sharing program services"

After line 65868, insert:

"(SSS) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code."

In line 74471, after "4509.70," insert "4549.65,"

After line 88607, insert:

"**Section 757.___.** The amendment by this act of division (C) of section 5739.01 of the Revised Code applies retrospectively to all cases pending on or transactions occurring before, on, or

after the effective date of that amendment. The amendment is remedial in nature and clarifies the status of vendors under Chapter 5739. of the Revised Code and does not change the existing application of that chapter."

The motion was _____ agreed to.

SYNOPSIS

Peer-to-peer car sharing

R.C. 4516.01, 4516.02, 4516.03, 4516.04, 4516.05, 4516.06, 4516.07, 4516.08, 4516.09, 4516.10, 4516.11, 4516.12, 4516.13, 4549.65, and 5739.01; Section 757.__

Regulations

Authorizes personal motor vehicle rentals between vehicle owners and other licensed drivers through a peer-to-peer car sharing program and peer-to-peer car sharing agreements.

Establishes requirements and responsibilities that apply to a peer-to-peer car sharing program.

Requires a peer-to-peer car sharing program to collect, verify, and maintain certain records pertaining to the use of each shared vehicle enrolled in the program.

Specifies that peer-to-peer car sharing and the peer-to-peer car sharing agreement are consumer transactions for purposes of the Consumer Sales Practices Law, however, a peer-to-peer car sharing program is not in violation of that Law if the program was provided false information and relied on that information in good faith.

Declares that a violation of the general regulatory requirements of peer-to-peer car sharing is an unfair or deceptive act and a person injured by such a violation has a cause of action and that the attorney general can enforce the requirements and seek civil relief.

Authorizes the operator of a public-use airport to adopt reasonable standards, regulations, procedures, and fees and requires the peer-to-peer car sharing program, shared vehicle owner, and shared vehicle driver to comply with them.

Insurance

Makes a general statement that the General Assembly does not intend to limit or restrict an insurer's ability to exclude coverage or underwrite any insurance policy as it relates to peer-to-peer car sharing.

States that a peer-to-peer car sharing program and a shared vehicle owner are exempt from vicarious liability in accordance with federal law and under any state or local law that imposes liability based only on vehicle ownership.

Establishes certain specific insurance requirements, such as minimum coverage limits, and makes a peer-to-peer car sharing program ultimately responsible for ensuring that insurance requirements are met.

Sales tax

R.C. 5739.01; Section 757.___

Specifies that a peer-to-peer car sharing program, similar to a transportation network company, is considered a vendor for purposes of collecting and remitting sales taxes.

Specifies that defining "technology platform" as a vendor,

which is consistent with current application, shall apply retrospectively to all transactions and pending cases. The vendor change applies beginning October 1, 2019.

Motor vehicle leasing and renting dealers

Specifies that any agreement, when the transaction is for purposes that are primarily personal, family, or household, between a motor vehicle leasing dealer and the lessee or a motor vehicle renting dealer and the renter, is a consumer transaction for purposes of the Consumer Sales Practices Law.

Specifies that the dealer is not liable under that Law if the dealer was provided false information and relied on that information in good faith.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 76910, delete the first "$625,000" and insert "$1,125,000"

In line 76913, add $500,000 to fiscal year 2020

In line 76967, add $500,000 to fiscal year 2020

After line 78282, insert:

"Of the foregoing appropriation item 200597, Program and Project Support, $500,000 in fiscal year 2020 shall be distributed to Tri-State Early College STEM School to provide additional support for facility renovations and operations, including professional development, educational materials, equipment, marketing, and recruitment."

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Sections 265.10 and 265.260

Increases GRF appropriation item 200597, Program and Project Support, by $500,000 in fiscal year 2020 and earmarks the same amount to Tri-State Early College STEM School to provide additional support for facility renovations and operations.

SC4774

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

1 After line 82201, insert:

2 "GRF 149502 Lupus Program $93,120 $93,120"

3 In line 82203, add $93,120 to each fiscal year

4 In line 82207, add $93,120 to each fiscal year

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Commission on Minority Health**

8 **Section 339.10**

9 Appropriates $93,120 in each fiscal year in GRF line item
10 149502, Lupus Program.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 158 of the title, after "5501.91," insert "5703.263,"

In line 316, after "5501.91," insert "5703.263,"

After line 63948, insert:

"**Sec. 5703.263.** (A)(1) "Tax return preparer" means any person other than an accountant or an attorney that operates a business that prepares, or directly or indirectly employs another person to prepare, for a taxpayer a tax return or application for refund in exchange for compensation or remuneration from the taxpayer or the taxpayer's related member. The preparation of a substantial portion of a tax return or application for refund shall be considered to be the same as the preparation of the return or application for refund. "Tax return preparer" does not include an individual who performs only one or more of the following activities:

(a) Furnishes typing, reproducing, or other mechanical assistance;

(b) Prepares an application for refund or a return on behalf of an employer by whom the individual is regularly and continuously employed, or on behalf of an officer or employee of that employer;

(c) Prepares as a fiduciary an application for refund or a return;

(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the taxpayer or the taxpayer's related member, or in response to a waiver of restriction after the commencement of an audit of the taxpayer or the taxpayer's related member.

(2) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(3) "Accountant" means any of the following:

(a) An individual who holds both a CPA certificate and an Ohio permit or Ohio registration issued by the accountancy board under section 4701.10 of the Revised Code;

(b) An individual who holds a foreign certificate;

(c) An individual who is employed by a public accounting firm with respect to any return prepared under the supervision of an individual described in division (A)(3)(a) or (b) of this section, regardless of whether the public accounting firm is required to register with the accountancy board under section 4701.04 of the Revised Code.

(4) "CPA certificate" and "foreign certificate" have the same meanings as in section 4701.01 of the Revised Code.

(5) "Attorney" means an individual who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, is permitted to practice as an attorney and counselor at law in this state under Chapter 4705. of the Revised Code, and is not currently suspended or removed from such practice under that chapter.

(6) A tax return preparer engages in "prohibited conduct" if the preparer does any of the following:

(a) Prepares any return or application for refund that includes an understatement of a taxpayer's tax liability due to an unreasonable position or due to willful or reckless conduct. For the purposes of this division, "unreasonable position" and "willful or reckless conduct" have the meanings as used in section 6694 of the Internal Revenue Code.

(b) When required under any provision of Title LVII of the Revised Code, the preparer fails to do any of the following:

(i) Provide copies of a return or application for refund;

(ii) Provide the preparer's signature or federal preparer tax identification number on a return or application for refund;

(iii) Retain copies of the preparer's records;

(iv) Provide any information or documents requested by the tax commissioner;

(v) Act diligently in determining a taxpayer's eligibility for tax credits, deductions, or exemptions.

(c) Negotiates a check or other negotiable instrument issued to a taxpayer by the department of taxation without the permission of the taxpayer;

(d) Engages in any conduct subject to criminal penalties under Title LVII of the Revised Code;

(e) Misrepresents the preparer's eligibility to file returns or applications for refund on behalf of taxpayers, or otherwise misrepresents the preparer's experience or education;

(f) Guarantees the payment of any tax refund or the allowance of any tax credit, deduction, or exemption;

(g) Engages in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of any provision of Title LVII of the Revised Code.

(7) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.

(B) When a tax return preparer engages in prohibited conduct, the commissioner, may do either or both of the following:

(1) If the commissioner has previously warned the tax return preparer in writing of the consequences of continuing to engage in prohibited conduct, impose a penalty not exceeding one hundred dollars per instance of prohibited conduct;

(2) Regardless of whether the commissioner has previously warned the tax return preparer, request that the attorney general apply to a court of competent jurisdiction for an injunction to restrain the preparer from further engaging in the prohibited conduct. The court may take either of the following actions:

(a) If the court finds that injunctive relief is appropriate to prevent the recurrence of the prohibited conduct, the court shall issue an injunction against the preparer enjoining the preparer from engaging in such conduct.

(b) If the court finds that the preparer has continually or repeatedly engaged in prohibited conduct, and that enjoining the preparer solely from engaging in such conduct would not be sufficient to prevent the preparer's interference with the proper administration of any provision of Title LVII of the Revised Code, the court may issue an injunction against the preparer enjoining the preparer from acting as a tax return preparer in this state.

If a tax return preparer has been enjoined from preparing tax

returns or applications for refunds by a federal court or by another state court in the five years preceding the date on which an injunction is requested under this section, that prior injunction shall be sufficient to establish a prima facie case for the issuance of an injunction under division (B)(2) of this section.

(C) The commissioner may require a tax return preparer to include the preparer's name and federal preparer tax identification number when filing any return or application for refund. If a tax return preparer fails to include this information when required to do so by the commissioner, or if the information provided is false, inaccurate, or incomplete, the commissioner may impose a penalty of fifty dollars for each such failure, provided that the maximum penalty imposed on a preparer under this division in a calendar year shall not exceed twenty-five thousand dollars.

(D) The penalties imposed under divisions (B)(1) and (C) of this section may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., section 718.90, or sections 3734.90 to 3734.9014 of the Revised Code. The commissioner may abate all or a portion of any penalty imposed under this section upon the showing of good cause by the tax return preparer."

After line 88607, insert:

"**Section 757.**_____**.** Divisions (B)(1) and (C) of section 5703.263 of the Revised Code, as enacted by this act, concerning the inclusion of a tax return preparer's signature and federal tax identification number on returns and notices and penalties relating to a tax return preparer's failure to do so or engagement in other prohibited conduct, apply on and after January 1, 2020."

The motion was _____ agreed to.

SYNOPSIS

Requirements for tax return preparers

R.C. 5703.263; Section 757.__

Prohibits a tax return preparer, other than an accountant or attorney, from engaging in several practices, including the following:

(1) Recklessly, willfully, or unreasonably understating the taxpayer's tax liability;

(2) Failing to properly file returns or keep records;

(3) Failing to cooperate with the Tax Commissioner or comply with tax law;

(4) Failing to act diligently to determine a taxpayer's eligibility for tax reductions;

(5) Misrepresenting the preparer's experience or credentials;

(6) Guaranteeing tax refunds or credits;

(7) Engaging in other fraudulent and deceptive conduct.

If a preparer engages in such conduct, authorizes the Commissioner to impose a penalty or request that the Attorney General seek an injunction restraining further conduct or, if the conduct is continuous or repeated, restrain the preparer from preparing tax returns.

Authorizes the Commissioner, beginning in 2020, to require a return preparer to include the preparer's federal tax

identification number on any state tax form he or she prepares and authorizes the Commissioner to penalize a preparer that fails to do so.

Authorizes the Commissioner to abate tax return preparer penalties if good cause is shown.

SC4779X2

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 87413, insert:

"Section 701._____. Notwithstanding section 5160.23 of the Revised Code, the Auditor of State is not responsible for the costs the Auditor of State incurs in carrying out the Auditor of State's duties under sections 5160.21 and 5160.22 of the Revised Code. All audits authorized by Chapter 117. of the Revised Code or as otherwise provided by state law shall be charged in accordance with section 117.13 of the Revised Code. In addition to the Auditor of State's authority under division (C) of section 117.10 of the Revised Code, the Auditor of State may conduct audits of Medicaid providers and Medicaid comprehensive risk contracts as defined in 42 C.F.R. 438.2. This section expires on June 30, 2023."

The motion was _____ agreed to.

SYNOPSIS

Auditor of State – Medicaid auditing for four years

Section 701._____

Beginning on the bill's effective date and ending June 30, 2023:

20 Specifies that, for any audit the Auditor of State has
21 authority to conduct, the Auditor of State may charge a state
22 agency, local public office, or private entity for the cost of
23 the audit in the manner provided for under continuing law.

24 In addition to allowing the Auditor to audit the accounts
25 of Medicaid providers (defined in R.C. 5164.01) as under current
26 law, allows the Auditor to conduct audits of Medicaid providers
27 and Medicaid comprehensive risk contracts, as those terms are
28 defined under federal law.

29 Notwithstands a provision of law requiring the Auditor to
30 pay for any costs the Auditor incurs auditing a medical
31 assistance recipient or examining records regarding medical
32 assistance programs to specify that the Auditor is not
33 responsible for those costs.

SC4781

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 86798, strike through "Splash Pad" and insert "Park"

The motion was _____ agreed to.

SYNOPSIS

Capital project earmark adjustment

Section 601.15

Amends Section 223.15 of H.B. 529 of the 132nd General Assembly to allow the use of a $100,000 community project earmark for the Earl Thomas Conley Splash Pad Project in Scioto County to be used instead for general improvements at Earl Thomas Conley Park.

SC4787

Sub. H.B. 166
As Pending in S. Finance
MCDCD69

_____ moved to amend as follows:

In line 81425, after "(1)" insert ""Community addiction services provider" and "community mental health services provider" have the same meanings as in section 5119.01 of the Revised Code.

(2)"

In line 81428, delete "(2)" and insert "(3)"

In line 81432, delete "(3)" and insert "(4)"

In line 81435, delete "(4)" and insert "(5)"

In line 81437, delete "(5)" and insert "(6)"

In line 81483, after the first comma insert "facilities operated by community addiction services providers and community mental health services providers,"

In line 81485, after "Health" insert "and the Director of Mental Health and Addiction Services"

The motion was _____ agreed to.

16 SYNOPSIS

17 **Rural Healthcare Workforce Training and Retention Program**

18 **Section 333.227**

19 Revises, as follows, the Senate-added provision that
20 requires the Medicaid Director to create the Rural Healthcare
21 Workforce Training and Retention Program for fiscal years 2020
22 and 2021:

23 (1) Adds facilities operated by community addiction
24 services providers and community mental health services
25 providers to the types of healthcare facilities in which persons
26 may undergo clinical rotations as part of a task that nonprofit
27 hospital agencies and public hospital agencies undertake under
28 the program;

29 (2) Requires the Medicaid Director to consult with the
30 Director of Mental Health and Addiction Services, in addition to
31 the Director of Health, to ensure that strategies and goals
32 established for the program are consistent with the state's
33 healthcare workforce objectives.

SC4791X1

Sub. H.B. 166
As Pending in S. Finance
EPACD14

_____ moved to amend as follows:

In line 78978, delete "$3,653,543 $3,590,300" and insert "$3,703,543 $3,840,300"

In line 78999, add $50,000 to fiscal year 2020 and $250,000 to fiscal year 2021

In line 79016, add $50,000 to fiscal year 2020 and $250,000 to fiscal year 2021

In line 79026, delete "$200,000" and insert "$250,000"; delete "FY 2020" and insert "each fiscal year"

In line 79029, delete "Michindoh Aquifer" and insert "network of aquifers that are in the state of Ohio and north of the Maumee River, but that may also cross into other states"

The motion was _____ agreed to.

SYNOPSIS

Environmental Protection Agency

Sections 277.10 and 277.20

Increase DPF Fund 5BC0 appropriation item 715673, Drinking and Ground Water, by $50,000, from $3,653,543 to $3,703,543, in

FY 2020 and by $250,000, from $3,590,300 to $3,840,300, in FY 2021.

Changes the House provision that earmarks $200,000 in FY 2020 from appropriation item 715673, Drinking and Ground Water, for the study of the Michindoh Aquifer to instead require $250,000 in each fiscal year to be used for a study of the network of aquifers that are in the state of Ohio and north of the Maumee River.

SC4809X2

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

1 In line 8045, delete "one" and insert "both"

2 In line 8053, delete the underlined semicolon

3 Delete line 8054

4 In line 8055, delete "described in divisions (A)(1) and (2)

5 of this section"

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Deferred Compensation Program automatic enrollment for**
9 **nonstate employers**

10 **R.C. 148.042**

11 Removes the authority for a public employer that is not a
12 state employer to elect to automatically enroll employees in the
13 Ohio Public Employees Deferred Compensation Program.

SC4811

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 85050a, insert:

"XXXX 050XXX Women's Suffrage Centennial Commission $50,000 $0"

In line 85051, add $50,000 to fiscal year 2020

In line 85058, add $50,000 to fiscal year 2020

After line 85110 insert:

"WOMEN'S SUFFRAGE CENTENNIAL COMMISSION

The foregoing appropriation item 050XXX, Women's Suffrage Centennial Commission, shall be used to carry out the duties of the Womens' Suffrage Commission in accordance with Am. S.B. 30 of the 133rd General Assembly. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050XXX, Women's Suffrage Centennial Commission, at the end of fiscal year 2020 is hereby reappropriated to fiscal year 2021 for the same purpose."

The motion was _____ agreed to.

16 SYNOPSIS

17 **Secretary of State**

18 **Sections 395.10 and 395.20**

19 Establishes Dedicated Purpose appropriation item 050XXX,
20 Women's Suffrage Centennial Commission, and appropriates $50,000
21 in FY 2020 to pay for the duties of the Women's Suffrage
22 Centennial Commission in accordance with Am. S.B. 30 of the
23 133rd General Assembly. Reappropriates the unexpended,
24 unencumbered balance of appropriation item 050XXX at the end of
25 FY 2020 to FY 2021 for the same purpose.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 113 of the title, after "5705.091," insert "5709.084,"

In line 283, after "5705.091," insert "5709.084,"

After line 64021, insert:

"**Sec. 5709.084.** Real and personal property comprising a convention center that is constructed or, in the case of personal property, acquired, after January 1, 2010, are exempt from taxation if the convention center is located in a county having a population, when construction of the convention center commences, of more than one million two hundred thousand according to the most recent federal decennial census, and if the convention center, or the land upon which the convention center is situated, is owned or leased by the county. For the purposes of this section, construction of the convention center commences upon the earlier of issuance of debt to finance all or a portion of the convention center, demolition of existing structures on the site, or grading of the site in preparation for construction.

Real and personal property comprising a convention center owned by the largest city in a county having a population greater than seven hundred thousand but less than nine hundred thousand

according to the most recent federal decennial census is exempt from taxation, regardless of whether the property is leased to or otherwise operated or managed by a person other than the city.

Real and personal property comprising a convention center or arena owned by a convention facilities authority in a county having a population greater than ~~one million~~ <u>seven hundred fifty thousand</u> according to the most recent federal decennial census is exempt from taxation, regardless of whether the property is leased to or otherwise operated or managed by a person other than the convention facilities authority, notwithstanding section 351.12 of the Revised Code.

Real and personal property comprising a convention center or arena owned by the largest city in a county having a population greater than two hundred thirty-five thousand but less than three hundred thousand according to the most recent federal decennial census at the time of the construction of the convention center or arena is exempt from taxation, regardless of whether the property is leased to or otherwise operated or managed by a person other than the city.

Real and personal property comprising a convention center or arena owned by the city in which the convention center or arena is located, and located in a county having a population greater than five hundred thousand but less than six hundred thousand according to the most recent federal decennial census at the time of the construction of the convention center or arena, is exempt from taxation, regardless of whether the property is leased to or otherwise operated or managed by a person other than the city.

As used in this section, "convention center" and "arena" have the same meanings as in section 307.695 of the Revised Code."

In line 74507, after "5705.091," insert "5709.084,"

In line 88467, delete "section" and insert "sections 5709.084 and"

The motion was _____ agreed to.

SYNOPSIS

Property tax exemption for arenas and convention centers

R.C. 5709.084 and Section 757.90

Authorizes a real property tax exemption for a convention center or arena that is owned by a Convention Facilities Authority of a county with a population between 750,000 and 1 million (Hamilton County) and is leased to a private enterprise. Continuing law exempts property owned by any Convention Facilities Authority from taxation unless the property is leased to, or used exclusively by, a private enterprise. There are several exceptions to this rule for certain arenas and convention centers (e.g., Nationwide Arena in Franklin County).

According to the 2010 U.S. census, Hamilton County is the only county with a population within the 750,000 to 1,000,000 range

Specifies that the exemption applies to tax year 2019 and every tax year thereafter.

SC4818X1

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 41 of the title, delete "3319.236,"

In line 230, delete "3319.236,"

Delete lines 31257 through 31291

In line 74454, delete "3319.236,"

After line 87574, insert:

"**Section 733.__.** (A) Notwithstanding section 3319.236 of the Revised Code, for the 2019-2020 and 2020-2021 school years only, a school district, community school established under Chapter 3314. of the Revised Code, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code may permit an individual who holds a valid educator license in any of grades seven through twelve to teach a computer science course if, prior to teaching the course, the individual completes a professional development program approved by the district superintendent or school principal that provides content knowledge specific to the course the individual will teach. The superintendent or principal shall approve any professional development program endorsed by the organization that creates and administers the national Advanced

20 Placement examinations as appropriate for the course the
21 individual will teach.

22 (B) Nothing in this section shall permit an individual
23 described in division (A) of this section to teach a computer
24 science course in a school district or school other than the
25 school district or school that employed the individual at the
26 time the individual completed the professional development
27 program required by that division.

28 (C) Beginning July 1, 2021, a school district or public
29 school shall permit an individual to teach a computer science
30 course only in accordance with section 3319.236 of the Revised
31 Code."

32 The motion was _____ agreed to.

33 SYNOPSIS

34 **Computer science teachers**

35 **R.C. 3319.236; Section 733.___**

36 Removes a codified provision of the bill regarding teachers
37 of Advanced Placement computer science.

38 Enacts a provision of uncodified law that permits school
39 districts, community schools, and STEM schools, for the 2019-
40 2020 and 2020-2021 school years, to allow an individual who
41 holds a valid educator license in any of grades 7 through 12 to
42 teach a computer science course if, prior to teaching the
43 course, the individual completes a professional development
44 program approved by the district superintendent or school

principal that provides content knowledge specific to the course the individual will teach.

Requires a district superintendent or school principal to approve any professional development program endorsed by the organization that creates and administers the national Advanced Placement examinations as appropriate for the course the individual will teach.

Specifies that nothing in this provision permits an individual to teach a computer science course in a school district or school other than the school district or school that employed the individual at the time the individual completed the professional development program.

Specifies that, beginning July 1, 2021, a school district or school must permit an individual to teach a computer science course only in accordance with current law.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 22 of the title, after "2151.23," insert "2151.233, 2151.234, 2151.235, 2151.236,"

In line 25 of the title, after "2950.08," insert "3105.011,"; after "3107.14," insert "3109.061,"

In line 215, after "2151.23," insert "2151.233, 2151.234, 2151.235, 2151.236,"

In line 218, after "2950.08," insert "3105.011,"; after "3107.14," insert "3109.061,"

In line 16238, after "(G)," insert "(I),"

In line 16273, after "(G)," insert "(I),"

In line 16349, strike through "divisions (G)"

In line 16350, strike through "and" and insert "division"

In line 16357, strike through "divisions (G)"

In line 16358, strike through "and" and insert "division"

After line 16428, insert:

"**Sec. 2151.233.** ~~The~~ (A) Except as provided in division (B) of this section, the juvenile court shall not exercise jurisdiction under division (A)(2), (A)(11), or (B)(4) of section 2151.23 of

the Revised Code or section 2151.231 of the Revised Code and the domestic relations court shall have jurisdiction to determine custody or support regarding a child if any of the following apply:

~~(A)~~(1) The child's parents are married to each other.

~~(B)~~(2) The child's parents ~~are not married~~ were married to each other but no longer are married to each other and there is an existing order for custody or support regarding the child or ~~the child's sibling~~ another child of the same parents over which the juvenile court does not have jurisdiction.

~~(C)~~(3) The determination is ancillary to the parents' pending or prior action for divorce, dissolution of marriage, annulment, or legal separation.

(B) Division (A) of this section does not apply to any case or proceeding brought under Chapter 3115. of the Revised Code, or to any case or proceeding initiated or originating outside of this state.

(C) This section shall apply to all cases and proceedings initiated on or after March 22, 2019.

(D) As used in this section and sections 2151.234 to 2151.236 of the Revised Code, "domestic relations court" means the division of a court of common pleas that has domestic relations jurisdiction.

Sec. 2151.234. Section 2151.233 of the Revised Code shall not affect the authority of the juvenile court to issue a custody or support order under division (A)(1) of section 2151.23 of the Revised Code or when granting custody of the child to a relative or placing a child under a kinship care agreement.

Sec. 2151.235. (A) ~~A~~ Upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court may transfer jurisdiction over an action or an order it has issued for child support or custody as follows:

(1) To the appropriate common pleas court with domestic relations jurisdiction, if the parents of the child subject to the action or order are married to each other and are not parties to a proceeding described in division ~~(A)(3)~~(C) of this section;

(2) To the appropriate common pleas court with domestic relations jurisdiction, if the parents of ~~the~~ that child ~~are not married~~ were married to each other but no longer are married to each other and there is an existing order for custody or support regarding the child or ~~the child's sibling~~ another child of the same parents over which the juvenile court does not have jurisdiction;

(3) ~~To the common pleas court exercising jurisdiction over a pending divorce, dissolution of marriage, legal separation, or annulment proceeding to which the parents of the child subject to the action or order are parties;~~

~~(4)~~ To the common pleas court exercising jurisdiction over a protection order issued under section 3113.31 of the Revised Code if ~~the~~ that child or both parents of ~~the~~ that child are subject to both a child support order and the protection order.

(B) ~~Jurisdiction of the action or order described in division (A) of this section shall be transferred and the receiving court shall have exclusive jurisdiction over the action or order if the following requirements are met:~~

~~(1) The common pleas court with domestic relations~~

~~jurisdiction, juvenile court, or an interested party makes a motion to transfer jurisdiction;~~

~~(2) The court receiving jurisdiction consents to the transfer;~~

~~(3) The juvenile court certifies all or~~ Any transfer made pursuant to division (A) of this section shall require the consent of the appropriate court of common pleas with domestic relations jurisdiction.

(C) Upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court shall transfer, and the domestic relations court shall accept, jurisdiction over an action or an order it has issued for child support or custody to the appropriate common pleas court exercising jurisdiction over a pending divorce, dissolution of marriage, legal separation, or annulment proceeding to which the parents of the child subject to the action or order are parties.

(D) In all cases transferred under division (A) or (C) of this section, all of the following apply:

(1) The juvenile court shall do all of the following:

(a) Issue an order granting the request to transfer;

(b) Certify the relevant part of the record in the action or related to the order to the court receiving jurisdiction, unless the authorizing statute for the domestic and juvenile courts has combined them into a domestic relations division of the same court or designated them as a family court and the transfer would be within the court of the same county.

(c) Notify and serve the county child support enforcement agency administering the case of all transfers in writing.

(2) The domestic relations court receiving jurisdiction shall do both of the following:

(a) Issue an order accepting or denying the transfer;

(b) Notify and serve the county child support enforcement agency that is receiving the case or that would have received the case, in writing, of the order accepting or denying the transfer.

(3) When a child support enforcement agency is notified of a transfer under division (D)(1) or (2) of this section, the agency shall take any appropriate action regarding the matter.

(E) When the juvenile court action or order being transferred is due to a pending divorce, dissolution, legal separation, or annulment proceeding in a common pleas court with domestic relations jurisdiction:

(1) The juvenile court and domestic relations court shall retain concurrent jurisdiction during the pendency of the action or order.

(2) The transfer shall be completed and included in final orders that are issued regarding child support or custody in the domestic relations action.

(3) If the domestic relations action is dismissed without final orders being issued regarding child support or custody, the transfer is not completed and the juvenile court action or order remains within the jurisdiction of the juvenile court. The domestic relations court shall notify the juvenile court, the child support enforcement agency in the county of the juvenile court, and the parties of the dismissed action.

~~(C)~~(F) This section applies to all orders in effect prior to March 22, 2019, and all actions or proceedings ~~pending or~~ initiated~~,~~ on or after ~~the effective date of H.B. 595 of the 132nd~~

~~general assembly~~ March 22, 2019.

Sec. 2151.236. If a child is subject to a support order issued by a common pleas court with domestic relations jurisdiction and if a juvenile court adjudicates the child to be delinquent, unruly, abused, neglected, or dependent and grants custody of the child to an individual or entity other than as set forth in the order issued by the common pleas court with domestic relations jurisdiction, the juvenile court shall notify the common pleas court with domestic relations jurisdiction and the child support enforcement agency serving the county of that court. The child support enforcement agency shall review the child support order ~~pursuant to sections 3119.60 and 3119.63 to 3119.76 of the Revised Code~~ and take appropriate action. Any objection to an administrative order issued as an appropriate action taken under this section shall be filed in the domestic relations court."

After line 19660, insert:

"**Sec. 3105.011.** (A) The court of common pleas including divisions of courts of domestic relations, has full equitable powers and jurisdiction appropriate to the determination of all domestic relations matters. This section is not a determination by the general assembly that such equitable powers and jurisdiction do not exist with respect to any such matter.

(B) For purposes of this section, "domestic relations matters" means both of the following:

(1) Any matter committed to the jurisdiction of the division of domestic relations of common pleas courts under section 2301.03 of the Revised Code, as well as a complaint for child support and allocation of parental rights and responsibilities, including the enforcement and modification of such orders;

(2) Actions and proceedings under Chapters 3105., 3109., 3111., 3113., 3115., 3119., 3121., 3123., 3125., and 3127. of the Revised Code, actions pursuant to section 2151.231 of the Revised Code, all actions removed from the jurisdiction of the juvenile court pursuant to section 2151.233 of the Revised Code, and all matters transferred by the juvenile court pursuant to section 2151.235 of the Revised Code."

After line 19720, insert:

"**Sec. 3109.061.** Nothing in sections 2151.233 to 2151.236 and 2301.03 of the Revised Code shall be construed to prevent a domestic relations court from certifying a case to a juvenile court under division (D)(2) of section 3109.04 of the Revised Code or section 3109.06 of the Revised Code. Consent of the juvenile court shall not be required for the certification.

As used in this section, "domestic relations court" has the same meaning as in section 2151.233 of the Revised Code."

In line 74440, after "2151.23," insert "2151.233, 2151.234, 2151.235, 2151.236,"

In line 74442, after "2950.08," insert "3105.011,"; after "3107.14," insert "3109.061,"

The motion was _____ agreed to.

SYNOPSIS

Juvenile court and domestic relations division jurisdiction over certain child support and custody matters

R.C. 2151.23, 2151.233, 2151.234, 2151.235, 2151.236,

3105.011, and 3109.061

Removes, from provisions granting juvenile courts jurisdiction over specified child custody and support matters and cases involving a child referred to it by another court, exceptions that refer to the jurisdiction of the Richland County Court of Common Pleas juvenile division and domestic relations division, and adds, to exceptions to other provisions granting child custody and support jurisdiction to juvenile courts in specified circumstances, an exception regarding the jurisdiction of the Summit County Court of Common Pleas juvenile and domestic relations divisions.

Modifies recently enacted provisions regarding jurisdiction of juvenile courts and domestic relations courts over certain child support and custody actions and orders by:

(1) Clarifying in the provisions that take away juvenile court jurisdiction: (a) the meaning of references to the parents not being married and to the subject child's sibling (this also is done in the provisions described in (2); (b) that the support or custody proceeding at issue could be ancillary to a prior marriage termination action; (c) that the domestic relations court has jurisdiction when the juvenile court's is taken away; and (d) that the provisions apply to all cases initiated after March 22, 2019, and do not affect a juvenile court's authority to issue a support order related to another type of juvenile court proceeding.

(2) Modifying the provisions regarding a juvenile court's transfer of an action or order to a domestic relations court by: (a) clarifying and revising the transfer mechanism; (b) providing for such a transfer to a domestic relations court hearing a pending marriage termination involving the child's parents; (c) specifying each of the court's duties upon such a transfer; (d)

providing for temporary concurrent jurisdiction if the transferred action or order relates to a pending marriage termination proceeding, during the pendency of the action and specifying other effects of the transfer; and (e) specifying that the provisions apply to all orders in effect prior to, and all cases initiated on or after, March 22, 2019.

(3) Specifying that, when a child support enforcement agency is required to review a court-issued child support order after a juvenile court has granted custody of the child to an individual or entity other than as set forth in the court's order, the agency must take appropriate action and any objections to the administrative order so issued must be filed in the domestic relations court.

(4) Clarifying that a domestic relations court's jurisdiction over "domestic relations matter" includes actions transferred or removed from a juvenile court under the provisions described above and over complaints for child support and custody.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 136 of the title, after "148.042," insert "195.01, 195.02,"

In line 300, after "173.525," insert "195.01, 195.02,"

After line 10654, insert:

"**Sec. 195.01.** (A) As used in this chapter, "internet crimes against children task force" means the Ohio internet crimes against children task force recognized by the United States department of justice's internet crimes against children task force program in this state.

(B) The Ohio internet crimes against children task force shall do all of the following:

(1) Consistent with its federal duties, coordinate a state network of local law enforcement agencies that assist federal, state, and local law enforcement agencies in investigations, forensic examinations, and prosecutions related to technologically facilitated sexual exploitation of children, internet crimes against children, and victim identification;

(2) Consistent with available funding, support the state network of law enforcement agencies by funding personnel with agencies who have demonstrated the ability to investigate and

prosecute internet crimes against children;

(3) Support the state network of law enforcement agencies by coordinating and providing investigative training and digital forensic support through on-scene forensic facilities, laboratory computer forensic services, or by funding computer forensic hardware and software licensing to agencies who employ trained computer forensic personnel; and

(4) Conduct or support internet safety presentations and community outreach events throughout the state aimed at educating the public about the dangers of the internet and how to keep children safe while they are online.

(C) Not later than the last day of January of each year, the Ohio internet crimes against children task force and the office of the attorney general shall compile and provide a summary of the previous calendar year's expenditures, including any money appropriated for the task force in a previous year that is carried over, and progress in combating internet crimes against children, to the general assembly. The task force and the office of the attorney general shall include in the report annual statistics, including statistics from affiliated agencies, consistent with the reporting requirements of the United States department of justice, office of juvenile justice and delinquency prevention's internet crimes against children task force program.

Sec. 195.02. The attorney general shall use money appropriated to the internet crimes against children task force to support the operation of the task force including equipment, personnel, and training only and for no other purpose.

The attorney general shall disburse money appropriated for the purposes of this section in the following manner:

Sixty per cent to the Ohio internet crimes against children task force;

Twenty per cent, in coordination with the task force, to local internet crimes against children affiliated agencies in good standing with the task force; and

Twenty per cent to the crimes against children initiative within the office of the attorney general for investigations, forensic examinations, and prosecutions related to technologically facilitated sexual exploitation of children, internet crimes against children, and victim identification."

After line 75305a, insert:

"GRF 055434 ICAC Task Force $500,000 $500,000"

In line 75309, add $500,000 to each fiscal year

In line 75349, add $500,000 to each fiscal year

After line 75405, insert:

"ICAC TASK FORCE

The foregoing appropriation item 055434, ICAC Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Internet Crimes Against Children Task Force

R.C. 195.01 and 195.02

Requires the Ohio Internet Crimes Against Children Task Force to coordinate a state network of law enforcement agencies to support investigations into internet crimes against children.

Requires the Task Force to support the state network of law enforcement agencies, by funding positions, providing investigative training and digital forensic support, and conducting community outreach.

Requires appropriated funds to be disbursed by the Attorney General to certain local agencies affiliated with the Task Force, and to the Office of the Attorney General's Crimes Against Children Initiative.

Requires the Task Force and the Office of the Attorney General to provide a yearly progress report and summary of expenditures.

Attorney General

Sections 221.10 and 221.20

Creates GRF line item 055434, ICAC Task Force, with an appropriation of $500,000 in each fiscal year, and requires those amounts to be used by the Attorney General in support of the Internet Crimes Against Children Task Force for the purposes described in R.C. 195.02.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 12 of the title, after "173.391," insert "174.02,"

In line 13 of the title, after "311.42," insert "317.32,"; after "317.321," insert "319.63,"

In line 162 of the title, after "166.30," insert "174.09,"

In line 208, after "173.391," insert "174.02,"

In line 209, after "311.42," insert "317.32,"; after "317.321," insert "319.63,"

After line 10442, insert:

"**Sec. 174.02.** (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, ~~money transferred from the housing trust reserve fund pursuant to section 174.09 of the Revised Code,~~ and all grants, gifts, loan repayments, and contributions of money made from any source to the development services agency for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development services shall allocate a portion of the money in the fund to an account of the

Ohio housing finance agency. The development services agency shall administer the fund. The Ohio housing finance agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the development services agency shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised Code. Use of all money drawn from the fund is subject to the following restrictions:

(1)(a) Not more than five per cent of the current year appropriation authority for the fund shall be allocated between grants to community development corporations for the community development corporation grant program and grants and loans to the Ohio community development finance fund, a private nonprofit corporation.

(b) In any year in which the amount in the fund exceeds one hundred thousand dollars and at least that much is allocated for the uses described in this section, not less than one hundred thousand dollars shall be used to provide training, technical assistance, and capacity building assistance to nonprofit development organizations.

(2) Not more than ten per cent of any current year appropriation authority for the fund shall be used for the emergency shelter housing grants program to make grants to private, nonprofit organizations and municipal corporations, counties, and townships for emergency shelter housing for the homeless and emergency shelter facilities serving unaccompanied youth seventeen years of age and younger. The grants shall be distributed pursuant to rules the director adopts and qualify as matching funds for funds obtained pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378.

(3) In any fiscal year in which the amount in the fund exceeds the amount awarded pursuant to division (A)(1)(b) of this section by at least two hundred fifty thousand dollars, at least two hundred fifty thousand dollars from the fund shall be provided to the department of aging for the resident services coordinator program as established in section 173.08 of the Revised Code.

(4) Of all current year appropriation authority for the fund, not more than five per cent shall be used for administration.

(5) Not less than forty-five per cent of the funds awarded during any one fiscal year shall be for grants and loans to nonprofit organizations under section 174.03 of the Revised Code.

(6) Not less than fifty per cent of the funds awarded during any one fiscal year, excluding the amounts awarded pursuant to divisions (A)(1), (2), and (7) of this section, shall be for grants and loans for activities that provide housing and housing assistance to families and individuals in rural areas and small cities that are not eligible to participate as a participating jurisdiction under the "HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721.

(7) No money in the fund shall be used to pay for any legal services other than the usual and customary legal services associated with the acquisition of housing.

(8) Money in the fund may be used as matching money for federal funds received by the state, counties, municipal corporations, and townships for the activities listed in section 174.03 of the Revised Code.

(B) If, after the second quarter of any year, it appears to the director of development services that the full amount of the money in the fund designated in that year for activities that

provide housing and housing assistance to families and individuals in rural areas and small cities under division (A) of this section will not be used for that purpose, the director may reallocate all or a portion of that amount for other housing activities. In determining whether or how to reallocate money under this division, the director may consult with and shall receive advice from the housing trust fund advisory committee."

After line 10773, insert:

"**Sec. 317.32.** The county recorder shall charge and collect the following fees, to include, except as otherwise provided in division (A)(2) of this section, base fees for the recorder's services and housing trust fund fees collected pursuant to section 317.36 of the Revised Code:

(A)(1) Except as otherwise provided in division (A)(2) of this section, for recording and indexing an instrument if the photocopy or any similar process is employed, a base fee of ~~fourteen~~ sixteen dollars for the first two pages and a housing trust fund fee of ~~fourteen~~ sixteen dollars, and a base fee of four dollars and a housing trust fund fee of four dollars for each subsequent page, size eight and one-half inches by fourteen inches, or fraction of a page, including the caption page, of such instrument;

(2) For recording and indexing an instrument described in division (D) of section 317.08 of the Revised Code if the photocopy or any similar process is employed, a fee of twenty-eight dollars for the first two pages to be deposited as specified elsewhere in this division, and a fee of eight dollars to be deposited in the same manner for each subsequent page, size eight and one-half inches by fourteen inches, or fraction of a

page, including the caption page, of that instrument. If the county recorder's technology fund has been established under section 317.321 of the Revised Code, of the twenty-eight dollars, fourteen dollars shall be deposited into the county treasury to the credit of the county recorder's technology fund and fourteen dollars shall be deposited into the county treasury to the credit of the county general fund. If the county recorder's technology fund has not been established, the twenty-eight dollars shall be deposited into the county treasury to the credit of the county general fund.

(B) For certifying a photocopy from the record previously recorded, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction of a page; for each certification if the recorder's seal is required, except as to instruments issued by the armed forces of the United States, a base fee of fifty cents and a housing trust fund fee of fifty cents;

(C) For entering any marginal reference by separate recorded instrument, a base fee of two dollars and a housing trust fund fee of two dollars for each marginal reference set out in that instrument, in addition to the fees set forth in division (A)(1) of this section;

(D) For indexing in the real estate mortgage records, pursuant to section 1309.519 of the Revised Code, financing statements covering crops growing or to be grown, timber to be cut, minerals or the like, including oil and gas, accounts subject to section 1309.301 of the Revised Code, or fixture filings made pursuant to section 1309.334 of the Revised Code, a base fee of two dollars and a housing trust fund fee of two dollars for each name indexed;

(E) For filing zoning resolutions, including text and maps, in the office of the recorder as required under sections 303.11 and 519.11 of the Revised Code, a base fee of twenty-five dollars and a housing trust fund fee of twenty-five dollars, regardless of the size or length of the resolutions;

(F) For filing zoning amendments, including text and maps, in the office of the recorder as required under sections 303.12 and 519.12 of the Revised Code, a base fee of ten dollars and a housing trust fund fee of ten dollars regardless of the size or length of the amendments;

(G) For photocopying a document, other than at the time of recording and indexing as provided for in division (A)(1) or (2) of this section, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(H) For local facsimile transmission of a document, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof; for long distance facsimile transmission of a document, a base fee of two dollars and a housing trust fund fee of two dollars per page, size eight and one-half inches by fourteen inches, or fraction thereof;

(I) For recording a declaration executed pursuant to section 2133.02 of the Revised Code or a durable power of attorney for health care executed pursuant to section 1337.12 of the Revised Code, or both a declaration and a durable power of attorney for health care, a base fee of at least fourteen dollars but not more than twenty dollars and a housing trust fund fee of at least fourteen dollars but not more than twenty dollars.

In any county in which the recorder employs the photostatic

or any similar process for recording maps, plats, or prints the recorder shall determine, charge, and collect for the recording or rerecording of any map, plat, or print, a base fee of five cents and a housing trust fund fee of five cents per square inch, for each square inch of the map, plat, or print filed for that recording or rerecording, with a minimum base fee of twenty dollars and a minimum housing trust fund fee of twenty dollars; for certifying a copy from the record, a base fee of two cents and a housing trust fund fee of two cents per square inch of the record, with a minimum base fee of two dollars and a minimum housing trust fund fee of two dollars.

The fees provided in this section shall be paid upon the presentation of the instruments for record or upon the application for any certified copy of the record, except that the payment of fees for providing copies of instruments conveying or extinguishing agricultural easements to the office of farmland preservation in the department of agriculture under division (H) of section 5301.691 of the Revised Code shall be governed by that division.

The fees provided for in this section shall not apply to the recording, indexing, or making of a certified copy or to the filing of any instrument by a county land reutilization corporation, its wholly owned subsidiary, or any other electing subdivision as defined in section 5722.01 of the Revised Code."

After line 10898, insert:

"**Sec. 319.63.** (A) During the first thirty days of each calendar quarter, the county auditor shall pay to the treasurer of state all amounts that the county recorder collected as housing trust fund fees pursuant to section 317.36 of the Revised Code

during the previous calendar quarter. If payment is made to the treasurer of state within the first thirty days of the quarter, the county auditor may retain an administrative fee of one per cent of the amount of the trust fund fees collected during the previous calendar quarter.

(B) The treasurer of state shall deposit the ~~first fifty million dollars of~~ housing trust fund fees received each year pursuant to this section into the low- and moderate-income housing trust fund created under section 174.02 of the Revised Code. ~~The treasurer of state shall deposit any amounts received each year in excess of fifty million dollars into the housing trust reserve fund created under section 174.09 of the Revised Code, unless the cash balance of the housing trust reserve fund is greater than fifteen million dollars. In that event, the treasurer of state shall deposit any amounts received each year in excess of fifty million dollars into the state general revenue fund.~~

(C) The county auditor shall deposit the administrative fee that the auditor is permitted to retain pursuant to division (A) of this section into the county general fund for the county recorder to use in administering the trust fund fee."

In line 74432, after "173.391," insert "174.02,"

In line 74433, after "311.42," insert "317.32,"; after "317.321," insert "319.63,"

In line 74521, after "166.30," insert "174.09,"

In line 76070, delete "$53,000,000 $53,000,000" and insert "$54,500,000 $54,500,000"

In line 76072, add $1,500,000 to each fiscal year

In line 76109, add $1,500,000 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

County recorder fees

R.C. 317.32

Increases by $2 each the base fee and housing trust fund fee for recording and indexing an instrument when using photocopying or any similar process, thereby increasing the total fee from $28 to $32 for the first two pages. The bill retains the base fee and housing trust fund fee for subsequent pages of $4 per page.

Low- and Moderate-Income Housing Trust Fund

R.C. 174.02 and 319.63; repeals R.C. 174.09

Removes the $50 million cap on the amount of housing trust fund fees collected by county recorders that are deposited each year into the Low- and Moderate-Income Housing Trust Fund; thus all housing trust fund fees are to be deposited into the Fund.

Eliminates the Housing Trust Reserve Fund into which trust fund fees collected in excess of $50 million are currently deposited.

Development Services Agency

Section 259.10

Increases appropriations by $1.5 million in each of FY 2020 and FY 2021 for Low- and Moderate-Income Housing Trust Fund (Fund 6460) line item 195638, Low- and Moderate-Income Housing Programs, so that appropriations to the line item total $54.5 million in each fiscal year.

SC4905

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 75442, insert:

"SCHOOL SAFETY TRAINING GRANTS

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training.

(B) The use of the grants includes, but is not limited to, all of the following:

(1) The support of school resource officer certification training;

(2) Any type of active shooter and school safety training or equipment;

(3) All grade level type educational resources;

19 (4) Training to identify and assist students with mental
20 health issues;
21 (5) School supplies or equipment related to school safety
22 or for implementing the school's safety plan;
23 (6) Any other training related to school safety.
24 (C) The schools and county boards shall work or contract
25 with the county sheriff's office or a local police department in
26 whose jurisdiction they are located to develop the programs and
27 training described in divisions (B)(1), (2), (3), (5), and (6)
28 of this section. Any grant awarded directly to a local law
29 enforcement agency shall not be used to fund a similar request
30 made by a school located within the jurisdiction of the local
31 law enforcement agency."

32 The motion was _____ agreed to.

33 SYNOPSIS

34 **Attorney General**

35 **Section 221.30**

36 Requires GRF appropriation item 055502, School Safety
37 Training Grants, to be used by the Attorney General, in
38 consultation with the Superintendent of Public Instruction and
39 the Director of Mental Health and Addiction Services, to make
40 grants for school safety and school climate programs and
41 training to public and chartered nonpublic schools, local law
42 enforcement agencies, and schools operated by county boards of
43 developmental disabilities.

Permits the grants to be used for at least the following: (1) school resource officer certification training, (2) any type of active shooter and school safety training or equipment, (3) all grade level type educational resources, (4) training to identify and assist students with mental health issues, (5) school supplies or equipment related to school safety or for implementing the school's safety plan, and (6) any other training related to school safety.

Requires participating schools and county boards to work with or contract with the county sheriff's office or the appropriate local police department to develop these programs and training. Prohibits any grant awarded directly to a local law enforcement agency to be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 113 of the title, after "5703.05," insert "5703.21,"

In line 282, after "5703.05," insert "5703.21,"

After line 63948, insert:

"**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and

examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an

agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued

pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;

(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely

for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.

(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's compliance with section 5747.063 or 5753.02 of the Revised Code and sections related thereto;

(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.

(16) Disclosing to the development services agency information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the development services agency for the purpose of evaluating potential tax credits, grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the development services agency shall disclose any information provided to the development services agency by the department of taxation under division (C)(16) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential tax credits, grants, or loans.

(17) Disclosing to the department of insurance information in the possession of the department of taxation that is necessary to ensure a taxpayer's compliance with the requirements with any tax credit administered by the development services agency and claimed by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.

(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code~~;~~.

(19) Disclosing orally to the department of education information in the possession of the department of taxation that is necessary only to verify family incomes of students applying for and receiving scholarships under the educational choice pilot project scholarship program pursuant to section 3310.02 of the Revised Code."

In line 74507, after "5703.05," insert "5703.21,"

The motion was _____ agreed to.

SYNOPSIS

Disclosing personal income to verify scholarship eligibility

R.C. 5703.21(C)(19)

Permits the Department of Taxation to orally share personal income information with the Department of Education for the

purpose of only verifying family incomes of students applying for and receiving scholarships under the Educational Choice Pilot Project Scholarship Program.

Sub. H.B. 166
As Pending in S. Finance
PUBCD 1

_____ moved to amend as follows:

In line 4 of the title, after "120.06," insert "120.08,"

In line 202, after "120.06," insert "120.08,"

After line 2994, insert:

"**Sec. 120.08.** There is hereby created in the state treasury the indigent defense support fund, consisting of money paid into the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4511.19 of the Revised Code and pursuant to sections 2937.22, 2949.091, and 2949.094 of the Revised Code out of the additional court costs imposed under those sections. The state public defender shall use at least eighty-three per cent of the money in the fund for the purposes of reimbursing county governments for expenses incurred pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code and operating its system pursuant to division (C)(7) of section 120.04 of the Revised Code and division (B) of section 120.33 of the Revised Code. Disbursements from the fund to county governments shall be made at least once per year and shall be allocated proportionately so that each county receives an equal percentage of its ~~total~~ cost for operating its county public defender system, its joint county public defender system, its county appointed counsel system, or its system operated under

division (C)(7) of section 120.04 of the Revised Code and division (B) of section 120.33 of the Revised Code. The state public defender may use not more than seventeen per cent of the money in the fund for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of this chapter."

In line 3030, delete the first underlined quotation mark; strike through the first "total" and insert """

In line 3088, delete the first underlined quotation mark; strike through the first "total" and insert """

In line 3095, strike through "total"

In line 3323, strike through "total"

In line 3331, strike through "total"

In line 74426, after "120.06," insert "120.08,"

The motion was _____ agreed to.

SYNOPSIS

State reimbursement for indigent defense

R.C. 120.08, 120.18, 120.28, and 120.34

Conforms existing provisions in the Public Defender Law that make references to reimbursement of a county's "total cost" of indigent defense to changes the bill makes in the provisions of that Law that actually govern reimbursements to counties for the

cost of indigent defense – the bill changes the references in those existing provisions to the "cost" of indigent defense instead of the "total cost" of that defense, conforming the references to the changes already in the bill.

SC4986

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 79409, insert:

"ENVIRONMENTAL HEALTH/RADIATION PROTECTION

Of the foregoing appropriation item 440454, Environmental Health/Radiation protection, $150,000 in each fiscal year shall be used by the Department of Health to distribute funds to the city of Toledo for lead-based paint abatement, containment, and housing rehabilitation projects in the historic south neighborhoods of Toledo. In order to receive funding, the city of Toledo shall provide documentation showing the amount of nonprofit or private sector dollars the city has collected for each project. These nonprofit or private sector dollars must be collected during the same state fiscal year that funds are to be awarded. The amount distributed by the Department of Health for each project shall be equal to the amount documented. The total amount distributed by the Department of Health shall not exceed $150,000 in each fiscal year. The city may use these funds to provide grants to owner-occupied or rental properties. Grants shall be awarded by the city in consultation with the Historic South Initiative.

20 Not later than July 1 each year, the city of Toledo shall
21 issue a report to the Department of Health providing information
22 regarding the effectiveness of the funds distributed and any
23 other information requested by the Department."

24 The motion was _____ agreed to.

25 SYNOPSIS

26 **Department of Health**

27 **Sections 291.10 and 291.20**

28 Requires the Department to distribute $150,000 in each
29 fiscal year from GRF appropriation item 440454, Environmental
30 Health/Radiation Protection to the city of Toledo for lead-based
31 paint abatement, containment, and housing rehabilitation
32 projects in the historic south neighborhoods of Toledo. Requires
33 the city of Toledo to provide documentation showing the amount
34 of nonprofit or private sector dollars the city has collected
35 for each project in order to receive funding. Requires the
36 nonprofit or private sector dollars to be collected during the
37 same state fiscal year that funds are to be awarded. Requires
38 the amount distributed by the Department for each project to be
39 equal to the amount documented, without exceeding $150,000 in
40 total in each fiscal year. Allows the city to use the funds to
41 provide grants to owner-occupied or rental properties. Specifies
42 that the grants are to be awarded in consultation with the
43 Historic South Initiative.

44 Requires the city to issue a report to the Department
45 providing information regarding the effectiveness of the funds
46 distributed and any other information requested by the
47 Department not later than July 1 each year.

SC4989X2

Sub. H.B. 166
As Pending in S. Finance
EPACD17

_____ moved to amend as follows:

In line 79021, delete "Village of Yankee Lake (Trumbull County)" and insert "Trumbull County Sanitary Engineer's Department"

The motion was _____ agreed to.

SYNOPSIS

Environmental Protection Agency

Section 277.20

Changes the recipient of an earmarked amount from the Village of Yankee Lake to the Trumbull County Sanitary Engineer's Department.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 23 of the title, after "2151.86," insert "2151.87,"

In line 141 of the title, after "2305.011," insert "2927.024,"

In line 216, after "2151.86," insert "2151.87,"

In line 304, after "2305.011," insert "2927.024,"

After line 17851, insert:

"**Sec. 2151.87.** (A) As used in this section:

~~(1) "Alternative nicotine product," "cigarette," and "tobacco~~ "Tobacco product" ~~have~~ has the same ~~meanings~~ meaning as in section 2927.02 of the Revised Code.

~~(2) "Youth smoking education program" means a private or public agency program that is related to tobacco use, prevention, and cessation, that is carried out or funded by the department of health pursuant to section 3701.84 of the Revised Code, that utilizes educational methods focusing on the negative health effects of smoking and using tobacco products, and that is not more than twelve hours in duration.~~

(B) No child shall do any of the following unless accompanied by a parent, spouse ~~who is eighteen years of age or older~~, or

legal guardian of the child, each of whom shall be twenty-one years of age or older:

(1) Use, consume, or possess ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~;

(2) Purchase or attempt to purchase ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~;

(3) Order, pay for, or share the cost of ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~;

(4) Except as provided in division (E) of this section, accept or receive ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~.

(C) No child shall knowingly furnish false information concerning that child's name, age, or other identification for the purpose of obtaining ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~.

(D) A juvenile court shall not adjudicate a child a delinquent or unruly child for a violation of ~~division (B)(1), (2), (3), or (4) or (C) of~~ this section.

(E)(1) It is not a violation of division (B)(4) of this section for a child to accept or receive ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~ if the child is required to do so in the performance of the child's duties as an employee of that child's employer and the child's acceptance or receipt of ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~ occurs exclusively within the scope of the child's

employment.

(2) It is not a violation of division (B)(1), (2), (3), or (4) of this section if the child possesses, purchases or attempts to purchase, orders, pays for, shares the cost of, or accepts or receives ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~ while participating in an inspection or compliance check conducted by a federal, state, local, or corporate entity at a location at which ~~cigarettes, other~~ tobacco products~~, alternative nicotine products, or papers used to roll cigarettes~~ are sold or distributed.

~~(3) It is not a violation of division (B)(1) or (4) of this section for a child to accept, receive, use, consume, or possess cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while participating in a research protocol if all of the following apply:~~

~~(a) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol.~~

~~(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol~~.

~~(c) The child is participating in the research protocol at the facility or location specified in the research protocol.~~

(F) If a juvenile court finds that a child violated division ~~(B)(1), (2), (3), or (4) or~~ (C) of this section, the court may ~~do either or both of the following:~~

~~(1) Require the child to attend a youth smoking education program or other smoking treatment program approved by the court, if one is available;~~

~~(2) Impose a fine of not more than one hundred dollars.~~

~~(G) If a child disobeys a juvenile court order issued pursuant to division (F) of this section, the court may do any or all of the following:~~

~~(1) Increase the fine imposed upon the child under division (F)(2) of this section;~~

~~(2) Require~~ require the child to perform not more than twenty hours of community service~~;~~

~~(3) Suspend for a period of thirty days the temporary instruction permit, probationary driver's license, or driver's license issued to the child.~~

~~(H) A child alleged or found to have violated division (B) or (C) of this section shall not be detained under any provision of this chapter or any other provision of the Revised Code~~.

(G) Division (B) of this section does not apply to a child if the parent, spouse, or legal guardian of the child is eighteen years of age on or before October 1, 2019. The version of division (B) of this section that was in effect prior to the effective date of this amendment applies to such a child."

In line 18452, after the first comma insert "an electronic smoking device,"

After line 18640, insert:

"**Sec. 2927.024.** (A) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.

(B) Whoever violates division (A) of this section is guilty of furnishing false information to obtain tobacco products. Except

as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, furnishing false information to obtain tobacco products is a misdemeanor of the third degree."

In line 74441, after "2151.86," insert "2151.87,"

The motion was _____ agreed to.

SYNOPSIS

Using false identification to purchase tobacco products

R.C. 2151.87, 2927.02, and 2927.024

Specifies in the exception to the prohibition against a child using or purchasing tobacco products from the Juvenile Law that the parent, spouse, or legal guardian of the child must be 21 years of age or older, specifies that the prohibition does not apply to a child if the child's parent, spouse, or legal guardian is 18 years of age on or before October 1, 2019, modifies the penalty for a child using false information to obtain tobacco products, includes "electronic smoking device" within the definition of "tobacco product," and prohibits a person between the ages of 18 and 20 from using false information to obtain tobacco products.

Sub. H.B. 166
As Pending in S. Finance
DDDCD22

_____ moved to amend as follows:

In line 100 of the title, after "5123.166," insert "5124.15, 5124.24,"

In line 111 of the title, after "5168.08," insert "5168.60, 5168.61, 5168.63, 5168.64,"

In line 133 of the title, delete "and"; after "5164.37," insert "and 5168.62"

In line 155 of the title, after "5123.0425," insert "5123.1612,"; after "5123.691," insert "5124.26,"

In line 172 of the title, after "5167.25" insert ", 5168.62"

In line 273, after "5123.166," insert "5124.15, 5124.24,"

In line 281, after "5168.08," insert "5168.60, 5168.61, 5168.63, 5168.64,"

In line 297, delete the second "and"; after "5164.37," insert "and 5168.62"

In line 314, after "5123.0425," insert "5123.1612,"; after "5123.691," insert "5124.26,"

In line 59734, delete "(b) or (c)"

In line 59736, reinsert "all" and delete "both"

In line 59743, reinsert ";"

Reinsert lines 59744 through 59746

In line 59747, reinsert "the order, both" and delete "."

Delete lines 59748 through 59750

In line 59751, delete "either"; reinsert "are" and delete "is"

Delete lines 59752 and 59753

In line 59756, reinsert "and the" and delete "."

In line 59757, delete "(ii) The"

In line 59759, reinsert "(ii)" and delete "(iii)"

In line 59769, reinsert "(2)" and delete "(b) Both of the following apply:"

Delete lines 59770 through 59773

In line 59774, delete "(E)"; delete "or"

In line 59775, delete "(2)"

In line 59777, reinsert "(a)" and delete "(1)"

In line 59784, reinsert "(b)" and delete "(2)"

In line 59786, delete "date for the hearing shall be as follows:"

Delete line 59787

In line 59788, delete "this section, the"

Delete lines 59794 through 59798

In line 59802, delete "(3)" and insert "(c)"

In line 59826, reinsert "fifteen" and delete "ten"

In line 59830, reinsert "(3)" and delete "(F)(1)"

In line 59837, reinsert "(4)" and delete "(2)"

Delete lines 59843 through 59853

After line 59853, insert:

"**Sec. 5123.1612.** (A) The director of developmental disabilities may issue a summary order suspending a supported living certificate holder's authority to provide supported living to one or more identified individuals if the director determines that both of the following are the case:

(1) The certificate holder's noncompliance with one or more requirements of this chapter or the rules adopted under it causes or presents an immediate danger of causing serious injury, harm, impairment, or death to the individual or individuals;

(2) The certificate holder does not remove the conditions that caused or presented an immediate danger of causing serious injury, harm, impairment, or death to the individual or individuals before the order is issued.

(B) An order issued under division (A) of this section applies only to the individual or individuals the director determines experienced or are in immediate danger of experiencing serious injury, harm, impairment, or death. An order issued under division (A) of this section takes immediate effect upon notification to the certificate holder. The county board of developmental disabilities for the county where the individual or individuals reside shall arrange for an alternative method of providing services to the individual or individuals until the order is lifted under division (E) of this section.

(C) The director shall notify, by telephone, the certificate holder and the county board of developmental disabilities for the

county where the individual or individuals reside of the order immediately after issuing it. The director also shall provide written notice of the order by electronic or regular mail. Both the telephone notice and the written notice to the certificate holder shall inform the certificate holder of the right to request a reconsideration of the order under division (D) of this section.

(D) A certificate holder who is subject to an order issued under division (A) of this section may request that the director reconsider the order within twenty-four hours after receiving the telephone notice under division (C) of this section. The director shall reconsider the order within twenty-four hours after receiving the request. At the certificate holder's option, the reconsideration may be conducted by an in-person meeting, telephone, or review of the certificate holder's written submission that accompanies the request. The director shall issue a decision on the reconsideration within twenty-four hours following the conclusion of the meeting, telephone conversation, or review of a written submission.

(E) The director shall lift an order issued under division (A) of this section if the director determines that the certificate holder has removed the conditions that led to the order and that the conditions will not recur.

(F) An order issued under division (A) of this section does not constitute an action against the holder of a supported living certificate described in section 5123.166 of the Revised Code and is not subject to that section or to Chapter 119. of the Revised Code.

(G) The director's issuance of an order under division (A) of this section does not preclude the director from taking any other action against the holder of a supported living certificate

described in section 5123.166 of the Revised Code."

After line 59900, insert:

"**Sec. 5124.15.** (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions (D) and (E) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the following:

(1) Until July 1, 2021, the greater of the total per medicaid day payment rates determined under divisions (B) and (C) of this section;

(2) Beginning July 1, 2021, the total per medicaid day payment rate determined under division (B) of this section.

(B) The total per medicaid day payment rate determined under this division is the sum of all of the following:

(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;

(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;

(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;

(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;

(5) Until July 1, ~~2020~~ 2021, a direct support personnel payment equal to three and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;

(6) Beginning July 1, ~~2020~~ 2021, the sum of the following:

(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;

(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.

(C) The total per medicaid day payment rate determined under this division is the sum of all of the following:

(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.171 of the Revised Code;

(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.195 of the Revised Code;

(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.211 of the Revised Code;

(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.231 of the Revised Code;

(5) A direct support personnel payment equal to three and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable

cost report year.

(D) The total per medicaid day payment rate for the following shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers:

(1) An ICF/IID that is in peer group 5-A for the purpose of the total per medicaid day payment rate determined under division (B) of this section;

(2) An ICF/IID that is in peer group 3-B for the purpose of the total per medicaid day payment rate determined under division (C) of this section.

(E) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under divisions (B) and (C) of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.

(F)(1) In addition to paying an ICF/IID provider the total per medicaid day payment rate determined for the provider's ICF/IID under divisions (B), (C), (D), and (E) of this section for a fiscal year, the department~~, in~~ may do either or both of the following:

(a) In accordance with section 5124.25 of the Revised Code, ~~may~~ pay the provider a rate add-on for ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on;

(b) In accordance with section 5124.26 of the Revised Code, pay the provider for outlier ICF/IID services the ICF/IID provides to residents identified as needing intensive behavioral health support services if the rate add-on is to be paid under that

section and the department approves the provider's application for the rate add-on. ~~The~~

(2) The rate ~~add-on is~~ add-ons are not to be part of the ICF/IID's total per medicaid day payment rate.

Sec. 5124.24. (A) For fiscal year ~~2021~~ 2022 and each fiscal year thereafter, the department of developmental disabilities shall determine in accordance with division (C) of this section a per medicaid day quality incentive payment for each ICF/IID that earns for the fiscal year at least one point under division (B) of this section.

(B) Each fiscal year beginning with fiscal year ~~2021~~ 2022, the department, in accordance with rules authorized by this section, shall award to an ICF/IID points for ~~the following~~ quality indicators the ICF/IID meets for the fiscal year~~:~~

~~(1) The ICF/IID created and promoted diverse opportunities for its residents to participate in the broader community in the applicable cost report year.~~

~~(2) The ICF/IID offers its residents multiple opportunities for off-site day programming activities, including resident-specific activities.~~

~~(3) All of the ICF/IID's residents who are least eighteen years of age and interested in employment have an identified place on the path to community employment specified in rules adopted under section 5123.022 of the Revised Code.~~

~~(4) The ICF/IID has an active advocacy group that is driven by its residents or fosters its residents' participation in a community-wide group.~~

~~(5) The ICF/IID meets both of the following standards:~~

~~(a) The ICF/IID's bedrooms are designed and arranged to enhance privacy, promote personalization, and meet its residents' needs;.~~

~~(b) The ICF/IID encourages residents to bring to the ICF/IID their own home and room decor.~~

~~(6) The ICF/IID has and follows a policy specifying how it seeks direction from its residents.~~

~~(7) The ICF/IID has a policy for doing both of the following:~~

~~(a) Evaluating each hospital emergency department visit by its residents to identify precipitating factors that led to the visit;~~

~~(b) Developing a plan to mitigate any identified precipitating factors.~~

~~(8) The ICF/IID has adopted the recommendations for resident health screenings that the department publishes on its web site.~~

~~(9) Each month, the ICF/IID offers at least the number of wellness and fitness activities specified for this purpose in rules authorized by this section.~~

~~(10) The number of the ICF/IID's staff who were trained in positive behavior support strategies, trauma-informed care, and similar topics in the applicable cost report year is at least the number specified for this purpose in rules authorized by this section.~~

~~(11) Members of the ICF/IID's staff are involved in orienting and mentoring new staff.~~

~~(12) The ICF/IID's ratio of direct care staff to residents is at least the ratio specified for this purpose in rules authorized by this section.~~

~~(13) The ICF/IID's direct care staff retention percentage is at least the percentage specified for this purpose in rules authorized by this section~~. The quality indicators used under this division shall be based on the recommendations contained in the report submitted to the director of developmental disabilities by the ICF/IID quality indicators workgroups established by Section 261.... of this act.

(C) An ICF/IID's per medicaid day quality incentive payment for a fiscal year shall be the product of the following:

(1) The relative weight point value for the fiscal year as determined under division (D) of this section;

(2) The number of points the ICF/IID was awarded under division ~~(C)~~ (B) of this section for the fiscal year.

(D) The relative weight point value for a fiscal year shall be determined as follows:

(1) For each ICF/IID, determine the product of the following:

(a) The number of inpatient days the ICF/IID had for the applicable cost report year;

(b) The number of points the ICF/IID was awarded under division ~~(C)~~ (B) of this section for the fiscal year.

(2) Determine the sum of all of the products determined under division (D)(1) of this section for the fiscal year;

(3) Determine the amount equal to ~~three and four hundredths~~ one per cent of the total desk-reviewed, actual, allowable direct care costs of all ICFs/IID for the applicable cost report year;

(4) Divide the amount determined under division (D)(3) of this section by the sum determined under division (D)(2) of this section.

(E) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section, including rules that specify or establish all of the following:

(1) The data needed for the department to determine whether an ICF/IID meets the quality indicators specified in division (B) of this section, the medium through which a report of the data is to be submitted to the department, and the date by which the report of the data must be submitted to the department;

(2) Satisfactory evidence needed to determine that an ICF/IID has met the quality indicators;

(3) The method by which ICFs/IID are to be awarded points under division (B) of this section and the number of points that each quality indicator is worth based on the quality indicator's relative importance compared to the other quality indicators.

Sec. 5124.26. (A) Subject to division (D) of this section, the department of developmental disabilities may pay a medicaid rate add-on to an ICF/IID provider for outlier ICF/IID services the ICF/IID provides to residents identified as needing intensive behavioral support services, if the provider applies to the department to receive the rate add-on and the department approves the application. The department may approve a provider's application if both of the following apply:

(1) The provider submits to the department a best practices protocol for providing outlier ICF/IID services under this section and the department determines that the protocol is acceptable;

(2) The provider meets all other eligibility requirements for the rate add-on established in rules adopted under section 5124.03 of the Revised Code.

(B) An ICF/IID that has been approved by the department to provide outlier ICF/IID services under this section shall provide the services in accordance with both of the following:

(1) The best practices protocol described in division (A)(1) of this section;

(2) Requirements regarding the services established in rules adopted under section 5124.03 of the Revised Code.

(C) To qualify to receive outlier ICF/IID services from an ICF/IID under this section, a resident of the ICF/IID must be a medicaid recipient, be determined to need intensive behavioral support services, and meet all other eligibility requirements established in rules adopted under section 5124.03 of the Revised Code.

(D) The department shall negotiate with the department of medicaid the amount of the medicaid payment rate add-on, if any, to be paid under this section or the method by which that amount is to be determined."

After line 63086, insert:

"**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the Revised Code:

(A) "Franchise permit fee rate" means the following:

(1) For fiscal year ~~2016~~ 2020, ~~eighteen~~ twenty-three dollars and ~~seven~~ ninety-five cents;

(2) For fiscal year ~~2017~~ 2021 and each fiscal year thereafter, ~~eighteen~~ twenty-four dollars and ~~two~~ eighty-nine cents.

(B) "Indirect guarantee percentage" means the percentage

specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(C) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(D) Except as provided in division (B) of section 5168.62 of the Revised Code, "inpatient days" has the same meaning as in section 5124.01 of the Revised Code.

(E) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code.

~~(E)~~(F) "Provider agreement" has the same meaning as in section 5124.01 of the Revised Code.

Sec. 5168.61. The department of developmental disabilities shall do all of the following:

(A) Subject to section 5168.64 of the Revised Code and divisions (B) and (C) of this section and for the purposes specified in section 5168.69 of the Revised Code, quarterly assess ~~for each fiscal year~~ each ICF/IID a franchise permit fee equal to the product of the following:

(1) The franchise permit fee rate ~~multiplied by the product of the following:~~

~~(1);~~

(2) The number of the ICF/IID's ~~medicaid-certified capacity on the first day of May of the calendar year in which the assessment is determined pursuant to division (A) of section 5168.63 of the Revised Code;~~

~~(2) The number of days in the fiscal year~~ inpatient days for the quarter as determined using the monthly reports submitted to the department under section 5168.62 of the Revised Code.

(B) If the total amount of the franchise permit fee assessed under division (A) of this section for a fiscal year exceeds the indirect guarantee percentage of the actual net patient revenue for all ICFs/IID for that fiscal year and seventy-five per cent or more of the total number of ICFs/IID receive enhanced medicaid payments or other state payments equal to seventy-five per cent or more of their total franchise permit fee assessments, do both of the following:

(1) Recalculate the assessments under division (A) of this section using a per ~~bed per~~ inpatient day rate equal to the indirect guarantee percentage of actual net patient revenue for all ICFs/IID for that fiscal year;

(2) Refund the difference between the total amount of the franchise permit fee assessed for that fiscal year under division (A) of this section and the amount recalculated under division (B)(1) of this section as a credit against the assessments imposed under division (A) of this section for the quarters of the subsequent fiscal year.

(C) If the United States secretary of health and human services determines that the franchise permit fee established by sections 5168.60 to 5168.71 of the Revised Code would be an

impermissible health care-related tax under section 1903(w) of the "Social Security Act," ~~section 1903(w),~~ 42 U.S.C. 1396b(w), take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 5168.71 of the Revised Code.

Sec. 5168.62. (A) Each ICF/IID shall submit to the department of developmental disabilities a monthly report containing the number of the ICF/IID's inpatient days for that month. A report is due not later than fifteen days after the last day of the month for which it is submitted. Reports shall be submitted to the department in a manner the department shall prescribe. The department may review the data included in a report for accuracy.

(B) If an ICF/IID fails to submit a report for a month, the number of its inpatient days for that month shall be the product of the following:

(1) The ICF/IID's medicaid-certified capacity;

(2) The number of days in the month.

Sec. 5168.63. (A) Not later than the ~~fifteenth~~ last day of ~~August of~~ each ~~year~~ October, January, April, and July, the department of developmental disabilities shall ~~determine the annual franchise permit fee for each ICF/IID in accordance with section 5168.61 of the Revised Code.~~

~~(B) Not later than the first day of September of each year, the department shall~~ notify, electronically or by United States postal service, each ICF/IID of the amount of the quarterly franchise permit fee the ICF/IID has been assessed under section 5168.61 of the Revised Code.

~~(C)~~(B) Subject to section 5168.64 of the Revised Code, each ICF/IID shall pay its quarterly franchise permit fee under section 5168.61 of the Revised Code to the department ~~in quarterly installment payments~~ not later than forty-five days after the last day of each ~~September, December, March, and June~~ October, January, April, and July.

Sec. 5168.64. ~~(A)~~ If the operator of an ICF/IID converts, pursuant to section 5124.60 or 5124.61 of the Revised Code, all of the ICF/IID's beds to providing home and community-based services and the operator's provider agreement for the ICF/IID is terminated as a consequence, the department of developmental disabilities shall terminate the ICF/IID's franchise permit fee effective on the first day of the quarter immediately following the quarter in which the conversion takes place.

~~(B)(1) If, during the period beginning on the first day of May of a calendar year and ending on the first day of January of the immediately following calendar year, the operator of an ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the Revised Code, some but not all of the ICF/IID's beds to providing home and community-based services and the ICF/IID's medicaid-certified capacity is reduced as a consequence, the department shall redetermine the ICF/IID's franchise permit fee for the second half of the fiscal year for which the fee is assessed. To redetermine the ICF/IID's franchise permit fee, the department shall multiply the franchise permit fee rate by the product of the following:~~

~~(a) The ICF/IID's medicaid-certified capacity as of the date the conversion takes effect;~~

~~(b) The number of days in the second half of the fiscal year~~

~~for which the redetermination is made.~~

~~(2) The ICF/IID shall pay its franchise permit fee as redetermined under division (B)(1) of this section in installment payments not later than forty-five days after the last day of March and June of the fiscal year for which the redetermination is made.~~"

In line 74498, after "5123.166," insert "5124.15, 5124.24,"

In line 74506, after "5168.08," insert "5168.60, 5168.61, 5168.63, 5168.64,"

In line 74528, after "5167.25," insert "5168.62,"

In line 76545, delete "$56,000,000" and insert "$60,100,000"

In line 76550, add $4,100,000 to fiscal year 2021

In line 76556, delete "$2,129,279,373" and insert "$2,136,179,373"

In line 76559, add $6,900,000 to fiscal year 2021

In line 76560, add $11,000,000 to fiscal year 2021

After line 76880, insert:

"**Section 261.___.** ICF/IID QUALITY INDICATORS WORKGROUP

(A) As used in this section, "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(B)(1) The Director of Developmental Disabilities shall establish a workgroup to advise the Department of Developmental Disabilities on quality indicators used for awarding points to ICFs/IID under section 5124.24 of the Revised Code. The workgroup shall consist of at least one representative from each of the following as appointed by the Director:

(a) The Department of Developmental Disabilities;

(b) The Ohio Health Care Association;

(c) The Ohio Provider Resource Association;

(d) The Arc of Ohio;

(e) The Values of Faith Alliance;

(f) The Ohio Association of County Boards of Developmental Disabilities.

(2) Members of the workgroup shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties.

(C) Not later than December 31, 2019, the workgroup shall submit to the Director a report containing recommended quality indicators to be used for awarding points to ICFs/IID under section 5124.24 of the Revised Code. In making its recommendations, the workgroup shall do all of the following:

(1) Recommend not more than five quality indicators;

(2) Recommend quality indicators that address aspects of ICF/IID services that individuals receiving services, their families, and their guardians consider to be important;

(3) Recommend quality indicators that can be calculated using data the Department already collects or that the Department can collect with minimal additional administrative burden on ICFs/IID;

(4) Consider utilizing a consumer satisfaction survey for one or more of the quality indicators and consider whether the National Core Indicators could be used for this purpose or if a new survey should be developed;

(5) Consider whether any quality indicators that the workgroup recommends should be adjusted for acuity and whether to recommend different quality indicators for ICFs/IID of different

sizes or serving different populations.

(D) The workgroup shall cease to exist on the submission of its report."

In line 88635, after "amendment" insert ", new enactment, or repeal"; after "of" insert "the"; delete "321.24,"

Delete lines 88636 through 88643 and insert "listed below"

In line 88644, delete "are" and insert "is"

In line 88646, after "law" insert "or, if a later effective date is specified below, on that date"

After line 88646, insert:

"The amendment by this act of sections 321.24, 718.83, 718.85, 718.90, 3311.78, 3311.79, 3314.351, 3317.141, 3319.283, 3326.13, 4301.43, 5741.01, 5741.04, 5741.05, 5741.07, 5741.071, 5741.11, 5741.13, 5741.17, 5745.05, 5747.50, and 5751.02 of the Revised Code; the amendment of division (B)(1) of, and the amendment adding division (D) to, section 131.44 of the Revised Code; the amendment adding a sentence to the end of the second paragraph of division (A) of section 5747.06 of the Revised Code; and the repeal by this act of section 3319.074 of the Revised Code.

The amendment of sections 5168.60, 5168.61, 5168.63, and 5168.64 of the Revised Code, the new enactment of section 5168.62 of the Revised Code, and the repeal of section 5168.62 of the Revised Code by this act take effect July 1, 2019."

The motion was _____ agreed to.

SYNOPSIS

Summary suspension of supportive living certificates

R.C. 5123.166 and 5123.1612

Expands the Director's authority to issue a summary suspension of a supported living certificate holder's authority to continue to provide supported living when the certificate holder's noncompliance with specified requirements causes an immediate danger of causing serious injury, harm, impairment, or death to an individual receiving supported living services.

Specifies that a summary suspension under those circumstances is not subject to the Administrative Procedures Act (R.C. Chapter 119.).

Franchise permit fees for ICFs/IID

R.C. 5168.60, 5168.61, 5168.62 (repealed and new enact), 5168.63, and 5168.64; Section 812.20

Increases the rate of the franchise permit fee imposed on intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) from $18.02 to $23.95 for FY 2020 and to $24.89 for each fiscal year thereafter.

Provides for the franchise permit fee to be assessed quarterly instead of annually.

Provides that an ICF/IID's franchise permit fee for a quarter is to equal the franchise permit fee rate multiplied by the number of the ICF/IID's inpatient days for the quarter.

ICF/IID quality indicators

R.C. 5124.15 and 5124.24; Sections 261.____ and 261.____

Delays the addition of the quality incentive payment to the

Medicaid payment rates, for ICFs/IID, from July 1, 2020, to July 1, 2021.

Requires the Director of Developmental Disabilities to establish a workgroup to recommend new quality indicators to be used to determine ICF/IIDs' quality incentive payments.

Eliminates the current quality indicators and instead requires that new quality indicators be created based on the recommendations made by the workgroup.

Modifies the formula to be used to determine the relative weight point value used in determining an ICF/IID's quality incentive payment.

Provides for ICF/IIDs to continue to receive direct support personnel payments when they begin to receive quality incentive payments but at a reduced amount.

Outlier ICF/IID services Medicaid rate add-on

R.C. 5124.26

Permits the Department of Developmental Disabilities to pay an ICF/IID a Medicaid rate add-on for outlier services that the ICF/IID provides.

Requires that to be eligible to receive outlier ICF/IID services, an individual must be a Medicaid recipient, be determined to need intensive behavioral support services, and meet any other requirements specified by the Department.

Requires the Department to negotiate the amount of the Medicaid payment rate add-on with the Department of Medicaid.

Department of Developmental Disabilities

Section 261.10

Increases DPF Fund 5GE0 appropriation item 653606, IFC/IID and Waiver Match, by $4.1 million in FY 2021. Increases FED Fund 3A40 appropriation item 653654, Medicaid Services, by $6.9 million in FY 2021.

SC5009

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 158 of the title, after "5167.15," insert "5167.22,"

In line 186 of the title, delete "215.10, 215.20,"

In line 191 of the title, delete "to"

Delete line 192 of the title

In line 193 of the title, delete "Assembly,"

In line 207, after "141.16," insert "147.591,"

In line 62128, delete the first "and"

In line 63801, reinsert the comma

The motion was _____ agreed to.

SYNOPSIS

LSC Technical Amendment

R.C. 5165.26 and 5537.17

Corrects various engrossing, grammatical, and punctuation errors.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 104 of the title, after "5164.36," insert "5164.38,"

In line 197 of the title, after "2021," insert "to levy a tax on nicotine vapor products,"

In line 276, after "5164.36," insert "5164.38,"

After line 61845, insert:

"**Sec. 5164.38.** (A) As used in this section:

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.

(B) This section does not apply to either of the following:

(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;

(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or

sections 5165.60 to 5165.89 of the Revised Code.

(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:

(1) Refuse to enter into a provider agreement with a medicaid provider;

(2) Refuse to revalidate a medicaid provider's provider agreement;

(3) Suspend or terminate a medicaid provider's provider agreement;

(4) Take any action based upon a final fiscal audit of a medicaid provider.

(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.

(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following occur:

(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited.

(2) The terms of a provider agreement require the medicaid

provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.

(3) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or not revalidated, because of or pursuant to any of the following:

(a) The termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of medicaid, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state;

(b) Division (D) or (E) of section 5164.35 of the Revised Code;

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state;

(d) The provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;

(e) The provider or its owner, officer, authorized agent,

associate, manager, or employee having been convicted of one of the offenses that caused the provider's provider agreement to be suspended pursuant to section 5164.36 of the Revised Code;

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.

(5) ~~Pursuant to either section 5164.36 or 5164.37 of the Revised Code, the~~ The medicaid provider's provider agreement ~~is~~ and medicaid payments to the provider are suspended ~~and payments to the provider are suspended pending indictment of the provider~~ under section 5164.36 or 5164.37 of the Revised Code.

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail.

(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of proceedings initiated under division (C)(1), (2), or (3) of this section. If the proceedings are initiated under division (C)(4) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and ICFs/IID."

In line 71534, after "<u>of</u>" insert "<u>higher</u>"

In line 71564, after "<u>of</u>" insert "<u>higher</u>"

In line 74501, after "5164.36," insert "5164.38,"

In line 88498, after "act" insert ", or the personal exemption amounts prescribed in division (A) of section 5747.025 of the Revised Code"

The motion was _____ agreed to.

SYNOPSIS

LSC Corrective Amendment

R.C. 5164.38 and 5747.03; Section 757.160

Corrects an engrossing error.

Corrects a department name.

Corrects the bill title to reflect the extension of a tobacco excise tax to nicotine vapor products. Corrects an uncodified provision relating to the temporary suspension of indexing of the income tax personal exemption amounts.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 18 of the title, after "1505.09," insert "1509.31, 1509.36, 1509.50,"

In line 213, after "1505.09," insert "1509.31, 1509.36, 1509.50,"

After line 14781, insert:

"**Sec. 1509.31.** (A)(1) No person shall operate a well in this state unless the person first registers with and obtains an identification number from the chief of the division of oil and gas resources management.

(2) Whenever the entire interest of an oil and gas lease is assigned or otherwise transferred, the assignor or transferor shall notify the holders of the royalty interests, and, if a well or wells exist on the lease, the division of oil and gas resources management, of the name and address of the assignee or transferee by certified mail, return receipt requested, not later than thirty days after the date of the assignment or transfer. When notice of any such assignment or transfer is required to be provided to the division, it shall be provided on a form prescribed and provided by the division and verified by both the assignor or transferor and by the assignee or transferee ~~and shall be accompanied by a nonrefundable fee of one hundred dollars for each well~~. The notice form applicable to assignments or transfers of a well to the owner of the surface estate of the tract on which the well is located

shall contain a statement informing the landowner that the well may require periodic servicing to maintain its productivity; that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for compliance with the requirements of this chapter and rules adopted under it, including, without limitation, the proper disposal of brine obtained from the well, the plugging of the well when it becomes incapable of producing oil or gas, and the restoration of the well site; and that, upon assignment or transfer of the well to the landowner, the landowner becomes responsible for the costs of compliance with the requirements of this chapter and rules adopted under it and the costs for operating and servicing the well.

(3) Notwithstanding division (A)(2) of this section, the assignee or transferee shall notify the division of oil and gas resources management of the assignment or transfer if both of the following apply:

(a) The assignor or transferor failed to notify the division of the assignment or transfer as required by division (A)(2) of this section;

(b) The assignor or transferor is deceased, dissolved, cannot be located, or is otherwise incapable of complying with the notification requirement.

The assignee or transferee shall notify the division of the assignment or transfer on a form prescribed and provided by the division. At a minimum, the form shall require the assignee or transferee to attest that the assignee or transferee is the owner. The division shall not charge a fee for such assignment or transfer when notice is provided in accordance with division (A)(3) of this section.

(B) When the entire interest of a well is proposed to be

assigned or otherwise transferred to the landowner for use as an exempt domestic well, the owner who has been issued a permit under this chapter for the well shall submit to the chief of the division of oil and gas resources management an application for the assignment or transfer that contains all documents that the chief requires ~~and a nonrefundable fee of one hundred dollars~~. The application for such an assignment or transfer shall be prescribed and provided by the chief. The chief may approve the application if the application is accompanied by a release of all of the oil and gas leases that are included in the applicable formation of the drilling unit, the release is in a form such that the well ownership merges with the fee simple interest of the surface tract, and the release is in a form that may be recorded. However, if the owner of the well does not release the oil and gas leases associated with the well that is proposed to be assigned or otherwise transferred or if the fee simple tract that results from the merger of the well ownership with the fee simple interest of the surface tract is less than five acres, the proposed exempt domestic well owner shall post a five thousand dollar bond with the division prior to the assignment or transfer of the well to ensure that the well will be properly plugged. The chief, for good cause, may modify the requirements of this section governing the assignment or transfer of the interests of a well to the landowner. Upon the assignment or transfer of the well, the owner of an exempt domestic well is not subject to the severance tax levied under section 5749.02 of the Revised Code, but is subject to all applicable fees established in this chapter.

(C) The owner holding a permit under section 1509.05 of the Revised Code is responsible for all obligations and liabilities imposed by this chapter and any rules, orders, and terms and conditions of a permit adopted or issued under it, and no

assignment or transfer by the owner relieves the owner of the obligations and liabilities until and unless the assignee or transferee files with the division the information described in divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of section 1509.06 of the Revised Code; obtains liability insurance coverage required by section 1509.07 of the Revised Code, except when none is required by that section; and executes and files a surety bond, negotiable certificates of deposit or irrevocable letters of credit, or cash, as described in that section. Instead of a bond, but only upon acceptance by the chief, the assignee or transferee may file proof of financial responsibility, described in section 1509.07 of the Revised Code. Section 1509.071 of the Revised Code applies to the surety bond, cash, and negotiable certificates of deposit and irrevocable letters of credit described in this section. Unless the chief approves a modification, each assignee or transferee shall operate in accordance with the plans and information filed by the permit holder pursuant to section 1509.06 of the Revised Code.

(D) If a mortgaged property that is being foreclosed is subject to an oil or gas lease, pipeline agreement, or other instrument related to the production or sale of oil or natural gas and the lease, agreement, or other instrument was recorded subsequent to the mortgage, and if the lease, agreement, or other instrument is not in default, the oil or gas lease, pipeline agreement, or other instrument, as applicable, has priority over all other liens, claims, or encumbrances on the property so that the oil or gas lease, pipeline agreement, or other instrument is not terminated or extinguished upon the foreclosure sale of the mortgaged property. If the owner of the mortgaged property was entitled to oil and gas royalties before the foreclosure sale, the oil or gas royalties shall be paid to the purchaser of the

foreclosed property.

Sec. 1509.36. Any person adversely affected by an order by the chief of the division of oil and gas resources management may appeal to the oil and gas commission for an order vacating or modifying the order.

The person so appealing to the commission shall be known as appellant and the chief shall be known as appellee. Appellant and appellee shall be deemed to be parties to the appeal.

The appeal shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. The appeal shall be filed with the commission within thirty days after the date upon which the ~~appellant~~ person to whom the order was issued received ~~notice by certified mail~~ the order and, for all other persons adversely affected by the order, within thirty days after the date of the order complained of. Notice of the filing of the appeal shall be filed with the chief within three days after the appeal is filed with the commission.

Upon the filing of the appeal the commission promptly shall fix the time and place at which the hearing on the appeal will be held, and shall give the appellant and the chief at least ten days' written notice thereof by mail. The commission may postpone or continue any hearing upon its own motion or upon application of the appellant or of the chief.

The filing of an appeal provided for in this section does not automatically suspend or stay execution of the order appealed from, but upon application by the appellant the commission may suspend or stay the execution pending determination of the appeal upon such terms as the commission considers proper.

Either party to the appeal or any interested person who,

pursuant to commission rules has been granted permission to appear, may submit such evidence as the commission considers admissible.

For the purpose of conducting a hearing on an appeal, the commission may require the attendance of witnesses and the production of books, records, and papers, and it may, and at the request of any party it shall, issue subpoenas for witnesses or subpoenas duces tecum to compel the production of any books, records, or papers, directed to the sheriffs of the counties where the witnesses are found. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. Such fees and mileage expenses incurred at the request of appellant shall be paid in advance by the appellant, and the remainder of those expenses shall be paid out of funds appropriated for the expenses of the division of oil and gas resources management.

In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge thereof, on application of the commission or any member thereof, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify therein. Witnesses at such hearings shall testify under oath, and any member of the commission may administer oaths or affirmations to persons who so testify.

At the request of any party to the appeal, a record of the testimony and other evidence submitted shall be taken by an official court reporter at the expense of the party making the request for the record. The record shall include all of the testimony and other evidence and the rulings on the admissibility thereof presented at the hearing. The commission shall pass upon the admissibility of evidence, but any party may at the time object to the admission of any evidence and except to the rulings of the commission thereon, and if the commission refuses to admit evidence the party offering same may make a proffer thereof, and such proffer shall be made a part of the record of the hearing.

If upon completion of the hearing the commission finds that the order appealed from was lawful and reasonable, it shall make a written order affirming the order appealed from; if the commission finds that the order was unreasonable or unlawful, it shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the commission shall contain a written finding by the commission of the facts upon which the order is based.

Notice of the making of the order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by certified mail.

The order of the commission is final unless vacated by the court of common pleas of Franklin county in an appeal as provided for in section 1509.37 of the Revised Code. Sections 1509.01 to 1509.37 of the Revised Code, providing for appeals relating to orders by the chief or by the commission, or relating to rules adopted by the chief, do not constitute the exclusive procedure that any person who believes the person's rights to be unlawfully affected by those sections or any official action taken thereunder

must pursue in order to protect and preserve those rights, nor do those sections constitute a procedure that that person must pursue before that person may lawfully appeal to the courts to protect and preserve those rights.

Sec. 1509.50. (A) An oil and gas regulatory cost recovery assessment is hereby imposed by this section on an owner. An owner shall pay the assessment in the same manner as a severer who is required to file a return under section 5749.06 of the Revised Code. However, an owner may designate a severer who shall pay the owner's assessment on behalf of the owner on the return that the severer is required to file under that section. If a severer so pays an owner's assessment, the severer may recoup from the owner the amount of the assessment. Except for an exempt domestic well, the assessment imposed shall be in addition to the taxes levied on the severance of oil and gas under section 5749.02 of the Revised Code.

(B)~~(1)~~ Except for an exempt domestic well, the oil and gas regulatory cost recovery assessment shall be calculated on a quarterly basis ~~and shall be one of the following~~ as follows:

~~(a) If the sum of ten cents per barrel of oil for all of the wells of the owner, one-half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner, and the amount of the severance tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable, is greater than the sum of fifteen dollars for each well owned by the owner, the amount of the assessment is the sum of ten cents per barrel of oil for all of the wells of the owner and one-half~~ (1) One-half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner~~.~~

~~(b) If the sum of ten;~~

(2) Ten cents per barrel of oil for all of the wells of the owner~~, one-half of one cent per one thousand cubic feet of natural gas for all of the wells of the owner, and the amount of the severance tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable, is less than the sum of fifteen dollars for each well owned by the owner, the amount of the assessment is the sum of fifteen dollars for each well owned by the owner less the amount of the tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable~~.

~~(2) The oil and gas regulatory cost recovery assessment for a well that becomes an exempt domestic well on and after June 30, 2010, shall be sixty dollars to be paid to the division of oil and gas resources management on the first day of July of each year.~~

(C) All money collected pursuant to this section shall be credited to the severance tax receipts fund. After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money in the severance tax receipts fund from amounts collected pursuant to this section shall be credited to the oil and gas well fund created in section 1509.02 of the Revised Code.

(D) Except for purposes of revenue distribution as specified in division (B) of section 5749.02 of the Revised Code, the oil and gas regulatory cost recovery assessment imposed by this section shall be treated the same and equivalent for all purposes as the taxes levied on the severance of oil and gas under that section. However, the assessment imposed by this section is not a

tax under Chapter 5749. of the Revised Code."

In line 74437, after "1505.09," insert "1509.31, 1509.36, 1509.50,"

The motion was _____ agreed to.

SYNOPSIS

Oil and gas

Restores the following provisions that were added by the House related to oil and gas:

Registration and identification; transfer and assignment

R.C. 1509.31

Prohibits a person from operating an oil and gas well without first registering with and obtaining an identification number from the Chief, effectively prohibiting a person that has a well assigned or transferred to them (the assignee or transferee) from operating the well until the assignee or transferee registers and obtains the identification number.

Requires an assignee or transferee of an oil and gas lease that includes a well to notify the Division of Oil and Gas Resources Management of that assignment or transfer if:

-- The assignor or transferor failed to submit the notice as required by current law; and

-- The assignor or transferor is deceased, dissolved, cannot be found, or is otherwise incapable of providing the notice.

Specifies that when the assignee or transferee provides the notice to the Division, the assignee or transferee must attest to

ownership of the lease and is not required to pay any fee associated with the notice.

Eliminates the $100 nonrefundable fees that must be paid by the assignor or transferor of either an oil and gas lease or a well when notifying the Division of the assignment or transfer of the lease or well.

Oil and gas regulatory cost recovery assessment calculation

R.C. 1509.50

Alters the manner in which the oil and gas regulatory cost recovery assessment is calculated from a complex formula to a flat assessment of:

-- For natural gas, one-half of 1¢ per 1,000 cubic feet of natural gas for all of an owner's wells.

-- For oil, 10¢ per barrel of oil for all of an owner's wells.

Eliminates a provision specifying that the assessment for a well that becomes an exempt domestic well on or after June 30, 2010, is $60, due on July 1st each year.

Current law specifies that if the sum of 10¢ per barrel of oil for all of the owner's wells, one-half of 1¢ per 1,000 cubic feet of natural gas for all of the owner's wells, and the amount of the severance tax levied on each severer for all of the owner's wells, as applicable, is greater than the sum of $15 for each well owned, the amount of the assessment is the sum of 10¢ per barrel of oil for all of the owner's wells and one-half of 1¢ per 1,000 cubic feet of natural gas for all of the owner's wells.

If the sum of 10¢ per barrel of oil for all of the owner's wells, one-half of 1¢ per 1,000 cubic feet of natural gas for all

of the owner's wells, and the amount of the severance tax levied on each severer for all of the owner's wells, as applicable, is less than the sum of $15 for each well owned, the amount of the assessment is the sum of $15 for each well owner less the amount of the severance tax levied on each severer for all of the owner's wells, as applicable.

Oil and gas appeal process

R.C. 1509.36

Clarifies when an appeal of an order of the Chief must be made to the Oil and Gas Commission by specifying that a person to whom the order was issued must make the appeal within 30 days after receiving the order.

Eliminates the requirement that the Chief's order be sent via certified mail.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 23 of the title, after "2151.86," insert "2301.32,"

In line 216, after "2151.86," insert "2301.32,"

After line 18056, insert:

"**Sec. 2301.32.** (A) In any county in which a county department of probation has been established under division (A) of section 2301.27 of the Revised Code and complies with standards and conditions prescribed by the adult parole authority created by section 5149.02 of the Revised Code, an agreement may be entered into between the court of common pleas and the authority under which the county department of probation may receive supplemental investigation or supervisory services from the authority.

(B) In any county in which a county department of probation has not been established under division (A) of section 2301.27 of the Revised Code, an agreement may be entered into between the court of common pleas of that county and the adult parole authority under which the court of common pleas may place defendants under a community control sanction in charge of the authority, and, in consideration of those placements, the county shall pay to the state from time to time the amounts that are provided for in the agreement.

(C) In lieu of an agreement made under division (A) or (B) of this section, the adult parole authority may offer a county funding for probation services, provided that the general assembly has appropriated sufficient funds for that purpose."

In line 74441, after "2151.86," insert "2301.32,"

The motion was _____ agreed to.

SYNOPSIS

Supplemental probation funding from adult parole authority

R.C. 2301.32

Allows the adult parole authority to offer a county funding for probation services, provided that the general assembly has appropriated sufficient funds for that purpose.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 89 of the title, after "4778.07," insert "4779.02, 4779.08,"

In line 153 of the title, after "4778.071," insert "4779.40,"

In line 265, after "4778.07," insert "4779.02, 4779.08,"

In line 312, after "4778.071," insert "4779.40,"

After line 54604, insert:

"**Sec. 4779.02.** (A) Except as provided in division (B) or (C) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4729., 4730., 4731., 4734., or 4755. of the Revised Code and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession;

(2) An individual who practices orthotics, prosthetics, or

pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;

(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;

(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under sections 4779.25 to 4779.27 of the Revised Code;

(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(C) Division (A) of this section does not prohibit an individual who is not licensed under this chapter to practice prosthetics or orthotics and prosthetics from engaging in the 3-D printing of open-source prosthetic kits if the individual has been granted the authority to engage in that activity by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.40 of the Revised Code. Such an individual shall not represent that the individual is authorized to practice prosthetics or orthotics and prosthetics under this chapter.

Sec. 4779.08. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the

purposes of this chapter, including rules prescribing all of the following:

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

(3) The form, scoring, and scheduling of licensing examinations;

(4) Fees for examinations and applications for licensure and license renewal;

(5) Fees for approval of continuing education courses;

(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;

(7) The schedule to be used for biennial renewal of licenses;

(8) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;

(9) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;

(10) Fines for violations of this chapter;

(11) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;

(12) Standards for continuing education programs required for license renewal;

(13) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the

continuing education requirements;

(14) Provisions for making available the information described in section 4779.22 of the Revised Code;

(15) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(16) Requirements for an individual who is not licensed under this chapter to practice prosthetics or orthotics and prosthetics to engage in the 3-D printing of open-source prosthetic kits.

(B) The board may adopt any other rules necessary for the administration of this chapter.

(C) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.40. An individual who is not licensed to practice prosthetics or orthotics and prosthetics under section 4779.09 of the Revised Code may apply to the Ohio occupational therapy, physical therapy, and athletic trainers board for the authority to engage in the 3-D printing of open-source prosthetic kits. The board shall prescribe an application form for this purpose.

The board shall grant the authority described in this section if the individual meets the requirements specified in rules adopted under section 4779.08 of the Revised Code."

In line 74490, after "4778.07," insert "4779.02, 4779.08,"

The motion was _____ agreed to.

SYNOPSIS

3-D printing of open-source prosthetic kits

R.C. 4779.02, 4779.08, and 4779.40

Requires the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to adopt rules establishing requirements for an individual who is not licensed to practice prosthetics or orthotics and prosthetics to engage in the 3-D printing of open-source prosthetic kits.

Requires the Board to grant such authority to an individual who applies for the authority and meets the established requirements.

SC5023X1

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 80921, delete "$4,083,664,309" and insert "$4,085,440,909"

In line 80922, delete "$9,727,365,025" and insert "$9,731,588,425"

In line 80923, delete "$13,811,029,334" and insert "$13,817,029,334"

In line 80927, add $1,776,600 to fiscal year 2020

In line 80928, add $4,223,400 to fiscal year 2020

In line 80929, add $6,000,000 to fiscal year 2020

In line 80954, add $6,000,000 to fiscal year 2020

After line 81211, insert:

"**Section 333.___.** MEDICAID PAYMENT RATES FOR INPATIENT HOSPITAL SERVICES

As used in this section, "urban hospital" means a hospital with a Medicaid provider agreement that, for the purpose of the Medicaid program, is classified as an urban hospital pursuant to rules adopted under section 5164.02 of the Revised Code.

If an urban hospital's Medicaid base payment rate in effect on June 30, 2019, for hospital inpatient services is not more

20 than four thousand dollars, the urban hospital's Medicaid base
21 payment rate for hospital inpatient services provided during
22 fiscal year 2020 shall be not less than the average of the
23 Medicaid base payment rate in effect on July 1, 2019, for
24 hospital inpatient services provided by urban hospitals that,
25 according to the Medicaid program's urban hospital
26 classification system, are located in the same peer group
27 region."

28 The motion was _____ agreed to.

29 SYNOPSIS

30 **Medicaid rates for hospital inpatient services**

31 **Section 333.___**

32 Requires that an urban hospital's Medicaid base rate for
33 inpatient services provided during FY 2020 be at least the
34 average of the base rate for hospitals in the same peer group
35 region if the urban hospital's FY 2019 base rate is less than
36 $4,000.

37 **Department of Medicaid**

38 **Section 333.10**

39 Increases GRF appropriation item 651525, Medicaid Health
40 Care Services, by $6.0 million ($1.8 million state share) in FY
41 2020.

Sub. H.B. 166
As Pending in S. Finance
TAXCD25

_____ moved to amend as follows:

In line 113 of the title, after "5709.17," insert "5709.40, 5709.41, 5709.73, 5709.78,"

In line 158 of the title, after "5705.322," insert "5709.51,"

In line 283, after "5709.17," insert "5709.40, 5709.41, 5709.73, 5709.78,"

In line 316, after "5705.322," insert "5709.51,"

After line 64084, insert:

"**Sec. 5709.40.** (A) As used in this section:

(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.

(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective

date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics:

(a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C. 5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as designated by the director of development services under division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political subdivision, the public infrastructure serving the district is inadequate to meet the development needs of the district as evidenced by a written economic development plan or urban renewal plan for the district that has been adopted by the legislative

authority of the subdivision.

(g) The district is comprised entirely of unimproved land that is located in a distressed area as defined in section 122.23 of the Revised Code.

(6) "Overlay" means an area of not more than three hundred acres that is a square, or that is a rectangle having two longer sides that are not more than twice the length of the two shorter sides, that the legislative authority of a municipal corporation delineates on a map of a proposed incentive district.

(7) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities.

(8) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; and the enhancement of public waterways through improvements that allow for greater public access.

(B) The legislative authority of a municipal corporation, by

ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. Except ~~with the approval~~ as otherwise provided under division (D) of this section ~~of the board of education of each city, local, or exempted village school district within which the improvements are located~~ or section 5709.51 of the Revised Code, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation for a period of not more than ten years. The ordinance shall specify the percentage of the improvement to be exempted from taxation and the life of the exemption.

An ordinance adopted or amended under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the municipal corporation that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.42 of the Revised Code shall be used to finance the public infrastructure improvements designated in the ordinance, for the purpose described in division (D)(1) of this section or as provided in section 5709.43 of the Revised Code.

(C)(1) The legislative authority of a municipal corporation

may adopt an ordinance creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section, but no legislative authority of a municipal corporation that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt an ordinance that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the municipal corporation that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the municipal corporation for the preceding tax year. The ordinance shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. An ordinance may create more than one such district, and more than one ordinance may be adopted under division (C)(1) of this section.

(2)(a) Not later than thirty days prior to adopting an ordinance under division (C)(1) of this section, if the municipal corporation intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall

give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance. The notice shall include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the municipal corporation and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the ordinance, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting an ordinance under division (C)(1) of

this section, the legislative authority of a municipal corporation shall amend the ordinance to exclude any parcel located wholly or partly outside the overlay for which a written response has been submitted under division (C)(2)(b) of this section. A municipal corporation shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to an ordinance adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) An ordinance adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements, for the purpose described in division (D)(1), (E), or (F) of this section, or as provided in section 5709.43 of the Revised Code.

An ordinance adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire

equipment as public infrastructure improvements, and no service payment provided for in section 5709.42 of the Revised Code and received by the municipal corporation under the ordinance shall be used for police or fire equipment.

(b) An ordinance adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the ordinance also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The ordinance shall designate the parcels within the district that are eligible for housing renovation. The ordinance shall state separately the amounts or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the general purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (D) of this section.

(D)(1) If the ordinance declaring improvements to a parcel to be a public purpose or creating an incentive district specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village, and joint vocational school district in which the parcel or incentive district is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (D)(2) of this section.

(2) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval under this paragraph of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the legislative authority shall deliver to the board of education a notice stating its intent to adopt an ordinance making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the

improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvement that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The notice regarding improvements to parcels within an incentive district under division (C) of this section shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation. If an agreement is negotiated between the legislative authority and the board to compensate the school district for all or part of the taxes exempted, including agreements for payments in lieu of taxes under section 5709.42 of

the Revised Code, the legislative authority shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

(3) The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance and may declare the improvements a public purpose for up to thirty years, or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority.

(4) If a board of education has adopted a resolution waiving

its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of exemptions by the board is not required under division (D) of this section. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under division (D) of this section fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(5) If the legislative authority is not required by division (D) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

<u>(6) Nothing in division (D) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.</u>

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per

cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the legislative authority intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the legislative authority. In no case shall the compensation provided to the board exceed the property taxes forgone due to the exemption. If the board of county commissioners objects, and the board and legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance adopted under division (C)(1) of this section shall provide to the board compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the

taxes that would be payable to the county, on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the legislative authority not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the legislative authority may adopt the ordinance, and no compensation shall be provided to the board of county commissioners. If the board timely certifies its resolution objecting to the ordinance, the legislative authority may adopt the ordinance at any time after a mutually acceptable compensation agreement is agreed to by the board and the legislative authority, or, if no compensation agreement is negotiated, at any time after the legislative authority agrees in the proposed ordinance to provide compensation to the board of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to an ordinance creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, or a later date as specified in this division, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.42 of the Revised

Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.

(13) A tax levied by a township under section 505.39, division (I) of section 5705.19, or division (JJ) of section 5705.19 of the Revised Code to the extent the proceeds are used for the purposes described in division (I) of that section, for the purpose of funding fire, emergency medical, and ambulance services as described in that section and those divisions. Division (F)(13) of this section applies only if the township levying the tax provides fire, emergency medical, or ambulance services in the incentive district, and only to incentive districts created by an ordinance adopted on or after the effective date of the amendment of this section by H.B. 69 of the 132nd general assembly, March 23, 2018. The board of township trustees may, by resolution, waive the application of this division or negotiate with the municipal corporation that created the district for a lesser amount of payments in lieu of taxes.

(G) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective

date of the ordinance. If the ordinance specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the ordinance. With respect to the exemption of improvements to parcels under division (B) of this section, the ordinance may allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division <u>or section 5709.51 of the Revised Code</u>, the exemption ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the municipal public improvement tax increment equivalent fund established under division (A) of section 5709.43 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the ordinance, if the legislative authority and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of

education has approved the term of the exemption under division (D)(2) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same manner as in the case of other real property exemptions. If an exemption status changes during a year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) Additional municipal financing of public infrastructure improvements and housing renovations may be provided by any methods that the municipal corporation may otherwise use for financing such improvements or renovations. If the municipal corporation issues bonds or notes to finance the public infrastructure improvements and housing renovations and pledges money from the municipal public improvement tax increment equivalent fund to pay the interest on and principal of the bonds or notes, the bonds or notes are not subject to Chapter 133. of the Revised Code.

(I) The municipal corporation, not later than fifteen days after the adoption of an ordinance under this section, shall submit to the director of development services a copy of the ordinance. On or before the thirty-first day of March of each year, the municipal corporation shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the funds created under section 5709.43 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in

employment and private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a legislative authority from declaring to be a public purpose improvements with respect to more than one parcel.

(K) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

Sec. 5709.41. (A) As used in this section:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(2) "Improvement" means the increase in assessed value of any parcel of property subsequent to the acquisition of the parcel by a municipal corporation engaged in urban redevelopment.

(B) The legislative authority of a municipal corporation, by ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:

(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;

(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.

Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms

are defined in section 1728.01 of the Revised Code. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(C) Except as otherwise provided in division (C)(1), (2), or (3) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation. The ordinance shall specify the percentage of the improvement to be exempted from taxation. If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(1) If the ordinance declaring improvements to a parcel to be a public purpose specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village school district in which the parcel is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (C)(2) of this section.

(2) Improvements may be exempted from taxation for up to ten years or, with the approval of the board of education of the city,

local, or exempted village school district within the territory of which the improvements are or will be located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section, the legislative authority shall deliver to the board of education a notice stating its intent to declare improvements to be a public purpose under this section. The notice shall describe the parcel and the improvements, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period, or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation. The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative

authority intends to adopt the ordinance as indicated in the notice. If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board in its resolution shall propose a compensation percentage. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, but shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance and may declare the improvements a public purpose for up to thirty years. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority. If a mutually acceptable compensation agreement is negotiated between the legislative authority and the board, including agreements for payments in lieu of taxes under section 5709.42 of the Revised Code, the legislative authority shall compensate the joint vocational school district within the territory of which the improvements are or will be located at the same rate and under the same terms received

by the city, local, or exempted village school district.

(3) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation and the resolution remains in effect, approval of exemptions by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(4) If the legislative authority is not required by division (C)(1), (2), or (3) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

<u>(5) Nothing in division (C) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.</u>

(D) The exemption commences on the effective date of the ordinance and ends on the date specified in the ordinance as the

date the improvement ceases to be a public purpose. The exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(E) A municipal corporation, not later than fifteen days after the adoption of an ordinance granting a tax exemption under this section, shall submit to the director of development services a copy of the ordinance. On or before the thirty-first day of March each year, the municipal corporation shall submit a status report to the director of development outlining the progress of the project during each year that the exemption remains in effect.

Sec. 5709.51. (A) The legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners may amend an ordinance or resolution adopted in accordance with division (B) of section 5709.40, section 5709.41, division (B) of section 5709.73, or division (A) of section 5709.78 of the Revised Code, as applicable, to extend the exemption from taxation of improvements to the parcel or parcels designated in the ordinance or resolution for an additional period of not more than thirty years if all of the following conditions are met:

(1) The service payments made pursuant to section 5709.42, 5709.74, or 5709.79 of the Revised Code by the owner or owners of the parcel or parcels designated in the ordinance or resolution exceeded one million five hundred thousand dollars in the calendar year preceding the adoption of the amendment.

(2) The service payments described in division (A)(1) of this

section did not exceed one million five hundred thousand dollars in any calendar year before the calendar year immediately preceding the adoption of the amendment. This condition applies only to amendments adopted under this section on or after January 1, 2021.

(3) The amendment extending the exemption provides for compensation to the city, local, or exempted village school district in which the parcel or parcels are located equal in value to the amount of taxes that would be payable to the school district if the improvements had not been exempted from taxation for the additional period.

(B) Not later than fifteen days after amending an ordinance or resolution under this section, the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners shall send a copy of the amendment to the director of development services.

Sec. 5709.73. (A) As used in this section and section 5709.74 of the Revised Code:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code.

(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. For this purpose, "property that is used or

to be used for residential purposes" means property that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the property as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township.

(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees.

(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except ~~with the approval~~ as otherwise provided under division (D) of this section ~~of the board of education of each city, local, or exempted village school district within which the improvements are located~~ or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption.

(C)(1) A board of township trustees may adopt, by unanimous vote, a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section, but no board of township trustees of a township that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the township that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the township for the preceding tax year. The district shall be located within the unincorporated area of the township and shall not include any territory that is included within a district created under division (B) of section 5709.78 of the Revised Code. The resolution shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. A resolution may create more than one such district, and more than one resolution may be adopted under division (C)(1) of this section.

(2)(a) Not later than thirty days prior to adopting a resolution under division (C)(1) of this section, if the township intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board shall

conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The notice shall include a map of the proposed incentive district on which the board of township trustees shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of county commissioners of the county in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (A) or (B) of section 5709.78 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section who meets the conditions specified in divisions (C)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written

response to the board not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall include a copy of the statement submitted under division (C)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (C)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (C)(2)(b) of this section. A township shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be,

undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and, except as provided in division (F) of this section, no service payment provided for in section 5709.74 of the Revised Code and received by the township under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.74 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located,

and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (D) of this section.

(D) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the board of township trustees shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution. The notice regarding improvements made under division

(C) of this section to parcels within an incentive district shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the board of township trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation.

The board of education shall certify its resolution to the board of township trustees not later than fourteen days prior to the date the board of township trustees intends to adopt the resolution as indicated in the notice. If the board of education and the board of township trustees negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for the number of years specified in

the resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board of education fails to certify a resolution to the board of township trustees within the time prescribed by this section, the board of township trustees thereupon may adopt the resolution and may declare the improvements a public purpose for up to thirty years or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the resolution. The board of township trustees may adopt the resolution at any time after the board of education certifies its resolution approving the exemption to the board of township trustees, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board of education and the board of township trustees. If a mutually acceptable compensation agreement is negotiated between the board of township trustees and the board of education, including agreements for payments in lieu of taxes under section 5709.74 of the Revised Code, the board of township trustees shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and

the resolution remains in effect, approval of such exemptions by the board of education is not required under division (D) of this section. If a board of education has adopted a resolution allowing a board of township trustees to deliver the notice required under division (D) of this section fewer than forty-five business days prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of township trustees is not required by division (D) of this section to notify the board of education of the board of township trustees' intent to declare improvements to be a public purpose, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive the notice.

<u>Nothing in this division prohibits the board of township trustees from amending the resolution under section 5709.51 of the Revised Code to extend the term of the exemption.</u>

(E)(1) If a proposed resolution under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of

the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of township trustees shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the board of township trustees intends to adopt the resolution.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the board of township trustees. In no case shall the compensation provided to the board of county commissioners exceed the property taxes foregone due to the exemption. If the board of county commissioners objects, and the board of county commissioners and board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution adopted under division (C)(1) of this section shall provide to the board of county commissioners compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board of county commissioner's

objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county, on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the board of township trustees not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the board of township trustees may adopt its resolution, and no compensation shall be provided to the board of county commissioners. If the board of county commissioners timely certifies its resolution objecting to the trustees' resolution, the board of township trustees may adopt its resolution at any time after a mutually acceptable compensation agreement is agreed to by the board of county commissioners and the board of township trustees, or, if no compensation agreement is negotiated, at any time after the board of township trustees agrees in the proposed resolution to provide compensation to the board of county commissioners of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which

are provided pursuant to a resolution creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, or a later date as specified in this division, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.74 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or families;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the

Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program;

(13) A tax levied by a township under section 505.39, 505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of the Revised Code for the purpose of funding fire, police, emergency medical, or ambulance services as described in those sections. Division (F)(13) of this section applies only to incentive districts created by a resolution adopted on or after March 22, 2019, the effective date of the amendment of this section by H.B. 500 of the 132nd general assembly, and only if that resolution specifies that division (F) of this section shall apply to such a tax.

(G) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as

the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the resolution. With respect to the exemption of improvements to parcels under division (B) of this section, the resolution may allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division <u>and section 5709.51 of the Revised Code</u>, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the township public improvement tax increment equivalent fund established under section 5709.75 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the resolution, if the board of township trustees and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code

with respect to the improvement and the board of education has approved the term of the exemption under division (D) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. The board of township trustees may, by majority vote, adopt a resolution permitting the township to enter into such agreements as the board finds necessary or appropriate to provide for the construction or undertaking of public infrastructure improvements and housing renovations. Any exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the

director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with the expenditures; and a quantitative summary of changes in private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a board of township trustees from declaring to be a public purpose improvements with respect to more than one parcel.

If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(K) A board of township trustees that adopted a resolution under this section prior to July 21, 1994, may amend that resolution to include any additional public infrastructure improvement. A board of township trustees that seeks by the amendment to utilize money from its township public improvement tax increment equivalent fund for land acquisition in aid of industry, commerce, distribution, or research, demolition on private property, or stormwater and flood remediation projects may do so provided that the board currently is a party to a

hold-harmless agreement with the board of education of the city, local, or exempted village school district within the territory of which are located the parcels that are subject to an exemption. For the purposes of this division, a "hold-harmless agreement" means an agreement under which the board of township trustees agrees to compensate the school district for one hundred per cent of the tax revenue that the school district would have received from further improvements to parcels designated in the resolution were it not for the exemption granted by the resolution.

(L) Notwithstanding the limitation prescribed by division (D) of this section on the number of years that improvements to a parcel or parcels may be exempted from taxation, a board of trustees of a township with a population of fifteen thousand or more may amend a resolution originally adopted under this section before December 31, 1994, to extend the exemption of improvements to the parcel or parcels included in such resolution for an additional period not to exceed fifteen years. The amendment shall not increase the percentage of improvements to the parcel or parcels exempted from taxation. Before adopting an amendment authorized under this division, the board of township trustees shall obtain the approval of each board of education of the city, local, or exempted village school district within which the exempted parcels are located in the manner required under division (D) of this section, except that (1) the board of education may approve the exemption on the condition that the board of township trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to the amount of taxes the district forgoes in each year the exemption is extended pursuant to this division or any other mutually agreeable compensation and (2) if the board of education fails to certify a resolution approving the amendment to the board

of township trustees within the time prescribed by division (D) of this section, the board of township trustees shall not adopt the amendment authorized under this division.

No approval under this division shall be required from a board of education that has adopted a resolution waiving its right to approve exemptions from taxation pursuant to division (D) of this section. If the board of education has adopted such a resolution, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt an amendment authorized under this division unless the board of education has adopted a resolution under that section waiving its right to receive the notice. Not later than fourteen days before adopting an amendment authorized under this division, the board of township trustees shall deliver a notice identical to a notice required under section 5709.83 of the Revised Code to the board of county commissioners of each county in which the exempted parcels are located.

Sec. 5709.78. (A) A board of county commissioners may, by resolution, declare improvements to certain parcels of real property located in the unincorporated territory of the county to be a public purpose. Except ~~with the approval~~ <u>as otherwise provided</u> under division (C) of this section ~~of the board of education of each city, local, or exempted village school district within which the improvements are located~~ <u>or section 5709.51 of the Revised Code</u>, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation, for a period of not more than ten years. The resolution shall specify the percentage of the improvement to be exempted and the life of the exemption.

A resolution adopted under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the county that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.79 of the Revised Code shall be used to finance the public infrastructure improvements designated in the resolution, or as provided in section 5709.80 of the Revised Code.

(B)(1) A board of county commissioners may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (B)(2) of this section, exempt from taxation as provided in this section, but no board of county commissioners of a county that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the county that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the county for the preceding tax year. The district shall be located within the unincorporated territory of the county and shall not include any territory that is included within a district created under division (C) of section 5709.73 of the Revised Code. The resolution shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (A) of this

section or that is or has been within another district created under this division. A resolution may create more than one such district, and more than one resolution may be adopted under division (B)(1) of this section.

(2)(a) Not later than thirty days prior to adopting a resolution under division (B)(1) of this section, if the county intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board of county commissioners shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The board also shall provide the notice by first class mail to the clerk of each township in which the proposed incentive district will be located. The notice shall include a map of the proposed incentive district on which the board of county commissioners shall have delineated an overlay. The notice shall inform property owners of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of township trustees of the township in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (B) or (C) of section 5709.73 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (B)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (B) (1) of this section who meets the conditions specified in divisions (B)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (B)(2)(a) of this section. The response shall include a copy of the statement submitted under division (B)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (B)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (B)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (B)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (B)(2)(b) of this section. A county shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required

from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (A) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (B)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (B)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (B)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.79 of the Revised Code and received by the county under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial

purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (D) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (C) of this section.

(C)(1) Improvements with respect to a parcel may be exempted from taxation under division (A) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (B) of this section, for up to ten years or, with the approval of the board of education of each city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to the approval of a board of

education under this division, the board of county commissioners shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice regarding improvements with respect to a parcel under division (A) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the board of county commissioners intends to adopt the resolution. The notice regarding improvements to parcels within an incentive district under division (B) of this section shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of county commissioners intends to adopt the resolution. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the board of county commissioners and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal

in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation.

(2) The board of education shall certify its resolution to the board of county commissioners not later than fourteen days prior to the date the board of county commissioners intends to adopt its resolution as indicated in the notice. If the board of education and the board of county commissioners negotiate a mutually acceptable compensation agreement, the resolution of the board of county commissioners may declare the improvements a public purpose for the number of years specified in that resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of county commissioners fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board of education fails to certify a resolution to the board of county commissioners within the time prescribed by this section, the board of county commissioners thereupon may adopt the resolution and may declare the improvements a public purpose for up to thirty years or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the resolution. The board of county commissioners may adopt the resolution at any time after the board of education certifies its resolution approving the exemption to the board of county commissioners, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation

agreement be negotiated, at any time after the compensation agreement is agreed to by the board of education and the board of county commissioners. If a mutually acceptable compensation agreement is negotiated between the board of county commissioners and the board of education, including agreements for payments in lieu of taxes under section 5709.79 of the Revised Code, the board of county commissioners shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

(3) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of such exemptions by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under division (C) of this section fewer than forty-five business days prior to approval of the resolution by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

<u>(4) Nothing in division (C) of this section prohibits the board of county commissioners from amending the resolution under section 5709.51 of the Revised Code to extend the term of the</u>

exemption.

(D)(1) If a proposed resolution under division (B)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of county commissioners shall deliver to the board of township trustees of any township within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the board intends to adopt the resolution.

(2) The board of township trustees, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of township trustees objects, the board of township trustees may negotiate a mutually acceptable compensation agreement with the board of county commissioners. In no case shall the compensation provided to the board of township trustees exceed the property taxes forgone due to the exemption. If the board of township trustees objects, and the board of township trustees and the board of county commissioners fail to negotiate a mutually acceptable compensation agreement, the resolution adopted under division (B)(1) of this

section shall provide to the board of township trustees compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the township or, if the board of township trustee's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the township on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of township trustees shall certify its resolution to the board of county commissioners not later than thirty days after receipt of the notice.

(3) If the board of township trustees does not object or fails to certify a resolution objecting to an exemption within thirty days after receipt of the notice, the board of county commissioners may adopt its resolution, and no compensation shall be provided to the board of township trustees. If the board of township trustees certifies its resolution objecting to the commissioners' resolution, the board of county commissioners may adopt its resolution at any time after a mutually acceptable compensation agreement is agreed to by the board of county commissioners and the board of township trustees. If the board of township trustees certifies a resolution objecting to the commissioners' resolution, the board of county commissioners may adopt its resolution at any time after a mutually acceptable compensation agreement is agreed to by the board of county commissioners and the board of township trustees, or, if no compensation agreement is negotiated, at any time after the board of county commissioners in the proposed resolution to provide compensation to the board of township trustees of fifty per cent of the taxes that would be payable to the township in the eleventh

and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(E) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to a resolution creating an incentive district under division (B)(1) of this section that is adopted on or after January 1, 2006, shall be distributed to the appropriate taxing authority as required under division (D) of section 5709.79 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (B) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code

for alcohol, drug addiction, and mental health services or facilities;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.

(F) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective

date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the resolution. With respect to the exemption of improvements to parcels under division (A) of this section, the resolution may allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the county can no longer require annual service payments in lieu of taxes under section 5709.79 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the resolution, if the board of commissioners and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of education has approved the term of the exemption under division (C)(1) of this section, but in no case shall the improvement be exempted from

taxation for more than thirty years. Exemptions shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(G) If the board of county commissioners is not required by this section to notify the board of education of the board of county commissioners' intent to declare improvements to be a public purpose, the board of county commissioners shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice.

(H) The county, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the county shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.80 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

(I) Nothing in this section shall be construed to prohibit a

board of county commissioners from declaring to be a public purpose improvements with respect to more than one parcel.

(J) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section."

In line 74507, after "5709.17," insert "5709.40, 5709.41, 5709.73, 5709.78,"

After line 88607, insert:

"**Section 757._____.** The amendment or enactment by this act of sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the Revised Code concerning the extension of certain tax increment financing property tax exemptions applies to resolutions or ordinances adopted under any of those sections for an exemption that is in effect for the tax year that includes or begins after the effective date of those amendments and enactments."

After line 88729, insert:

"Section 5709.40 of the Revised Code as amended by both Am. Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of the 132nd General Assembly.

Section 5709.41 of the Revised Code as amended by both Am. Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly."

The motion was _____ agreed to.

SYNOPSIS

Tax increment financing term extension

R.C. 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78; Section 757.

Authorizes municipalities, townships, and counties to, under certain conditions, extend the term of a tax increment financing (TIF) property tax exemption by up to 30 additional years. Specifically, the TIF must (1) generate $1.5 million in service payments in the immediately preceding year, (2) but not more than $1.5 million in any other preceding year (this requirement only applies after 2020), (3) and the property owner must compensate the school district fully for its property tax losses. This provision was in the introduced bill, but was removed by the Senate.

The extension is available only to TIFs that are in effect on or after the provision's effective date.

Current law limits the term of TIF tax exemptions to 30 years.

Sub. H.B. 166
As Pending in S. Finance
DDDCD33

_____ moved to amend as follows:

In line 113 of the title, delete "5705.091," and insert "5705.222,"

In line 283, delete "5705.091," and insert "5705.222,"

Delete lines 63949 through 63992 and insert:

"**Sec. 5705.222.** (A) At any time the board of county commissioners of any county by a majority vote of the full membership may declare by resolution and certify to the board of elections of the county that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide the necessary requirements of the county board of developmental disabilities established pursuant to Chapter 5126. of the Revised Code and that it is necessary to levy a tax in excess of such limitation for the operation of community programs and services authorized by county boards of developmental disabilities, for the acquisition, construction, renovation, financing, maintenance, and operation of developmental disabilities facilities, or for both of such purposes.

The resolution shall conform to section 5705.19 of the

Revised Code, except that the increased rate may be in effect for any number of years not exceeding ten or for a continuing period of time.

The resolution shall be certified and submitted in the manner provided in section 5705.25 of the Revised Code, except that it may be placed on the ballot in any election, and shall be certified to the board of elections not less than ninety days before the election at which it will be voted upon.

If the majority of the electors voting on a levy for the support of the programs and services of the county board of developmental disabilities vote in favor of the levy, the board of county commissioners may levy a tax within the county at the additional rate outside the ten-mill limitation during the specified or continuing period, for the purpose stated in the resolution.

The county board of developmental disabilities, within its budget and with the approval of the board of county commissioners through annual appropriations, shall use the proceeds of a levy approved under this section or division (L) of section 5705.19 of the Revised Code solely for the purposes authorized by that section or division.

A board of county commissioners that levies a tax under this section or for the purpose authorized by division (L) of section 5705.19 of the Revised Code, by a majority vote of the full membership, may adopt a resolution to renew such a levy, or renew two or more such levies as a single ballot question, in the manner provided by section 5705.25 of the Revised Code for the renewal of existing levies. The purpose of the renewal levy may be for any of the purposes authorized for a levy imposed under this section or division (L) of section 5705.19 of the Revised Code. The term of

the renewal levy may be for any number of years not exceeding ten or for a continuing period of time.

(B) When electors have approved a tax levy under this section, the county commissioners may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

(C) The county auditor, upon receipt of a resolution from the county board of developmental disabilities, shall establish a capital improvements account or a reserve balance account, or both, as specified in the resolution. The capital improvements account shall be a contingency account for the necessary acquisition, replacement, renovation, or construction of facilities and movable and fixed equipment. Upon the request of the county board of developmental disabilities, moneys not needed to pay for current expenses may be appropriated to this account, in amounts such that this account does not exceed twenty-five per cent of the replacement value of all capital facilities and equipment currently used by the county board of developmental disabilities for developmental disabilities programs and services. Other moneys available for current capital expenses from federal, state, or local sources may also be appropriated to this account.

The reserve balance account shall contain those moneys that are not needed to pay for current operating expenses and not deposited in the capital improvements account but that will be needed to pay for operating expenses in the future. Upon the request of a county board of developmental disabilities, the board of county commissioners may appropriate ~~moneys~~ <u>county funds, including funds from federal and state sources,</u> to the reserve balance account.

<u>The total balance in a reserve balance account shall not</u>

exceed forty per cent of the county board of developmental disabilities' expenditures for all services in the preceding calendar year.

Amounts in a capital improvements account or reserve balance account that are not in excess of the limitations prescribed in this division shall be considered reasonable and shall not be taken into consideration by the county budget commission when determining whether to reduce the taxing authority of a county under section 5705.32 of the Revised Code."

In line 74507, delete "5705.091," and insert "5705.222,"

The motion was _____ agreed to.

SYNOPSIS

Board of developmental disabilities funding

R.C. 5705.091 and 5705.222

Removes a provision added in the House that would allow a county board of developmental disabilities to request that its board of county commissioners establish a Medicaid Reserve Fund, which could be used to fund services or to provide reserve funds in the event that a tax levy fails.

Establishes a limit on the balance that may be held in a county board of developmental disabilities' reserve balance account (i.e., rainy day fund). The balance may not exceed the board's prior-year expenditures for all services.

Specifies that any balance in a board of developmental disabilities' reserve balance account or capital improvements

account that does not exceed statutory limits cannot be considered by a county budget commission when determining whether to reduce the amount of taxes that a county may levy on the board's behalf. (This requirement is separate from a provision in the Senate-pending bill addressing the commission's consideration of the amount in a country DD board's general fund.)

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 34 of the title, after "3313.618," insert "3313.671,"

In line 225, after "3313.618," insert "3313.671,"

After line 25525, insert:

"**Sec. 3313.671.** (A)(1) Except as otherwise provided in division (B) of this section, no pupil, at the time of initial entry or at the beginning of each school year, to an elementary or high school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission, that the pupil has been immunized by a method of immunization approved by the department of health pursuant to section 3701.13 of the Revised Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella or is in the process of being immunized.

(2) Except as provided in division (B) of this section, no pupil who begins kindergarten at an elementary school subject to the state board of education's minimum standards shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a

department of health-approved method of immunization or is in the process of being immunized against both of the following:

(a) During or after the school year beginning in 1999, hepatitis B;

(b) During or after the school year beginning in 2006, chicken pox.

(3) Except as provided in division (B) of this section, during and after the school year beginning in 2016, no pupil who is the age or older than the age at which immunization against meningococcal disease is recommended by the state department of health shall be permitted to remain in a school subject to the state board of education's minimum standards for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization, or is in the process of being immunized, against meningococcal disease.

(4) As used in divisions (A)(1), (2), and (3) of this section, "in the process of being immunized" means the pupil has been immunized against mumps, rubeola, rubella, and chicken pox, and if the pupil has not been immunized against poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, and meningococcal disease, the pupil has received at least the first dose of the immunization sequence, and presents written evidence to the pupil's building principal or chief administrative officer of each subsequent dose required to obtain immunization at the intervals prescribed by the director of health. Any student previously admitted under the "in process of being immunized" provision and who has not complied with the immunization intervals prescribed by the director of health shall be excluded from school on the

fifteenth day of the following school year. Any student so excluded shall be readmitted upon showing evidence to the student's building principal or chief administrative officer of progress on the director of health's interval schedule.

(B)(1) A pupil who has had natural rubeola, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against rubeola.

(2) A pupil who has had natural mumps, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against mumps.

(3) A pupil who has had natural chicken pox, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against chicken pox.

(4) A pupil who presents a written statement of the pupil's parent or guardian in which the parent or guardian declines to have the pupil immunized for reasons of conscience, including religious convictions, is not required to be immunized.

(5) A child whose physician certifies in writing that such immunization against any disease is medically contraindicated is not required to be immunized against that disease.

(C) As used in this division, "chicken pox epidemic" means the occurrence of cases of chicken pox in numbers greater than expected in the school's population or for a particular period of time.

Notwithstanding division (B) of this section, a school may deny admission to a pupil otherwise exempted from the chicken pox immunization requirement if the director of the state department of health notifies the school's principal or chief administrative

officer that a chicken pox epidemic exists in the school's population. The denial of admission shall cease when the director notifies the principal or officer that the epidemic no longer exists.

The board of education or governing body of each school subject to this section shall adopt a policy that prescribes methods whereby the academic standing of a pupil who is denied admission during a chicken pox epidemic may be preserved.

(D) Boards of health, legislative authorities of municipal corporations, and boards of township trustees on application of the board of education of the district or proper authority of any school affected by this section, shall provide at the public expense, without delay, the means of immunization against mumps, poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B to pupils who are not so provided by their parents or guardians.

(E) The department of health shall specify the age at which immunization against meningococcal disease, as required by division (A)(3) of this section, is recommended, and approve a method of immunization against meningococcal disease.

<u>(F) Notwithstanding division (B)(4) of this section, a nonpublic school may deny admission to or refuse to enroll a pupil whose parent or guardian declines to have the pupil immunized for reasons of conscience, including religious convictions.</u>"

In line 74449, after "3313.618," insert "3313.671,"

The motion was _____ agreed to.

SYNOPSIS

Student immunization requirements in chartered nonpublic schools

R.C. 3313.671

Permits a chartered nonpublic school to deny admission or refuse to enroll a student whose parent or guardian declines to have the student immunized for reasons of conscience, including religious conviction.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 14 of the title, after "349.07," insert "351.021,"

In line 210, after "349.07," insert "351.021,"

After line 11758, insert:

"**Sec. 351.021.** (A) The resolution of the county commissioners creating a convention facilities authority, or any amendment or supplement to that resolution, may authorize the authority to levy one or both of the excise taxes authorized by division (B) of this section to pay the cost of one or more facilities; to pay principal, interest, and premium on convention facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; to pay operating and maintenance costs of those facilities; and to pay the costs of administering the excise tax.

(B) The board of directors of a convention facilities authority that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section may levy, by resolution adopted on or before December 31, 1988, either or both of the following:

(1) Within the territory of the authority, an additional

excise tax not to exceed four per cent on each transaction. The excise tax authorized by division (B)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(2) of this section.

(2) Within that portion of any municipal corporation that is located within the territory of the authority or within the boundaries of any township that is located within the territory of the authority, which municipal corporation or township is levying any portion of the excise tax authorized by division (A) of section 5739.08 of the Revised Code, and with the approval, by ordinance or resolution, of the legislative authority of that municipal corporation or township, an additional excise tax not to exceed nine-tenths of one per cent on each transaction. The excise tax authorized by division (B)(2) of this section may be levied only if, on the effective date of the levy specified in the resolution making the levy, the amount being levied pursuant to division (A) of section 5739.08 of the Revised Code by each municipal corporation or township in which the tax authorized by division (B)(2) of this section will be levied, when added to the amount levied under division (B)(2) of this section, does not exceed three per cent on each transaction. The excise tax authorized by division (B)(2) of this section shall be in addition to any excise tax that is levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(1) of this section.

(C)(1) The board of directors of a convention facilities authority that is located in an eligible Appalachian county; that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section; and that is not levying a tax under division (B)(1) or (2) of this section may levy within the

territory of the authority, by resolution adopted on or before December 31, 2005, an additional excise tax not to exceed three per cent on each transaction. The excise tax authorized under division (C)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code.

As used in division (C)(1) of this section, "eligible Appalachian county" means a county in this state designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and having a population less than eighty thousand according to the most recent federal decennial census.

(2) Division (C)(2) of this section applies only to a convention facilities authority located in a county with a population, according to the 2000 federal decennial census, of at least one hundred thirty-five thousand and not more than one hundred fifty thousand and containing entirely within its boundaries the territory of a municipal corporation with a population according to that census of more than fifty thousand. The board of directors of such a convention facilities authority, by resolution adopted on or before November 1, 2009, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests at a rate not to exceed three per cent on such transactions for the same purposes for which a tax may be levied under division (B) of this section. The resolution may be adopted only if the board of county commissioners of the county, by resolution, authorizes the levy of the tax. The resolution of the board of county commissioners is subject to referendum as prescribed by sections 305.31 to 305.41 of the Revised Code. If, pursuant to those procedures, a referendum is to be held, the

board's resolution does not take effect until approved by a majority of electors voting on the question. The convention facilities authority may adopt the resolution authorized by division (C)(2) of this section before the election, but the authority's resolution shall not take effect if the board of commissioners' resolution is not approved at the election. A tax levied under division (C)(2) of this section is in addition to any tax levied under section 5739.09 of the Revised Code.

(D) The authority shall provide for the administration and allocation of an excise tax levied pursuant to division (B) or (C) of this section. All receipts arising from those excise taxes shall be expended for the purposes provided in, and in accordance with this section and section 351.141 of the Revised Code. An excise tax levied under division (B) or (C) of this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 351.141 of the Revised Code.

(E) Except as provided in division (B)(2) of this section, the levy of an excise tax on each transaction pursuant to sections 5739.08 and 5739.09 of the Revised Code does not prevent a convention facilities authority from levying an excise tax pursuant to division (B) or (C) of this section.

(F) A convention facilities authority located in a county with a population greater than eighty thousand but less than ninety thousand according to the 2010 federal decennial census that levies a tax under division (B) of this section may amend the resolution levying the tax to allocate a portion of the revenue from the tax for support of tourism-related sites or facilities and programs operated by the county or a municipal corporation

within the county in which the authority is located or for the purpose of leasing lands for county fairs, erecting buildings for county fair purposes, making improvements on a county fairground, or for any purpose connected with the use of a county fairground or with the management thereof by the county in which the authority is located. The revenue allocated by the authority for such purposes in a calendar year shall not exceed ~~fifteen~~ twenty-five per cent of the total revenue from the tax in the preceding calendar year. Revenue allocated for such purposes that is not fully used by the end of the calendar year may be carried forward for use in subsequent calendar years. Any amount carried forward does not count toward the limitation on the amount that may be allocated for such purposes in succeeding calendar years."

In line 74434, after "349.07," insert "351.021,"

The motion was _____ agreed to.

SYNOPSIS

Lodging tax revenue for county fairgrounds

R.C. 351.021(F)

Increases from 15% to 25% the maximum amount of lodging tax revenue received by the Muskingum County Convention Facilities Authority (CFA) that the CFA is permitted divert to various county fairground purposes. Allows the CFA to use unspent revenue that was previously allocated to county fairgrounds in subsequent years without counting it towards the 25% cap.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 16 of the title, after "905.31," insert "929.04,"

In line 212, after "905.31," insert "929.04,"

After line 13900, insert:

"**Sec. 929.04.** (A) As used in this section, "agricultural activities" means common agricultural practices, including all of the following:

(1) The cultivation of crops or changing crop rotation;

(2) Raising of livestock or changing the species of livestock raised;

(3) Entering into and operating under a livestock contract;

(4) The storage and application of commercial fertilizer;

(5) The storage and application of manure;

(6) The storage and application of pesticides and other chemicals commonly used in agriculture;

(7) A change in corporate structure or ownership;

(8) An expansion, contraction, or change in operations;

(9) Any agricultural practice that is acceptable by local custom.

(B) In a civil action for nuisances involving agricultural activities, it is a complete defense if:

~~(A)~~(1) The agricultural activities ~~Were~~ were conducted within an agricultural district or on land devoted exclusively to agricultural use in accordance with section 5713.30 of the Revised Code, or were conducted by a person pursuant to a lease agreement, written or otherwise;

~~(B) Agricultural~~(2) The agricultural activities ~~Were~~ were established ~~within the agricultural district~~ prior to the plaintiff's activities or interest on which the action is based;

~~(C) the plaintiff was not involved in agricultural production; and~~

~~(D)~~(3) The agricultural activities ~~Were~~ were not in conflict with federal, state, and local laws and rules relating to the alleged nuisance or were conducted in accordance with generally accepted agriculture practices.

~~The~~

The plaintiff may offer proof of a violation independently of proof of a violation or conviction by any public official."

In line 74436, after "905.31," insert "929.04,"

The motion was _____ agreed to.

SYNOPSIS

Defense for nuisances for specified agricultural activities

R.C. 929.04

Does all of the following regarding the complete defense in

civil actions for nuisances involving agricultural activities:

1. Expands the defense to include both of the following:

--Agricultural activities that were conducted on land devoted exclusively to agricultural use in accordance with the law governing current agricultural use value; and

--Agricultural activities conducted by a person pursuant to a lease agreement, written or otherwise.

2. Eliminates the specification that the plaintiff in a nuisance action not be engaged in agricultural production.

3. Defines "agricultural activities" to mean common agricultural practices, including specified agricultural-related practices. (Current law does not define "agricultural activities.")

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 49 of the title, after "3701.139," insert "3701.144,"

In line 235, after "3701.139," insert "3701.144,"

After line 35896, insert:

"**Sec. 3701.144.** (A) As used in this section, "cost sharing" has the same meaning as in section 3923.85 of the Revised Code.

(B) The department of health shall administer the state's participation in the national breast and cervical cancer early detection program (NBCCEDP), which shall be known as the Ohio breast and cervical cancer project. The project shall be administered in accordance with Title XV of the "Public Health Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP grant agreement with the United States centers for disease control and prevention.

(C) In administering the project, the department shall set eligibility requirements for services provided through the project as follows:

(1) The woman must have countable family income not exceeding ~~two~~ three hundred ~~fifty~~ per cent of the federal poverty line.

(2) One of the following must be the case:

(a) The woman is not covered by health insurance.

(b) The woman is covered by health insurance that does not include the screening or diagnostic services the woman seeks through the project.

(c) The woman is covered by health insurance that imposes cost sharing for the screening or diagnostic services the woman seeks through the project that exceeds the limit specified by the director of health in rules adopted under division (D) of this section.

(3) In the case of a woman seeking cervical cancer screening and diagnostic services through the project, the woman must be at least twenty-one and less than sixty-five years of age.

(4) In the case of a woman seeking breast cancer screening and diagnostic services through the project, either of the following must be the case:

(a) The woman is at least forty ~~and less than sixty-five~~ years of age.

(b) The woman is at least ~~twenty-five~~ twenty-one and less than forty years of age and has been determined by a physician to need breast cancer screening and diagnostic services due to the results of a clinical breast examination, the woman's family history, or other factors.

(D) The director shall adopt rules for purposes of division (C)(2)(c) of this section specifying the cost sharing limit for each screening and diagnostic service that may be obtained through the project. The director may adopt other rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

In line 74460, after "3701.139," insert "3701.144,"

The motion was _____ agreed to.

SYNOPSIS

Ohio Breast and Cervical Cancer Project

R.C. 3701.144

Makes the following changes to the eligibility requirements for screening and diagnostic services provided through the Ohio Breast and Cervical Cancer Project:

(1) Specifies that a woman seeking breast and cervical cancer screening and diagnostic services must have a countable family income not exceeding 300% of the federal poverty line, rather than 200% as under current law;

(2) In the case of women seeking breast cancer screening and diagnostic services generally, eliminates the requirement that women be less than 65 years of age;

(3) In the case of women seeking breast cancer screening and diagnostic services because of family history, clinical examination results, or other factors, lowers to 21 (from 25) the age at which women become eligible for such services.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 29 of the title, delete "3302.021,"

In line 36 of the title, delete "3314.034,"

In line 142 of the title, delete "3302.038,"

In line 221, delete "3302.021,"

In line 226, delete "3314.034,"

In line 304, delete "3302.038,"

In line 21910, reinsert "and"; delete "or"

Delete lines 22058 through 22108

In line 22355, reinsert "up to three years"; delete "not more than one"

In line 22356, delete "academic year"; delete "growth"; reinsert "as available"

In line 22496, after "shall" reinsert the balance of the line

In line 22497, reinsert everything before "use"; delete "use either the"

Delete lines 22498 through 22511

In line 22512, delete "building"

Delete lines 22758 through 22774

In line 22780, delete "This section does"

Delete lines 22781 through 22783

In line 22784, delete "buildings statewide for three or more consecutive years."

Delete lines 27308 through 27379

Delete lines 28150 through 28285 and insert:

"**Sec. 3314.35.** (A)(1) ~~Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:~~

~~(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.~~

~~(b) The school satisfies all of the following conditions:~~

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~

~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under~~

~~section 3302.03 of the Revised Code for three of the four most recent school years.~~

~~(2) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013:~~

~~(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(b) The school satisfies all of the following conditions:~~

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~

~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(3)~~ Except as provided in division (A)~~(4)~~(2) of this section, this section applies to any community school that meets one of the following criteria ~~on or after July 1, 2013~~:

(a) The school does not offer a grade level higher than three

and, for ~~two of~~ the three most recent school years, satisfies any of the following criteria:

(i) ~~The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;~~

~~(ii)~~ The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;

~~(iii)~~(ii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code.

(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for ~~two of~~ the three most recent school years, ~~satisfies any of the following criteria:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013, and the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code;~~

~~(ii) The~~ the school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and a grade of "F" for the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code~~;~~

~~(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code~~.

(c) The school offers any of grade levels ten to twelve and, for ~~two of~~ the three most recent school years, ~~satisfies any of the following criteria:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;~~

~~(ii) The~~ the school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and has not met annual measurable objectives under division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of the Revised Code~~;~~

~~(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code~~.

~~For purposes of division (A)(3) of this section only, the department of education shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-added data from only the most recent school year.~~

~~(4)~~(2) This section does not apply to either of the following:

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a

majority of the students are enrolled in a dropout prevention and recovery program shall be exempt from this section only if it has been granted a waiver under section 3314.36 of the Revised Code.

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(C) In accordance with division (B) of section 3314.012 of the Revised Code, the department shall not consider the performance ratings assigned to a community school for its first two years of operation when determining whether the school meets the criteria prescribed by division (A)(1) ~~or (2)~~ of this section.

(D) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code."

In line 74445, delete "3302.021,"

In line 74450, delete "3314.034,"

After line 78845, insert:

"**Section 265.____.** (A) There is hereby established a committee to study the state report card prescribed under section 3302.03 of the Revised Code, including how performance measures, components, and the overall grade under division (C) of that section are calculated and weighted. The committee also shall consider design principles for the state report card, the state report card's primary audience, and how state report cards address student academic achievement, including whether the measures are appropriately graded to reflect student academic achievement.

(B) The committee shall consist of the following members:

(1) The Superintendent of Public Instruction or designee;

(2) The chairperson of the standing committee of the House of Representatives that considers primary and secondary education legislation;

(3) The chairperson of the standing committee of the Senate that considers primary and secondary education legislation;

(4) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(5) Two members of the Senate appointed by the President of the Senate;

(6) Three superintendents, one from a rural district, one from a suburban district, and one from an urban district, appointed by the buckeye association of school administrators.

(C) Not later than thirty days after the effective date of this section, all appointments to the committee under division (B) of this section shall be made and the committee shall convene to elect a chairperson.

(D) In conducting its study, the committee shall investigate

at least all of the following:

(1) How many years of data should be included in, and how grades are assigned to, the progress component prescribed under division (C)(3)(c) of section 3302.03 of the Revised Code;

(2) How to structure the prepared for success component prescribed under division (C)(3)(f) of section 3302.03 of the Revised Code, including considering additional ways to earn points;

(3) How the gap closing component prescribed under division (C)(3)(a) of section 3302.03 of the Revised Code meets requirements established under federal law and applies to all schools;

(4) How the graduation component prescribed under division (C)(3)(d) of section 3302.03 of the Revised Code includes students with disabilities and mobile students;

(5) If the overall grades should be a letter grade or some other rating system that clearly communicate the performance of school districts and other public schools to families and communities.

(E) Not later than December 15, 2019, the committee shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code. In addition to addressing the topics prescribed under division (D) of this section, the report shall make recommendations, including any necessary changes to the Revised Code or Administrative Code, about at least all of the following:

(1) How to calculate each graded measure included in the state report card;

(2) How to assign a grade to each graded measure, including

ranges of scores associated with letter grades or any other rating system determined appropriate by the committee;

(3) How to weight the graded measures for school buildings that do not have all measures;

(4) Which state report card calculations should be prescribed in statute and which should be prescribed in administrative rule;

(5) What additional, non-graded information families and communities want to see on the state report card;

(6) What additional items can be used for bonus points in the prepared for success component.

(F) For assistance in conducting its study and preparing its report, the committee shall both consult with independent experts and convene a group of stakeholders, including all of the following:

(1) Educators;

(2) Advocates;

(3) Parents;

(4) The business community."

The motion was _____ agreed to.

SYNOPSIS

State report cards – study committee

Section 265.___; Conforming changes in R.C. 3301.52, 3302.03, 3302.042, and 3314.35; Removes from the bill R.C. 3302.021, 3314.034, and 3302.038

Establishes a study committee, which must convene and elect a chairperson not later than 30 days after the bill's immediate effective date, to study the calculation of grades under the state report card and submit to the General Assembly a report about its study, including certain specified recommendations not later than December 15, 2019.

Removes provisions of the House version of the bill that do all of the following:

(1) Specify that for the overall grade on the state report card and for any sanction or penalty based on the measures, only the performance index score measure or the value-added progress dimension measure be used, whichever is higher and prohibits the use of both measures for those purposes.

(2) Make conforming changes to sanctions, penalties, and other qualifications in certain provisions of law affected by the performance index score and the value-added progress dimension measures, including the Columbus parent trigger pilot project, eligibility for community schools to change sponsors, and community school closure.

(3) Specify that the calculation of the value-added progress dimension must use not more than one academic year's worth of growth data.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 83191, delete "$2,653,850 $1,178,000" and insert "$2,753,850 $1,278,000"

In line 83214, add $100,000 to each fiscal year

In line 83239, add $100,000 to each fiscal year

After line 84196, insert:

"Of the foregoing appropriation item 235533, Program and Project Support, $100,000 in each fiscal year shall be allocated to support the Kent State University Rising Scholars Program."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 381.10 and 381.288

Increases GRF appropriation item 235533, Program and Project Support, by $100,000 in each fiscal year and earmarks the same amount to support the Kent State University Rising Scholars Program, effectively restoring the provisions to the House-passed version of the bill.

SC5074

Sub. H.B. 166
As Pending in S. Finance
OBM INS008
INSCD4

_____ moved to amend as follows:

1 In line 41770, delete "2020" and insert "2021"

2 The motion was _____ agreed to.

3 SYNOPSIS

4 **Telemedicine coverage effective date**

5 **R.C. 3902.30**

6 Changes the date on which telemedicine coverage is required
7 as a part of health benefit plans, from plans issued or renewed
8 on or after January 1, 2020, to on or after January 1, 2021.

SC5075

Sub. H.B. 166
As Pending in S. Finance
RDFCD8

_____ moved to amend as follows:

In line 72674, after "equals" insert "one of"; after "the" insert "following:"

Delete lines 72675 and 72676 and insert:

"(i) For municipal corporations with a population of more than fifty thousand, fifty thousand;

(ii) For municipal corporations with a population of less than one thousand, zero;

(iii) For all other municipal corporations, the municipal corporation's population."

The motion was _____ agreed to.

SYNOPSIS

LGF direct distributions to municipalities

R.C. 5747.50

Modifies a provision added by the Senate that amends the formula used to make direct distributions of LGF funds to municipalities. The bill currently requires that each municipality receive a share based on the municipality's population, except that municipalities with a population of more than 50,000 are capped at that amount. The amendment adds that municipalities with a population of less than 1,000 do not

21 receive any share. (Under continuing law, such villages already
22 receive a separate LGF set-aside amount, part of which is split
23 equally among such villages and part of which is distributed
24 based on population, that is not paid to more populous municipal
25 corporations.)

SC5077

Sub. H.B. 166
As Pending in S. Finance
TAXCD47

_____ moved to amend as follows:

In line 66691, after "~~(50)~~" insert "(49)"; reinsert the balance of the line

Reinsert lines 66692 through 66703

In line 66704, delete "(49)" and insert "(50)"

In line 66707, delete "(50)" and insert "(51)"

In line 66708, delete "(50)" and insert "(51)"

In line 66729, delete "(51)" and insert "(52)"

In line 66734, delete "(51)" and insert "(52)"

In line 66739, delete "(52)" and insert "(53)"

In line 66745, delete "(53)" and insert "(54)"

In line 66751, delete "(53)" and insert "(54)"

In line 66754, delete "(54)" and insert "(55)"

In line 66763, delete "(54)" and insert "(55)"

In line 67674, delete "(54)" and insert "(55)"

The motion was _____ agreed to.

16 SYNOPSIS

17 **Sales tax exemption for flight simulators**

18 **R.C. 5739.02(B)(49)**

19 Reinstates current law's sales tax exemption for the sale
20 of flight simulators used for flight crew training, and related
21 parts and services.

22 The House bill and the pending bill would entirely repeal
23 the exemption.

SC5078

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 115 of the title, delete "5739.025,"

In line 284, delete "5739.025,"

Delete lines 67166 through 67199

In line 74509, delete "5739.025,"

In line 88471, delete "5739.025,"

The motion was _____ agreed to.

SYNOPSIS

Restore $800 cap sales tax on fractionally owned aircraft

R.C. 5739.025

Restores the $800 cap on the sales tax chargeable on shares of qualified fractionally owned aircraft (e.g., NetJets aircraft). The House added a provision that would have repealed the cap so that the tax would equal the state and local sales tax rate multiplied by the price.

SC5083

Sub. H.B. 166
As Pending in S. Finance
TAXCD47

_____ moved to amend as follows:

In line 65763, reinsert everything after "(KKK)"

Reinsert lines 65764 through 65810

In line 65811, reinsert "(LLL)"

In line 65826, reinsert "(MMM)"; delete "(LLL)"

In line 65831, reinsert "(NNN)"; delete "(MMM)"

In line 65836, reinsert "(OOO)"; delete "(NNN)"

In line 65839, reinsert "(PPP)"; delete "(OOO)"

In line 65843, reinsert "(QQQ)"; delete "(PPP)"

In line 65846, reinsert "(QQQ)"; delete "(PPP)"

In line 65859, reinsert "(RRR)"; delete "(QQQ)"

In line 65866, delete "(RRR)" and insert "(SSS)"

In line 66637, reinsert "Sales of replacement and modification parts for engines,"

Reinsert lines 66638 through 66642

In line 66643, reinsert "(45)"

In line 66652, reinsert "(46)"; delete "(45)"

In line 66656, reinsert "(47)"; delete "(46)"

In line 66659, reinsert "(48)"; delete "(47)"

In line 66665, reinsert "(48)"; delete "(47)"

In line 66677, reinsert "(48)"; delete "(47)"

In line 66679, reinsert "(48)"; delete "(47)"

In line 66683, reinsert "(49)"; delete "(48)"

In line 66688, reinsert "(49)"; delete "(48)"

In line 66704, delete "(49)" and insert "(50)"

In line 66707, delete "(50)" and insert "(51)"

In line 66708, delete "(50)" and insert "(51)"

In line 66729, delete "(51)" and insert "(52)"

In line 66734, delete "(51)" and insert "(52)"

In line 66739, delete "(52)" and insert "(53)"

In line 66745, delete "(53)" and insert "(54)"

In line 66751, delete "(53)" and insert "(54)"

In line 66754, delete "(54)" and insert "(55)"

In line 66763, delete "(54)" and insert "(55)"

Delete lines 67166 through 67199

In line 67523, delete "(54)" and insert "(55)"

In line 67674, delete "(54)" and insert "(55)"

The motion was _____ agreed to.

SYNOPSIS

Fractionally owned aircraft sales tax exemption

R.C. 5739.01, 5739.02, 5739.03, and 5739.05; Section 757.140

Reinstates 2 sales and use tax exemption for sales of property and services for maintenance and repair of qualified fractionally owned aircraft (e.g., NetJets). The House bill and pending bill would repeal the exemption.

Sub. H.B. 166
As Pending in S. Finance
MEDCD6

_____ moved to amend as follows:

In line 76 of the title, after "4737.045," insert "4745.04,"

In line 77 of the title, after "4757.32," insert "4759.02,"

In line 255, after "4737.045," insert "4745.04,"

In line 256, after "4757.32," insert "4759.02,"

Delete lines 47106 through 47222 and insert:

"**Sec. 4730.14.** (A) A license to practice as a physician assistant shall be valid for a two-year period unless revoked or suspended, shall expire ~~biennially~~ on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with this section. A person seeking to renew a license ~~to practice as a physician assistant~~ shall~~, on or before the thirty-first day of January of each even-numbered year,~~ apply to the state medical board for renewal ~~of the license~~ prior to the license's expiration date. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date.

Applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of two hundred dollars. The board shall

deposit the fees in accordance with section 4731.24 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a license to practice under section 4730.25 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a physician assistant.

(B) To be eligible for renewal of a license, an applicant is subject to all of the following:

(1) The applicant must certify to the board that the applicant has maintained certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board by meeting the standards to hold current certification from the commission or its successor, including ~~completion of continuing medical education requirements and~~ passing periodic recertification examinations;

(2) Except as provided in ~~division (F) of this section and~~ section 5903.12 of the Revised Code, the applicant must certify to the board that the applicant ~~has completed during the current licensure period not less than one hundred hours of~~ <u>is in compliance with the</u> continuing medical education ~~acceptable to the board~~ <u>requirements necessary to hold current certification from the commission or its successor</u>.

(3) The applicant must comply with the renewal eligibility requirements established under section 4730.49 of the Revised Code that pertain to the applicant.

(C) ~~The board shall adopt rules in accordance with Chapter~~

~~119. of the Revised Code specifying the types of continuing medical education that must be completed to fulfill the board's requirements under division (B)(2) of this section. Except when additional continuing medical education is required, as specified in section 4730.49 of the Revised Code, the board shall not adopt rules that require a physician assistant to complete in any licensure period more than one hundred hours of continuing medical education acceptable to the board. In fulfilling the board's requirements, a physician assistant may use continuing medical education courses or programs completed to maintain certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board if the standards for acceptable courses and programs of the commission or its successor are at least equivalent to the standards established by the board.~~

~~(D)~~ If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed license to practice as a physician assistant.

~~(E)~~(D) The board may require a random sample of physician assistants to submit materials documenting ~~certification~~ both of the following:

(1) Certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board ~~and completion of~~;

(2) Completion of the ~~required number of hours of~~ continuing medical education required to hold current certification from the commission or its successor.

~~(F) The board shall provide for pro rata reductions by month of the number of hours of continuing education that must be~~

~~completed for individuals who are in their first licensure period, who have been disabled due to illness or accident, or who have been absent from the country. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement this division.~~

~~(G)(1)~~ Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4730.25 of the Revised Code.

(E) A license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension of the license shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code.

~~(2)~~(F) If a license has been suspended pursuant to division ~~(G)(1)~~(E) of this section for two years or less, it may be reinstated. The board shall reinstate a license suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty.

If a license has been suspended pursuant to division ~~(G)(1)~~(E) of this section for more than two years, it may be restored. In accordance with section 4730.28 of the Revised Code, the board may restore a license suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and any applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a license to practice as a physician assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section

4730.12 of the Revised Code.

The penalty for reinstatement shall be fifty dollars and the penalty for restoration shall be one hundred dollars. The board shall deposit penalties in accordance with section 4731.24 of the Revised Code.

~~(H) If an individual certifies that the individual has completed the number of hours and type of continuing medical education required for renewal or reinstatement of a license to practice as a physician assistant, and the board finds through a random sample conducted under division (E) of this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars.~~

~~A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4730.25 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. The board shall not conduct an adjudication under Chapter 119. of the Revised Code if the board imposes only a civil penalty~~

(G)(1) If, through a random sample conducted under division (D) of this section or any other means, the board finds that an individual who certified completion of the continuing medical education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing medical education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4730.25 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (G)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty imposed under division (G)(1)(a) of this section or paid under division (G)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code."

Delete lines 47975 through 47979 and insert:

"**Sec. 4731.155.** (A) The state medical board may adopt rules that establish continuing education requirements for renewal under section 4731.15 of the Revised Code of a ~~certificate~~ license to practice a limited branch of medicine. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(B)(1) If the board adopts rules establishing continuing education requirements for holders of licenses to practice a limited branch of medicine, the board may require a holder to certify to the board that the holder has satisfied the continuing education requirements.

(2) The board may require a random sample of license holders to submit materials documenting that the continuing education requirements adopted under this section have been satisfied.

Division (B)(2) of this section does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code.

(3) If, through a random sample conducted under division (B)(2) of this section or any other means, the board finds that an

individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4731.22 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty.

(4) The board's finding in any disciplinary action taken under division (B)(3)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(5) A civil penalty imposed under division (B)(3)(a) of this section or paid under division (B)(3)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code."

Delete lines 48346 through 48412 and insert:

"**Sec. 4731.282.** (A)(1) Except as provided in division (D) of this section, each person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than ~~one hundred~~ fifty hours of continuing medical education that has been approved by the board.

(2) Each person holding a license to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in

continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.

(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following:

(1) Continuing medical education completed by holders of licenses to practice medicine and surgery that is certified by the Ohio state medical association;

(2) Continuing medical education completed by holders of licenses to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association;

(3) Continuing medical education completed by holders of licenses to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association.

(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association under divisions (B)(1) and (2) of this section that assist doctors of medicine and doctors of osteopathic medicine in both of the following:

(1) Recognizing the signs of domestic violence and its relationship to child abuse;

(2) Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code.

(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who ~~are in their first renewal period,~~ have been disabled by illness or accident~~,~~ or have been absent from the country. The board shall adopt the rules in

accordance with Chapter 119. of the Revised Code.

(E) The board may require a random sample of holders of licenses to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to submit materials documenting completion of the required number of hours of continuing medical education. This division does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code.

(F)(1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing medical education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing medical education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4731.22 of the Revised Code,~~,~~ impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty ~~paid~~ imposed under division (F)(1)~~(b)~~(a) of this section or ~~imposed~~ paid under division (F)(1)~~(a)~~(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code."

Delete lines 48490 through 48604 and insert:

"**Sec. 4731.293.** (A) The state medical board may issue, without examination, a clinical research faculty certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to any person who applies for the certificate and provides to the board all of the following:

(1) Evidence satisfactory to the board of all of the following:

(a) That the applicant holds a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country;

(b) That the applicant has been appointed to serve in this state on the academic staff of a medical school accredited by the liaison committee on medical education, an osteopathic medical school accredited by the American osteopathic association, or a college of podiatric medicine and surgery in good standing with the board;

(c) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory.

(2) An affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is qualified to perform teaching and research activities and will be permitted to work only under the authority of the department director or chairperson of a teaching hospital affiliated with the school or college where the applicant's teaching and research activities will occur;

(3) A description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.

(C) The holder of a clinical research faculty certificate may do one of the following, as applicable:

(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school;

(2) Practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the college of podiatric medicine and surgery or a teaching hospital affiliated with the college.

(D) The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(E) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's academic staff appointment described in division (A)(1)(b) of this section is no longer valid or the certificate is

revoked pursuant to division (D) of this section.

(F)(1) The board shall provide a renewal notice to the certificate holder at least one month before the certificate expires. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital

affiliated with the school or college, that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following:

(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country;

(ii) That the applicant's initial appointment to serve in this state on the academic staff of a school or college is still valid or has been renewed;

(iii) That the applicant has completed ~~one hundred fifty~~ seventy-five hours of continuing medical education that meet the requirements set forth in section 4731.282 of the Revised Code.

(4) Regardless of whether the certificate has expired, a person who was granted a visiting medical faculty certificate under this section as it existed immediately prior to June 6, 2012, may apply for a clinical research faculty certificate as a renewal. The board may issue the clinical research faculty certificate if the applicant meets the requirements of division (F)(3) of this section. The board may not issue a clinical research faculty certificate if the visiting medical faculty certificate was revoked.

(G) ~~The board shall maintain a register of all persons who hold clinical research faculty certificates.~~

~~(H)~~ The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

After line 50285 insert:

"**Sec. 4745.04.** (A) As used in this section:

(1) "Indigent and uninsured person" and "volunteer" have the same meanings as in section 2305.234 of the Revised Code.

(2) "Licensing agency that licenses health care professionals" means all of the following:

(a) The state dental board established under Chapter 4715. of the Revised Code;

(b) The board of nursing established under Chapter 4723. of the Revised Code;

(c) The state vision professionals board established under Chapter 4725. of the Revised Code;

(d) The state board of pharmacy established under Chapter 4729. of the Revised Code;

(e) The state medical board established under Chapter 4731. of the Revised Code;

(f) The state board of psychology established under Chapter 4732. of the Revised Code;

(g) The state chiropractic board established under Chapter 4734. of the Revised Code;

(h) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code;

(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised Code;

(j) The chemical dependency professionals board established

under Chapter 4758. of the Revised Code;

(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code;

(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;

(m) Any other licensing agency that considers its licensees to be health care professionals.

(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:

(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.

(2) The licensee provides the health care services to an indigent and uninsured person.

(3) The licensee provides the health care services as a volunteer.

(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section.

(5) The health care services provided are within the scope of authority of the licensee renewing the license.

(C) ~~A~~ <u>(1) Except as provided in division (C)(2) of this section, a</u> licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing

health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer.

(2) In the case of a person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, the state medical board shall permit the person to satisfy not more than three hours of the person's continuing education requirement by providing health care services as a volunteer.

(D) A licensing agency that licenses health care professionals shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) Continuing education credit received under this section for providing health care services is not compensation or any other form of remuneration for purposes of section 2305.234 of the Revised Code and does not make the provider of those services ineligible for the immunity from liability granted under that section."

Delete lines 50695 through 50938 and insert:

"**Sec. 4759.02.** (A) Except as otherwise provided in this section or in section 4759.10 of the Revised Code, no person shall practice, offer to practice, or hold self forth to practice dietetics unless the person has been licensed under section 4759.06 of the Revised Code.

(B) Except for a person licensed under section 4759.06 of the Revised Code, or as otherwise provided in this section or in

section 4759.10 of the Revised Code:

(1) No person shall use the title "dietitian";

(2) No person except for a person licensed under Title XLVII of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics.

(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the abbreviation "R.D."

(D) Division (A) of this section does not apply to:

(1) A student enrolled in an academic program that is in compliance with division (A)(4) of section 4759.06 of the Revised Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or a dietitian registered by the commission on dietetic registration, as part of the academic program;

(2) A person participating in the pre-professional experience required by division (A)(5) of section 4759.06 of the Revised Code;

(3) A person holding a limited permit under division ~~(E)~~(G) of section 4759.06 of the Revised Code.

(E) The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person who either directly or by complicity is in violation of

this section, may, in accordance with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in the unlawful activity by applying for an injunction in the Franklin county court of common pleas or any other court of competent jurisdiction.

Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that the person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section.

Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided under this chapter.

Sec. 4759.05. (A) The state medical board shall adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following:

(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;

(2) The examination of applicants for licensure as a dietitian, as required under division (A) of section 4759.06 of the Revised Code;

(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;

(4) Requirements for a person holding a limited permit under division ~~(E)~~(G) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit and procedures for renewal;

(5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who ~~are in their first renewal period,~~ have been disabled by illness or accident~~,~~ or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.

(6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure;

(7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics;

(8) Formulation of an application form for licensure or license renewal;

(9) Procedures for license renewal;

(10) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.

(B)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4759.012 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may issue subpoenas, question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any

books, accounts, papers, records, or documents, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or limited permit issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the

subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial

proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(C) The board shall keep records as are necessary to carry out the provisions of this chapter.

(D) The board shall maintain and publish on its internet web site the board's rules and requirements for licensure adopted

under division (A) of this section.

Sec. 4759.06. (A) The state medical board shall issue a license to practice dietetics to an applicant who meets all of the following requirements:

(1) Has satisfactorily completed an application for licensure in accordance with rules adopted under division (A) of section 4759.05 of the Revised Code;

(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;

(3) Is of good moral character;

(4) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;

(5) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A)(3) of section 4759.05 of the Revised Code;

(6) Has passed the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code.

(B) The board shall waive the requirements of divisions (A)(4), (5), and (6) of this section and any rules adopted under division (A)(6) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration.

(C)(1) The board shall issue a license to practice dietetics to an applicant who meets the requirements of division (A) of this section. A license ~~issued before July 1, 2018, shall expire on June 30, 2018. A license issued on or after July 1, 2018,~~ shall be valid for a two-year period unless revoked or suspended by the board and shall expire on the ~~thirtieth day of June of the next even-numbered year~~ date that is two years after the date of issuance. A license may be renewed for additional two-year periods.

(2) The board shall renew an applicant's license if the applicant ~~meets the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code and~~ has paid the license renewal fee specified in section 4759.08 of the Revised Code and certifies to the board that the applicant has met the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code. The renewal shall be pursuant to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

At least one month before a license expires, the board shall provide a renewal notice. Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section. Each person holding a license shall give notice to the board of a change in the license holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

(D) Any person licensed to practice dietetics by the former Ohio board of dietetics before January 21, 2018, may continue to practice dietetics in this state under that license if the person continues to meet the requirements to renew a license under this chapter and renews the license through the state medical board.

The state medical board may take any of the following actions, as provided in section 4759.07 of the Revised Code, against the holder of a license to practice dietetics issued before January 21, 2018, by the former Ohio board of dietetics:

(1) Limit, revoke, or suspend the holder's license;

(2) Refuse to renew or reinstate the holder's license;

(3) Reprimand the holder or place the holder on probation.

(E) The board may require a random sample of dietitians to submit materials documenting that the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code have been met.

This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code.

(F)(1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty.

(4) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(5) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

(G)(1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(4) and (5) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code.

(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division ~~(E)~~(G)(1) of this section, the board shall issue a limited permit to the applicant.

A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules.

(3) ~~The board shall maintain a register of all persons holding limited permits under this chapter.~~

~~(4)~~ A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

~~(5)~~(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the

holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code."

Delete lines 51988 through 52068 and insert:

"**Sec. 4761.06.** (A) Each license to practice respiratory care shall ~~be renewed biennially~~ expire on ~~or before the last day of June of every even-numbered year~~ the date that is two years after the date of issuance and may be renewed for additional two-year periods. Each limited permit to practice respiratory care shall be renewed annually. Each person ~~holding~~ seeking to renew a license or limited permit to practice respiratory care shall apply to the state medical board ~~on the form and according to the schedule~~ in a manner prescribed by the board ~~for renewal of the license or limited permit~~. Licenses and limited permits shall be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The ~~state medical~~ board shall renew a license if the holder pays the license renewal fee prescribed under section 4761.07 of the Revised Code and certifies that the holder has completed the continuing education or reexamination requirements of division (B) of this section.

At least one month before a license expires, the board shall provide to the license holder a renewal notice. Failure of any ~~person~~ license holder to receive a notice of renewal from the board shall not excuse the ~~person~~ holder from the requirements contained in this section. Each ~~person holding a~~ license holder shall give notice to the board of a change in the ~~license~~ holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

The board shall renew a limited permit if the holder pays the limited permit renewal fee prescribed under section 4761.07 of the

Revised Code and does either of the following:

(1) If the limited permit was issued on the basis of division (B)(1)(a) of section 4761.05 of the Revised Code, certifies that the holder is enrolled and in good standing in an educational program that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code or has graduated from such a program;

(2) If the limited permit was issued on the basis of division (B)(1)(b) of section 4761.05 of the Revised Code, certifies that the applicant is employed as a provider of respiratory care under the supervision of a respiratory care professional.

(B) On ~~and after March 14, 1991, and every year thereafter, on~~ or before the annual renewal date, the holder of a limited permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code shall certify to the board that the holder has satisfactorily completed the number of hours of continuing education required by the board, which shall not be less than three nor more than ten hours of continuing education acceptable to the board.

On or before the ~~biennial renewal~~ date a license expires, a license holder shall certify to the board that the license holder has satisfactorily completed the number of hours of continuing education required by the board, which shall be not less than six nor more than twenty hours of continuing education acceptable to the board, or has passed a reexamination in accordance with the board's renewal requirements.

(C)(1) A license to practice respiratory care that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4761.10 of the Revised Code.

(2) If a license has been suspended pursuant to division (C)(1) of this section for two years or less, it may be reinstated. The ~~state medical~~ board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of one hundred dollars.

~~(3)(a)~~ If a license has been suspended pursuant to division (C)(1) of this section for more than two years, it may be restored. ~~The~~ Subject to section 4761.061 of the Revised Code, the board may restore the license upon an applicant's submission of a complete restoration application and a restoration fee of one hundred twenty-five dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to division (A) of this section.

~~(b) The board may impose terms and conditions for the restoration, including any one or more of the following:~~

~~(i) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;~~

~~(ii) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;~~

~~(iii) Restricting or limiting the extent, scope, or type of practice of the applicant.~~

(D)(1) The board may require a random sample of limited permit holders to submit materials documenting that the holder has completed the number of hours of continuing education as described in division (B) of this section.

(2) The board may require a random sample of license holders to submit materials documenting that the holder has completed the number of hours of continuing education as described in division (B) of this section or has passed a reexamination.

(3) Division (D)(1) or (2) of this section does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code.

(E)(1) If, through a random sample conducted under division (D) of this section or any other means, the board finds that an individual who certified passing the reexamination or completion of the number of hours and type of continuing education required to renew, reinstate, or restore a limited permit or license did not pass the reexamination or complete the requisite continuing education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (E)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty imposed under division (E)(1)(a) of this section or paid under division (E)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code."

Delete lines 54488 through 54536 and insert:

"**Sec. 4778.06.** (A) An individual seeking to renew a license to practice as a genetic counselor shall, on or before the ~~thirty-first day of January of each even-numbered year~~ license's expiration date, apply to the state medical board for renewal ~~of the license~~. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of one hundred fifty dollars.

The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a genetic counselor.

(B) To be eligible for renewal, a genetic counselor shall certify to the board that the counselor has done both of the following:

(1) Maintained the counselor's status as a certified genetic counselor;

(2) Completed at least thirty hours of continuing education in genetic counseling that has been approved by the national society of genetic counselors or American board of genetic counseling.

(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant

to division (B) of this section, the board shall issue to the applicant a renewed license to practice as a genetic counselor.

(D) The board may require a random sample of genetic counselors to submit materials documenting that their status as certified genetic counselors has been maintained and that the number of hours of continuing education required under division (B)(2) of this section has been completed. This division does not limit the board's authority to conduct investigations pursuant to section 4778.14 of the Revised Code.

(E)(1) If, through a random sample conducted under division (D) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4778.14 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (E)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty imposed under division (E)(1)(a) of this section or paid under division (E)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

~~If a genetic counselor certifies that the genetic counselor has completed the number of hours and type of continuing education required for renewal of a license, and the board finds through the random sample or any other means that the genetic counselor did not complete the requisite continuing education, the board may impose a civil penalty of not more than five thousand dollars. If a civil penalty is imposed in addition to any other action the board takes under section 4778.14 of the Revised Code, the board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members. A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4778.14 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.~~"

In line 74480, after "4737.045," insert "4745.04,"

In line 74481, after "4757.32," insert "4759.02,"

The motion was _____ agreed to.

SYNOPSIS

Continuing education - Medical Board

R.C. 4730.14, 4731.155, 4731.282, 4731.293, 4745.04, 4759.02, 4759.05, 4759.06, 4761.06, and 4778.06

Restores House provisions that do all of the following:

(1) Reduce to 50 (from 100) the number of hours of continuing education that a physician or podiatrist must complete every two years to be eligible to renew the physician's or podiatrist's

license to practice. (Includes a corresponding change for the three-year renewal period that applies to clinical research faculty physicians.)

(2) Reduce to 3 (from 33) the number of hours of continuing education that a physician or podiatrist may earn providing health care services as a volunteer.

(3) Eliminate the requirement that a physician assistant complete not less than 100 hours of continuing education every two years and, instead, require the physician assistant to complete the continuing education necessary to maintain certification from the National Commission on Certification of Physician Assistants.

(4) Authorize the Board to impose on the holder of a license to practice cosmetic therapy, massage therapy, dietetics, or respiratory care or a limited permit to practice respiratory care a civil penalty of not more than $5,000 if the holder fails to complete the continuing education required to maintain a license or limited permit.

SC5088

Sub. H.B. 166
As Pending in S. Finance
MEDCD1

_____ moved to amend as follows:

In line 169 of the title, after "4501.16," insert "4731.292,"

In line 74526, after "4501.16," insert "4731.292,"

The motion was _____ agreed to.

SYNOPSIS

Elimination of limited certificates

R.C. 4731.292 (repealed)

Restores the House-added provision that eliminates limited certificates, which under existing law authorize individuals who are not U.S. citizens to practice medicine in state-operated hospitals.

Sub. H.B. 166
As Pending in S. Finance
MEDCD2

_____ moved to amend as follows:

In line 169 of the title, after "4501.16," insert "4731.296,"

In line 1357, strike through "4731.296,"

In line 47885, strike through "or 4731.296"

Strike through line 48611

In line 48612, strike through "the Revised Code or"

In line 48638, strike through "unless the applicant holds a telemedicine certificate"

Strike through lines 48639 and 48640

In line 48641, strike through "charge a fee for issuing a certificate under this section"

In line 74526, after "4501.16," insert "4731.296,"

In line 87651, after the second period insert "CONVERSION AND"

After line 87652, insert:

"(A) The repeal by this act of section 4731.296 of the Revised Code does not invalidate a telemedicine certificate that was issued under that section if the certificate is valid on the effective date of this section. As soon as practicable, the State

Medical Board shall convert all such telemedicine certificates to licenses, as if they were issued under section 4731.14 of the Revised Code. Once a telemedicine certificate is converted, the holder is subject to all requirements and privileges attendant to a license issued under section 4731.14 of the Revised Code, including continuing medical education requirements.

(B)"

In line 87653, delete "State Medical"

The motion was _____ agreed to.

SYNOPSIS

Telemedicine certificates

R.C. 4731.296 (repealed) with conforming changes in R.C. 109.572, 4731.14, and 4731.294; Section 747.40

Restores a House provision that eliminates telemedicine certificates and requires the State Medical Board to convert existing telemedicine certificates into standard physician licenses.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 45 of the title, after "3333.59," insert "3333.61, 3333.62, 3333.66,"

In line 166 of the title, after "3319.271," insert "3333.63,"

In line 233, after "3333.59," insert "3333.61, 3333.62, 3333.66,"

After line 32306, insert:

"**Sec. 3333.61.** The chancellor of higher education shall establish and administer the Ohio innovation partnership, which shall consist of the choose Ohio first scholarship program and the Ohio research scholars program. Under the programs, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and initiatives that recruit students and scientists in the fields of science, technology, engineering, mathematics, medicine, and dentistry to state universities or colleges, in order to enhance regional educational and economic strengths and meet the needs of the state's regional economies. Awards may be granted for programs and initiatives to be implemented by a state university or college alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other

public or private Ohio entities. If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may provide that some portion of the award be received directly by the collaborating universities or colleges consistent with all terms of the Ohio innovation partnership.

The choose Ohio first scholarship program shall assign a number of scholarships to state universities and colleges to recruit Ohio residents as undergraduate, or as provided in section 3333.66 of the Revised Code graduate, students in the fields of science, technology, engineering, mathematics, medicine, and dentistry, or in science, technology, engineering, mathematics, medical, or dental education. <u>The chancellor also may assign a number of choose Ohio first scholarships to state universities and colleges to recruit Ohio residents to enroll in certificate programs in the fields of science, technology, engineering, mathematics, medicine, and dentistry.</u> Choose Ohio first scholarships shall be awarded to each participating eligible student as a grant to the state university or college the student is attending and shall be reflected on the student's tuition bill. Choose Ohio first scholarships are student-centered grants from the state to students to use to attend a university or college and are not grants from the state to universities or colleges.

Notwithstanding any other provision of this section or sections 3333.62 to 3333.69 of the Revised Code, a nonpublic four-year Ohio institution of higher education may submit a proposal for choose Ohio first scholarships or Ohio research scholars grants. If the chancellor awards a nonpublic institution scholarships or grants, the nonpublic institution shall comply

with all requirements of this section, sections 3333.62 to 3333.69 of the Revised Code, and the rules adopted under this section that apply to state universities or colleges awarded choose Ohio first scholarships or Ohio research scholars grants.

The Ohio research scholars program shall award grants to use in recruiting scientists to the faculties of state universities or colleges.

The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the programs.

Sec. 3333.62. The chancellor of higher education shall establish a competitive process for making awards under the choose Ohio first scholarship program and the Ohio research scholars program. The chancellor, on completion of that process, shall make a recommendation to the controlling board asking for approval of each award selected by the chancellor.

Any state university or college may apply for one or more awards under one or both programs. The state university or college shall submit a proposal and other documentation required by the chancellor, in the form and manner prescribed by the chancellor, for each award it seeks. A proposal may propose an initiative to be implemented solely by the state university or college or in collaboration with other state institutions of higher education, nonpublic Ohio universities or colleges, or other public or nonpublic Ohio entities. A single proposal may seek an award under one or both programs.

The chancellor shall determine which proposals will receive awards each fiscal year, and the amount of each award, on the basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one

or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;

(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;

(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;

(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;

(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;

(H) The extent to which the proposal meets a statewide educational need;

(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;

(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;

(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue

baccalaureate degrees in science, technology, engineering, mathematics, or medicine;

(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;

(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;

(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;

(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;

(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;

(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;

(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship

program;

(S) The extent to which the proposal encourages students to complete a certificate program at a state university or college.

Sec. 3333.66. (A)(1) Except as provided in ~~division~~ divisions (A)(2), (3), and (4) of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit provided to all Ohio residents.

(2) The chancellor of higher education may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in an amount greater than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to either of the following:

(a) Any undergraduate student who qualifies for a scholarship and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine;

(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section.

(3) The chancellor may authorize a state university or

college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in the amount of not less than five hundred dollars but not more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to a student enrolled in a certificate program designated as an eligible program by the chancellor.

(4) A student receiving multiple awards under division (A) of this section may exceed the maximum permitted provided that each award is within its permitted amount.

(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit either of the following:

(1) Ohio residents who enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award.

(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a

graduate-level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.

"Hard-to-staff" shall be as defined by the department of education.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year."

In line 74457, after "3333.59," insert "3333.61, 3333.62, 3333.66,"

In line 74524, after "3319.271," insert "3333.63,"

The motion was _____ agreed to.

SYNOPSIS

Choose Ohio First Scholarship and Ohio Innovation Partnership

R.C. 3333.61, 3333.62, 3333.63 (repeal), and 3333.66

Qualifies students enrolled in a certificate program in the fields of science, technology, engineering, math, medicine, and dentistry at a state university or the Northeast Ohio Medical University for the Choose Ohio First Scholarship.

Permits students who receive multiple Choose Ohio First Scholarships to exceed the maximum award, so long as each

scholarship is within its permitted amount.

Repeals a provision of current law that requires the Chancellor of Higher Education to conduct at least one public meeting prior to deciding awards under the Ohio Innovation Partnership, which grants funds under both the Choose Ohio First Scholarship and Ohio Research Scholars programs.

SC5098X1

Sub. H.B. 166
As Pending in S. Finance
TOSCD8

_____ moved to amend as follows:

In line 1976, after "program" insert ", shall develop procedures for awarding pay for success contracts, and may take any action necessary to implement and administer the program"

In line 2029, delete "shall" and insert "may"

In line 2032, delete "all" and insert "both"

In line 2039, delete the underlined semicolon

Delete line 2040

Delete line 2041 and insert an underlined period

In line 2042, delete "(4) A" and insert "(D) The rules of the treasurer of state shall include both of the following:

(1) A"

In line 2051, delete "(5)" and insert "(2)"

In line 2073, after "evaluate" insert "whether"; delete "provider's"

In line 2074, delete "progress toward meeting" and insert "provider has met"

In line 2080, after "on" insert "whether"; delete "provider's progress toward"

In line 2081, delete "achieving" and insert "provider has met"

In line 2084, delete "the service provider's progress toward achieving" and insert "meeting"

In line 2099, after "evaluate" insert "whether"

In line 2100, delete "provider's"; strike through "progress toward meeting" and insert "provider has met"

The motion was _____ agreed to.

SYNOPSIS

Pay for Success Contracting Program changes

R.C. 125.66 (113.60) and 125.661 (113.61)

Modifies the provisions of the bill that expand the Pay for Success Contracting Program and require the Treasurer of State to administer the Program.

Permits the Treasurer of State to take any action necessary to implement and administer the Program.

Modifies the Treasure of State's rulemaking authority under the bill.

Requires a service intermediary to have met its performance targets, as determined by an independent evaluator, in order to receive payments under a pay for success contract, instead of showing the service intermediary's progress toward meeting those performance targets, as determined by the evaluator.

SC5100X1

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 79173a, insert:

"GRF 2305XX Program and Project Support $1,122,050 $0"

In line 79175, add $1,122,050 to fiscal year 2020

In line 79182, add $1,122,050 to fiscal year 2020

After line 79205, insert:

"PROGRAM AND PROJECT SUPPORT

The forgoing appropriation item 2305XX, Program and Project Support, shall be distributed to the Manchester Local School District in Adams County to reduce the amount of debt owed on bonds issued or assumed by the district."

The motion was _____ agreed to.

SYNOPSIS

Facilities Construction Commission

Sections 287.10 and 287.30

Establishes GRF appropriation item 2305XX, Program and Project Support, with an appropriation of $1,122,050 in fiscal year 2020 and specifies that the funds be distributed to the Manchester Local School District in Adams County to reduce the amount of debt owed on bonds issued or assumed by the district.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 128 of the title, delete "and"; after "6111.03" insert ", 6119.06, 6119.09, and 6119.091"

In line 137 of the title, after "901.172," insert "940.36, 940.37,"

In line 293, delete "and"; after "6111.03" insert ", 6119.06, 6119.09, and 6119.091"

In line 300, after "901.172," insert "940.36, 940.37,"

In line 13914, strike through "natural resource" and insert "soil and water"

In line 13915, after "improvement" insert ", including assisting in watershed planning and management under section 940.36 of the Revised Code"

In line 13998, strike through "service" and insert "services"; strike through "is" and insert "are"

In line 14416, after "(U)" insert "To consult and work with the watershed planning and management coordinator assigned to the watershed region in which the soil and water conservation district is located under section 940.36 of the Revised Code;

(V)"

In line 14419, delete "(V)" and insert "(W)"

After line 14438, insert:

"**Sec. 940.36.** (A) As used in this section:

(1) "Nine-element plan" means a strategic implementation plan that a political subdivision, organization, or individual engaged in water quality improvements may utilize to obtain funding through the federal "Clean Water Act," 33 U.S.C. 1251 et seq., or the great lakes restoration initiative for projects to address nonpoint source pollution.

(2) "Organization" means a public or private entity that is engaged in water quality improvement activities.

(3) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(B)(1) There is hereby created a statewide watershed planning and management program for the improvement and protection of the state's watersheds to be administered by the director of agriculture. As part of the program, the director, in conjunction with soil and water conservation districts, shall collect and aggregate information on conservation practices utilized in this state that are funded in whole or in part by public money. Such information collected and aggregated is not a public record for purposes of section 149.43 of the Revised Code. However, the director may share such aggregated information with state agencies and institutions of higher education as defined in section 3345.12 of the Revised Code.

(2) Under the program, the director shall appoint at least one watershed planning and management coordinator in each watershed region categorized under division (D) of this section to

coordinate watershed planning in the watershed. A coordinator shall have experience or education related to water quality improvement or watershed planning and management.

(C) A watershed planning and management coordinator shall do all of the following in the watershed region in which the coordinator is appointed:

(1) Assist each soil and water conservation district to identify sources and areas of water quality impairment, including total phosphorous, dissolved reactive phosphorous, and nitrogen nutrient loading. A coordinator also may assist any political subdivision or organization in the watershed region to address water quality impairment.

(2) Assist each soil and water conservation district in collecting data for the purpose of quantifying water quality and nutrient best management practices in a statistically valid, randomized manner. The director shall use the data to establish a baseline of the nutrient best management practices that are being utilized in this state. The data and any associated records are not a public record subject to disclosure under section 149.43 of the Revised Code.

The director shall undertake all actions necessary to ensure that assistance and available funding are provided for purposes of division (C)(2) of this section.

(3) Engage in watershed planning, restoration, protection, and management activities, including assisting a political subdivision or organization in the watershed region in developing and formulating a nine-element plan or its equivalent;

(4) Collaborate with state agencies engaged in water quality activities;

(5) Provide an annual report to the director about water quality.

(D) The director shall categorize watersheds in the state, identified by the specified United States geological survey six-digit hydrologic unit codes, into the following watershed regions:

(1) Region One: Western Lake Erie basin watershed, hydrologic unit code 041000;

(2) Region Two: Central Lake Erie basin watershed, hydrologic unit code 041100, and Conneaut creek watershed, hydrologic unit code 041201;

(3) Region Three: Wabash river basin watershed, hydrologic unit code 051200; Great Miami river watershed, hydrologic unit code 050800; and Little Miami river watershed, hydrologic unit code 050902;

(4) Region Four: Scioto river watershed, hydrologic unit code 050600;

(5) Region Five: Muskingum river watershed, hydrologic unit code 050400;

(6) Region Six: Mahoning river watershed, hydrologic unit code 050301;

(7) Region Seven: Hocking river and Ohio river tributaries watershed, hydrologic unit code 050302, and raccoon creek watershed, hydrologic unit code 050901.

(E) Nothing in this section shall be construed to prevent or limit a watershed planning and management coordinator from providing assistance for projects or activities that have been determined to improve water quality impaired from point sources of

phosphorus, dissolved reactive phosphorus, and nitrogen nutrients.

Sec. 940.37. It is the intent of the general assembly to collaborate with organizations representing agriculture, conservation, and the environment and institutions of higher education engaged in water quality research to establish a certification program for farmers that utilize practices designed to minimize impacts to water quality. The director of agriculture shall undertake all actions necessary to ensure that assistance and available funding are provided for farmers who participate in the certification program."

After line 74423, insert:

"**Sec. 6119.06.** Upon the declaration of the court of common pleas organizing the regional water and sewer district pursuant to section 6119.04 of the Revised Code and upon the qualifying of its board of trustees and the election of a president and a secretary, said district shall exercise in its own name all the rights, powers, and duties vested in it by Chapter 6119. of the Revised Code, and, subject to such reservations, limitations and qualifications as are set forth in this chapter, such district may:

(A) Adopt bylaws for the regulation of its affairs, the conduct of its business, and notice of its actions;

(B) Adopt an official seal;

(C) Maintain a principal office and suboffices at such places within the district as it designates;

(D) Sue and plead in its own name; be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their

employment, or to enforce its obligations and covenants made under sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any such actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary of the district.

(E) Assume any liability or obligation of any person or political subdivision, including a right on the part of such district to indemnify and save harmless the other contracting party from any loss, cost, or liability by reason of the failure, refusal, neglect, or omission of such district to perform any agreement assumed by it or to act or discharge any such obligation;

(F) Make loans and grants to <u>any person or</u> political subdivisions for the <u>design,</u> acquisition<u>,</u> or construction of water resource projects by such <u>person or</u> political subdivisions and adopt rules, regulations, and procedures for making such loans and grants;

(G) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease or rent to or from, or contract for operation by or for, a political subdivision or person, water resource projects within or without the district;

(H) Make available the use or service of any water resource project to one or more persons, one or more political subdivisions, or any combination thereof;

(I) Levy and collect taxes and special assessments;

(J) Issue bonds and notes and refunding bonds and notes as provided in Chapter 6119. of the Revised Code;

(K) Acquire by gift or purchase, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under Chapter 6119. of the Revised Code;

(L) Dispose of, by public or private sale, or lease any real or personal property determined by the board of trustees to be no longer necessary or needed for the operation or purposes of the district;

(M) Acquire, in the name of the district, by purchase or otherwise, on such terms and in such manner as it considers proper, or by the exercise of the right of condemnation in the manner provided by section 6119.11 of the Revised Code, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests as it considers necessary for carrying out Chapter 6119. of the Revised Code, but excluding the acquisition by the exercise of the right of condemnation of any waste water facility or water management facility owned by any person or political subdivision, and compensation shall be paid for public or private lands so taken;

(N) Adopt rules and regulations to protect augmented flow by the district in waters of the state, to the extent augmented by a water resource project, from depletion so it will be available for beneficial use, to provide standards for the withdrawal from waters of the state of the augmented flow created by a water resource project which is not returned to the waters of the state so augmented, and to establish reasonable charges therefor, if considered necessary by the district;

(O) Make and enter into all contracts and agreements and

execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under Chapter 6119. of the Revised Code;

(P) Enter into contracts with any person or any political subdivision to render services to such contracting party for any service the district is authorized to provide;

(Q) Enter into agreements for grants or the receipt and repayment of loans from a board of township trustees under section 505.705 of the Revised Code;

(R) Make provision for, contract for, or sell any of its by-products or waste;

(S) Exercise the power of eminent domain in the manner provided in Chapter 6119. of the Revised Code;

(T) Remove or change the location of any fence, building, railroad, canal, or other structure or improvement located in or out of the district, and in case it is not feasible or economical to move any such building, structure, or improvement situated in or upon lands required, and if the cost is determined by the board to be less than that of purchase or condemnation, to acquire land and construct, acquire, or install therein or thereon buildings, structures, or improvements similar in purpose, to be exchanged for such buildings, structures, or improvements under contracts entered into between the owner thereof and the district;

(U) Receive and accept, from any federal or state agency, grants for or in aid of the construction of any water resource project, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

(V) Purchase fire and extended coverage and liability insurance for any water resource project and for the principal office and suboffices of the district, insurance protecting the district and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the district may agree to provide under any resolution authorizing its water resource revenue bonds or in any trust agreement securing the same;

(W)(1) Charge, alter, and collect rentals and other charges for the use of services of any water resource project as provided in section 6119.09 of the Revised Code. Such district may refuse the services of any of its projects if any of such rentals or other charges, including penalties for late payment, are not paid by the user thereof, and, if such rentals or other charges are not paid when due and upon certification of nonpayment to the county auditor, such rentals or other charges constitute a lien upon the property so served, shall be placed by the auditor upon the real property tax list and duplicate, and shall be collected in the same manner as other taxes.

(2) A district shall not certify to the county auditor for placement upon the tax list and duplicate and the county auditor shall not place upon the tax list or duplicate as a charge against the property the amount of unpaid rentals or other charges including any penalties for late payment as described in division (W)(1) of this section if any of the following apply:

(a) The property served has been transferred or sold to an electing subdivision as defined in section 5722.01 of the Revised Code, regardless of whether the electing subdivision is still the owner of the property, and the unpaid rentals or other charges including penalties for late payment have arisen from a period of

time prior to the transfer or confirmation of sale to the electing subdivision.

(b) The property served has been sold to a purchaser at sheriff's sale or auditor's sale, the unpaid rentals or other charges including penalties for late payment have arisen from a period of time prior to the confirmation of sale, and the purchaser is not the owner of record of the property immediately prior to the judgment of foreclosure nor any of the following:

(i) A member of that owner's immediate family;

(ii) A person with a power of attorney appointed by that owner who subsequently transfers the property to the owner;

(iii) A sole proprietorship owned by that owner or a member of that owner's immediate family;

(iv) A partnership, trust, business trust, corporation, or association of which the owner or a member of the owner's immediate family owns or controls directly or indirectly more than fifty per cent.

(c) The property served has been forfeited to this state for delinquent taxes, unless the owner of record redeems the property.

(3) Upon valid written notice to the county auditor by any owner possessing an ownership interest of record of the property or an electing subdivision previously in the chain of title to the property that the unpaid water rents or charges together with any penalties have been certified for placement or placed upon the tax list and duplicate as a charge against the property in violation of division (W)(2) of this section, the county auditor shall promptly remove such charge from the tax duplicate. This written notice to the county auditor shall include all of the following:

(a) The parcel number of the property;

(b) The common address of the property;

(c) The date of the recording of the transfer of the property to the owner or electing subdivision;

(d) The charge allegedly placed in violation of division (W)(2) of this section.

(4) When title to property is transferred to a county land reutilization corporation, any lien placed on the property under this division shall be extinguished, and the corporation shall not be held liable for any rentals or charges certified under this division with respect to the property, if the rentals or charges were incurred before the date of the transfer to the corporation and if the corporation did not incur the rentals or charges, regardless of whether the rentals or charges were certified, or the lien was attached, before the date of transfer. In such a case, the corporation and its successors in title shall take title to the property free and clear of any such lien and shall be immune from liability in any collection action brought with respect to such rentals or charges. If a lien placed on property is extinguished as provided in this division, the district shall retain the ability to recoup the rents and charges incurred with respect to the property from any owner, tenant, or other person liable to pay such rents and charges before the property was transferred to the corporation.

(X) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(Y) Merge or combine with any other regional water and sewer district into a single district, which shall be one of the constituent districts, on terms so that the surviving district shall be possessed of all rights, capacity, privileges, powers, franchises, and authority of the constituent districts and shall

be subject to all the liabilities, obligations, and duties of each of the constituent districts and all rights of creditors of such constituent districts shall be preserved unimpaired, limited in lien to the property affected by such liens immediately prior to the time of the merger and all debts, liabilities, and duties of the respective constituent districts shall thereafter attach to the surviving district and may be enforced against it, and such other terms as are agreed upon, provided two-thirds of the members of each of the boards consent to such merger or combination. Such merger or combination shall become legally effective unless, prior to the ninetieth day following the later of the consents, qualified electors residing in either district equal in number to a majority of the qualified electors voting at the last general election in such district file with the secretary of the board of trustees of their regional water and sewer district a petition of remonstrance against such merger or combination. The secretary shall cause the board of elections of the proper county or counties to check the sufficiency of the signatures on such petition.

(Z) Exercise the powers of the district without obtaining the consent of any other political subdivision, provided that all public or private property damaged or destroyed in carrying out the powers of the district shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor by the district;

(AA) Require the owner of any premises located within the district to connect the owner's premises to a water resource project determined to be accessible to such premises and found to require such connection so as to prevent or abate pollution or protect the health and property of persons in the district. Such connection shall be made in accordance with procedures established

by the board of trustees of such district and pursuant to such orders as the board may find necessary to ensure and enforce compliance with such procedures.

(BB) Do all acts necessary or proper to carry out the powers granted in Chapter 6119. of the Revised Code.

Sec. 6119.09. A regional water and sewer district may charge, alter, and collect rentals or other charges, including penalties for late payment, for the use or services of any water resource project or any benefit conferred thereby and contract in the manner provided by this section with one or more persons, one or more political subdivisions, or any combination thereof, desiring the use or services thereof, and fix the terms, conditions, rentals, or other charges, including penalties for late payment, for such use or services. Such rentals or other charges shall not be subject to supervision or regulation by any authority, commission, board, bureau, or agency of the state or any political subdivision, and such contract may provide for acquisition by such political subdivision of all or any part of such water resource project for such consideration payable over the period of the contract or otherwise as the district in its sole discretion determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of water resource revenue bonds or notes or water resource revenue refunding bonds of the district or any trust agreement securing the same. Any political subdivision, which has power to construct, operate, and maintain waste water facilities or water management facilities may enter into a contract or lease with the district whereby the use or services of any water resource project of the district will be made available to such political subdivision and pay for such use or services such rentals or other charges as may be agreed to by

the district and such political subdivision.

Any political subdivision, person, or combination thereof may cooperate with the district in the acquisition or construction of a water resource project and shall enter into such agreements with the district as are necessary, with a view to effective cooperative action and safeguarding of the respective interests of the parties thereto, which agreements shall provide for such contributions by the parties thereto in such proportion as may be agreed upon and such other terms as may be mutually satisfactory to the parties, including without limitation the authorization of the construction of the project by one of the parties acting as agent for all of the parties and the ownership and control of the project by the district or one or more of the other parties or any combination thereof to the extent determined necessary or appropriate. Any political subdivision may provide the funds for the payment of such contribution as is required under such agreements by the levy of taxes, assessments, or rentals and other charges for the use of the system of which the water resource project is a part or to which it is connected, if otherwise authorized by the laws governing such political subdivision in the construction of the type of water resource project provided for in the agreements, and may pay the proceeds from the collection of such taxes, assessments, rentals, or other charges to the district pursuant to such agreements; or the political subdivision may issue bonds or notes, if authorized by such laws, in anticipation of the collection of such taxes, assessments, rentals or other charges and may pay the proceeds of such bonds or notes to the district pursuant to such agreements. In addition, any political subdivision may provide the funds for the payment of such contribution by the appropriation of money or, if otherwise authorized by law, by the issuance of bonds or notes and may pay

such appropriated money or the proceeds of such bonds or notes to the district pursuant to such agreements. The agreement by the political subdivision to provide such contribution, whether from appropriated money or from the proceeds of such taxes, assessments, rentals, or other charges, or such bonds or notes, or any combination thereof, is not subject to Chapter 133. of the Revised Code. The proceeds from the collection of such taxes or assessments, and any interest earned thereon, shall be paid into a special fund immediately upon the collection thereof by the political subdivision for the purpose of providing such contribution at the times required under such agreements.

When the contribution of any political subdivision is to be made over a period of time from the proceeds of the collection of special assessments, the interest accrued and to accrue before the first installment of such assessments is collected, which is payable by such political subdivision on such contribution under the terms of such an agreement, shall be treated as part of the cost of the improvement for which such assessments are levied, and that portion of such assessments as is collected in installments shall bear interest at the same rate as such political subdivision is obligated to pay on such contribution under the terms and provisions of such agreement and for the same period of time as the contribution is to be made under such agreement. If the assessment or any installment thereof is not paid when due, it shall bear interest until the payment thereof at the same rate as such contribution and the county auditor shall annually place on the tax list and duplicate the interest applicable to such assessment and the penalty and any additional interest thereon as otherwise authorized by law.

Any political subdivision, pursuant to a favorable vote of the electors in an election held before or after November 19,

1971, for the purpose of issuing bonds to provide funds to acquire, construct, or equip, or provide real estate and interests in real estate for, a waste water facility or a water management facility, whether or not the political subdivision, at the time of such election, had the authority to pay the proceeds from such bonds or notes issued in anticipation thereof to a regional water and sewer district as provided in this section, may issue such bonds or notes in anticipation of the issuance thereof and pay the proceeds thereof to the district in accordance with its agreement with the district; provided, that the legislative authority of the political subdivision determines that the water resource project to be acquired or constructed by the district in cooperation with such political subdivision will serve the same public purpose and meet substantially the same public need as the facility otherwise proposed to be acquired or constructed by the political subdivision with the proceeds of such bonds or notes.

Sec. 6119.091. When fixing rentals or other charges under section 6119.09 of the Revised Code, a board of trustees of a regional water and sewer district may establish discounted rentals or charges or may establish another mechanism for providing a reduction in rentals or charges ~~for persons who are sixty-five years of age or older~~. ~~The~~ <u>If the board does so, the</u> board shall establish eligibility requirements for such discounted or reduced rentals or charges, including a requirement that a person be eligible for the homestead exemption or qualify as a low- and moderate-income person."

In line 74518, delete "and"; after "6111.03" insert ", 6119.06, 6119.09, and 6119.091"

After line 87422, insert:

"**Section 709.___.** The Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation Commission, shall establish a pilot program not later than one hundred twenty days after the effective date of this section that assists farmers, agricultural retailers, and soil and water conservation districts in reducing phosphorus and dissolved reactive phosphorous in a watershed determined by the Director of Agriculture. The program shall be supported by appropriations under the Department of Agriculture's budget that fund water quality initiatives.

Funding under the program shall be used to pay for, but is not limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment involved with manure transformation and manure conversion technologies; (6) tributary monitoring; (7) water management and edge-of-field drainage management strategies; and (8) implementation of nutrient best management practices according to data collected by soil and water conservation districts under division (C)(2) of section 940.36 of the Revised Code.

Data and any associated records under this pilot program are not a public record subject to disclosure under section 149.43 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Statewide watershed management

R.C. 939.02, 940.06, 940.36, and 940.37; Section 709.___

Creates the Statewide Watershed Planning and Management Program for the improvement and protection of Ohio's watersheds to be administered by the Director of Agriculture.

Requires the Director to appoint at least one watershed planning and management coordinator (hereafter coordinator) in each watershed region categorized under the bill to coordinate watershed planning in the watershed.

Requires a coordinator to perform certain duties in the watershed in which the coordinator is assigned, including assisting each soil and water conservation district to identify sources and areas of water quality impairment.

Requires the Director, in conjunction with soil and water conservation districts, to collect and aggregate information on conservation practices utilized in Ohio that are funded by public money.

Requires the Director to assist soil and water conservation districts in watershed planning and management.

Requires a soil and water conservation district board to consult and work with the coordinator appointed to the watershed region in which the soil and water conservation district is located.

States that it is the General Assembly's intent to collaborate with organizations representing agriculture, conservation, the environment, and higher education to establish a certification program for farmers that utilize practices designed to minimize impacts to water quality.

Requires the Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation

Commission, to establish a pilot program that assists farmers, agricultural retailers, and soil and water conservation districts in reducing phosphorus in a watershed to be determined by the Department.

Requires the funding to be used to support specified purposes, including equipment for subsurface placement of nutrients into the soil and equipment for nutrient placement based on geographic information system data.

Regional water and sewer districts

R.C. 6119.06, 6119.09, and 6119.091

Allows a regional water and sewer district to make loans and grants to and enter into cooperative agreements with any person (a natural person, firm, partnership, association, or corporation other than a political subdivision) rather than only to political subdivisions as in current law.

Expands a district's authority to offer discounted rentals or charges established by a regional water and sewer district to any person who is of low or moderate income or qualifies for the homestead exemption, instead of only to those who are 65 or older and meet that criteria.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 15 of the title, after "718.01," insert "718.80, 718.81,"; after "718.83," insert "718.84,"

In line 16 of the title, after "718.90, insert "718.93,"

In line 137 of the title, after "718.131," insert "718.841,"

In line 211, after "718.01," insert "718.80, 718.81,"; after "718.83," insert "718.84,"; after "718.90," insert "718.93,"

In line 300, after "718.131," insert "718.841,"

After line 13223, insert:

"**Sec. 718.80.** (A) A taxpayer may elect to be subject to sections 718.80 to 718.95 of the Revised Code in lieu of the provisions set forth in the remainder of this chapter. Notwithstanding any other provision of this chapter, upon the taxpayer's election, both of the following shall apply:

(1) The tax commissioner shall serve as the sole administrator of each municipal income tax for which the taxpayer is liable for the term of the election;

(2) The commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Revised Code and any applicable provision of Chapter 5703. of the Revised Code.

(B)(1) A taxpayer shall make the initial election on or before the ~~first~~ fifteenth day of the ~~third~~ fourth month after the beginning of the taxpayer's taxable year by ~~notifying~~ providing to the tax commissioner ~~and each~~ a list of all municipal ~~corporation~~ corporations in which the taxpayer conducted business during the previous taxable year, on a form prescribed by the tax commissioner.

(2) Within five business days after a taxpayer makes its initial election under division (B)(1) of this section, the tax commissioner shall notify each municipal corporation that the taxpayer listed in its election that the taxpayer has made the election.

(3)(a) The election, once made by the taxpayer, applies to the taxable year in which the election is made ~~and~~. A taxpayer may terminate the initial election within twenty-four months after the election is made by providing written notice to the tax commissioner. Such notice shall be provided at least sixty days before the effective date of the termination. Effective on the termination date, the taxpayer shall make all payments and remittances, and file all returns, due on or after the termination date to the appropriate municipal tax administrator. If not terminated, the election shall continue to apply to each subsequent taxable year until the taxpayer notifies the tax commissioner ~~and each municipal corporation in which the taxpayer conducted business during the previous taxable year~~ of its termination of the election.

(b) ~~A~~ After the end of the twenty-four-month period in which a taxpayer may terminate an initial election, a notification of termination shall be made, ~~on a form prescribed by~~ in writing, to the tax commissioner, on or before the ~~first~~ fifteenth day of the

~~third~~ fourth month of any taxable year.

(c) Within five business days of receiving a notice of termination under division (B)(3)(a) or (b) of this section, the tax commissioner shall notify each municipal corporation that received notice of the taxpayer's initial election that the taxpayer has terminated the election. The notice shall include the name, address, and federal identification number of the taxpayer, as well as the effective date of the termination, and shall be made via the portal created under section 718.841 of the Revised Code.

(d) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 718.80 to 718.95 of the Revised Code, and is instead subject to the provisions set forth in the remainder of this chapter.

(4) The tax commissioner shall provide to all municipal corporations imposing a tax on income on or after January 1, 2018, a list of taxpayers that are subject to sections 718.80 to 718.95 of the Revised Code, including the taxpayers' names, addresses, and federal employee identification numbers. The list shall be made available via the portal created under section 718.841 of the Revised Code.

(C)(1)(a) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year.

(b) If, after the thirty-first day of January of any year, the electors of a municipal corporation approve an increase in the rate of the municipal corporation's tax on income that takes effect within that year, the municipal corporation shall certify to the tax commissioner the new rate of tax not less than sixty

days before the effective date of the increase, after which effective date the commissioner shall apply the increased rate.

(2) A municipal corporation~~, within ninety days of receiving~~ that receives a ~~taxpayer's~~ notification ~~of election~~ under division (B)(2) of this section~~,~~ shall submit to the tax commissioner, on a form prescribed by the tax commissioner and within the time prescribed by division (C)(3) of this section, the following information regarding the taxpayer and any member of an affiliated group of corporations included on the taxpayer's consolidated tax return, when applicable:

(a) The amount of any net operating loss that the taxpayer is entitled to carry forward to a future tax year;

(b) The amount of any net operating loss carryforward utilized by the taxpayer in prior years;

(c) Any credits granted by the municipal corporation to which the taxpayer is entitled, the amount of such credits, whether the credits may be carried forward to future tax years, and, if the credits may be carried forward, the duration of any such carryforward;

(d) Any overpayments of tax that the taxpayer has elected to carry forward to a subsequent tax year;

(e) Any other information the municipal corporation deems relevant in order to effectuate the tax commissioner's efficient administration of the tax on the municipal corporation's behalf.

(3) A municipal corporation shall submit the information required under division (C)(2) of this section to the tax commissioner within forty-five days after the taxpayer files its final return, but not later than the first day of the last month of the taxable year for which the taxpayer made the initial

election under division (B)(1) of this section. For the purposes of this section, "final return" means the return filed with the municipal corporation for the taxable year immediately preceding the taxable year for which the taxpayer made the election under division (B)(1) of this section.

(4) If any municipal corporation fails to timely comply with ~~divisions~~ division (C)(1) ~~and~~, (2), or (3) of this section, the tax commissioner ~~shall~~ may notify the director of budget and management, who, upon receiving such notification, shall withhold from each payment made to the municipal corporation under section 718.83 of the Revised Code fifty per cent of the amount of the payment otherwise due to the municipal corporation under that section. The director shall compute the withholding on the basis of the tax rate most recently certified to the tax commissioner until the municipal corporation complies with divisions (C)(1) ~~and~~, (2), and (3) of this section.

(D) The tax commissioner shall enforce and administer sections 718.80 to 718.95 of the Revised Code. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(1) Prescribe all forms necessary to administer those sections;

(2) Adopt such rules as the tax commissioner finds necessary to carry out those sections;

(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the tax commissioner by those sections.

(E) No tax administrator shall utilize sections 718.81 to 718.95 of the Revised Code in the administrator's administration of a municipal income tax, and those sections shall not be applied

to any taxpayer that has not made the election under this section.

(F) Nothing in this chapter shall be construed to make any section of this chapter, other than sections 718.01 and 718.80 to 718.95 of the Revised Code, applicable to the tax commissioner's administration of a municipal income tax or to any taxpayer that has made the election under this section.

(G) The tax commissioner shall not be considered a tax administrator, as that term is defined in section 718.01 of the Revised Code.

Sec. 718.81. If a term used in sections 718.80 to 718.95 of the Revised Code that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall have control over the use of the term in Title LVII of the Revised Code, unless the term is defined in Chapter 5703. of the Revised Code, in which case the definition in that chapter shall control. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States related to federal income taxes. If a term is defined in both this section and section 718.01 of the Revised Code, the definition in this section shall control for all uses of that term in sections 718.80 through 718.95 of the Revised Code.

As used in sections 718.80 to 718.95 of the Revised Code only:

(A) "Municipal taxable income" means income apportioned or sitused to the municipal corporation under section 718.82 of the Revised Code, as applicable, reduced by any pre-2017 net operating

loss carryforward available to the person for the municipal corporation.

(B) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation as described in division (D)(5) of section 718.01 of the Revised Code, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (B)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code.

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code.

(4)(a) Except as provided in division (B)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code.

(b) Division (B)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section

1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income.

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income.

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.

(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.86 of the Revised Code.

(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.86 of the Revised Code.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of section 718.01 of the Revised Code, and is not a publicly traded

partnership that has made the election described in division (D)(5) of section 718.01 of the Revised Code, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (B) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(C) "Taxpayer" has the same meaning as in section 718.01 of the Revised Code, except that "taxpayer" does not include natural persons or entities subject to the tax imposed under Chapter 5745. of the Revised Code. "Taxpayer" may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer.

(D) "Tax return" or "return" means the notifications and

reports required to be filed pursuant to sections 718.80 to 718.95 of the Revised Code for the purpose of reporting municipal income taxes, and includes declarations of estimated tax.

(E) ~~"Taxable year" means the calendar year or the taxpayer's fiscal year beginning during the calendar year, or fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this chapter. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of sections 718.80 to 718.95 of the Revised Code is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe by rule an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for a taxpayer that has two or more short taxable years for federal income tax purposes as the result of a change of ownership, or for a new taxpayer that would otherwise have no taxable year.~~

~~(F)~~ "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 718.90 of the Revised Code."

After line 13290, insert:

"**Sec. 718.84.** (A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by sections 718.80 to 718.95 of the Revised Code is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial order, or as provided in section 4123.271 or 5703.21 of the Revised Code. The tax commissioner may furnish the internal revenue service with copies of returns filed. This section does not prohibit the publication of statistics in a form which does

not disclose information with respect to particular taxpayers.

(B) In May and November of each year, the tax commissioner shall provide each tax administrator with the following information for every taxpayer that filed tax returns with the commissioner under sections 718.80 to 718.95 of the Revised Code and that had municipal taxable income apportionable to the municipal corporation under this chapter for any prior year:

(1) The taxpayer's name, address, and federal employer identification number;

(2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the municipal corporation pursuant to section 718.82 of the Revised Code;

(3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer;

(4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;

(5) The amount of any credit claimed under section 718.94 of the Revised Code.

(C) Not later than thirty days after each distribution made to municipal corporations under section 718.83 of the Revised Code, the tax commissioner shall provide to each municipal corporation a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the municipal corporation and the amount of each such taxpayer's estimated payment.

(D) Not later than the thirty-first day of January of each year, every municipal corporation having taxpayers that have made the election allowed under section 718.80 of the Revised Code

shall provide to the tax commissioner, in a format prescribed by the commissioner, the name and mailing address of up to two persons to whom the municipal corporation requests that the commissioner send the information described in divisions (B) and (C) of this section. The commissioner shall not provide such information to any person other than a person who is designated to receive the information under this section and who is employed by the municipal corporation or by a tax administrator, as defined in section 718.01 of the Revised Code, that administers the municipal corporation's income tax, except as may otherwise be provided by law.

(E)(1) The tax commissioner may adopt rules that further govern the terms and conditions under which tax returns filed with the commissioner under this chapter, and any other information gained in the performance of the commissioner's duties prescribed by this chapter, shall be available for inspection by properly authorized officers, employees, or agents of the municipal corporations to which the taxpayer's net profit is apportioned under section 718.82 of the Revised Code.

(2) As used in this division, "properly authorized officer, employee, or agent" means an officer, employee, or agent of a municipal corporation who is authorized by charter or ordinance of the municipal corporation to view or possess information referred to in section 718.13 of the Revised Code.

(F)(1) If, upon receiving the information described in division (B) of section 718.91 of the Revised Code or division (B) or (C) of this section, a municipal corporation discovers that it has additional information in its possession that could result in a change to a taxpayer's tax liability, the municipal corporation may refer the taxpayer to the tax commissioner for an audit. Such

referral shall be made ~~on a form prescribed by~~ in writing to the commissioner and shall include any information that forms the basis for the referral, including any available documentation. Such documentation may include, but is not limited to, the following:

(a) Evidence that the taxpayer withheld taxes from employees' compensation for work performed in the municipal corporation;

(b) Evidence that the taxpayer issued an internal revenue service form 1099-miscellaneous to one or more individuals for work performed in the municipal corporation;

(c) Evidence of work performed by the taxpayer in the municipal corporation;

(d) Evidence that the taxpayer was required to file a tax return with the municipal corporation for a taxable year but failed to do so.

(2) Upon receipt of a referral under division (F)(1) of this section, the commissioner shall review the referral and ~~may~~ shall conduct an audit of the taxpayer that is the subject of the referral based on the information in the referral and any other relevant information available to the commissioner.

The commissioner shall commence the audit within thirty days of receiving the referral and, every thirty days thereafter, shall provide updates, in writing, on the status of the audit to the tax administrator that submitted the referral. Upon completion of the audit, the commissioner shall notify the tax administrator of the conclusion of the audit and provide copies of any written documentation related to the audit, including any documentation provided by the taxpayer.

(3) Nothing in division (F) of this section shall be

construed as forming the sole basis upon which the commissioner may conduct an audit of a taxpayer.

(4) Nothing in this chapter shall prohibit a municipal corporation from filing a writ of mandamus if the municipal corporation believes that the commissioner has violated the commissioner's fiduciary duty as the administrator of the tax levied by the municipal corporation.

(5) Nothing in this section precludes a tax administrator from appealing a final determination or audit decision by the commissioner to the board of tax appeals.

Sec. 718.841. (A) The department of taxation shall create and maintain a world wide web portal capable of securely exchanging information between the department and municipal corporations.

(B) The web portal created pursuant to division (A) of this section shall be used by both the department and municipal corporations to securely exchange information as required under sections 718.80 to 718.95 of the Revised Code. The tax commissioner shall establish the procedures by which municipal corporations may access the web portal and the format in which information must be submitted.

(C) If the web portal is unavailable for any reason, the tax commissioner and municipal corporations shall provide the information as required under sections 718.80 to 718.95 of the Revised Code through another secure format. If the commissioner determines it reasonably necessary, the commissioner may extend the time within which information must be provided by not more than forty-five days. If the commissioner extends the time within which information must be provided, any event attaching a penalty for failure to provide such information shall be extended

accordingly.

(D) The tax commissioner may modify the web portal created pursuant to division (A) of this section to enable the exchange of information between the commissioner and municipal corporations under Chapter 5745. and division (D) of section 5747.50 of the Revised Code and as otherwise required or permitted by law.

(E) The tax commissioner may adopt rules governing the use of the web portal created pursuant to division (A) of this section."

In line 13298, strike through all after "(2)"

Strike through lines 13299 through 13302

In line 13303, strike through "(3)"

After line 13482, insert:

"**Sec. 718.93.** (A) The tax commissioner, a tax administrator, or any authorized agent or employee ~~thereof~~ of either, may examine the books, papers, records, and federal and state income tax returns of any taxpayer or other person that is subject to sections 718.80 to 718.95 of the Revised Code for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due as required under those sections. Upon written request by the commissioner, a tax administrator, or a duly authorized agent or employee ~~thereof~~ of either, every taxpayer or other person subject to this section is required to furnish the opportunity for the commissioner, tax administrator, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(B) The records and other documents of any taxpayer or other person that is subject to sections 718.80 to 718.95 of the Revised

Code shall be open to ~~the tax commissioner's~~ inspection by the tax commissioner or a tax administrator during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation.

(C) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. ~~This~~

The tax commissioner shall send notice of such a hearing or examination, by certified mail, to the tax administrator of each municipal corporation affected by the hearing or examination. Any information or documentation obtained as a result of the hearing or examination shall be made available to the tax administrator for inspection or, upon request, provided to the tax administrator in writing.

This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax returns under this section shall fail to comply."

In line 74435, after "718.01," insert "718.80, 718.81,"; after "718.83," insert "718.84,"; after "718.90," insert "718.93,"

After line 88506, insert:

"The amendment by this act of section 718.80 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2019.

The amendment by this act of section 718.81 and division (A) of section 718.85 of the Revised Code applies to municipal taxable years ending on or before the effective date of the amendment by this act of those sections and to ensuing taxable years."

After line 88607, insert:

"**Section 757._____.** With respect to the world wide web portal required to be established under section 718.841 of the Revised Code, the Department of Taxation shall make the portal available to municipal corporations for the exchange of information required by division (C)(1) of section 718.80 of the Revised Code and divisions (B), (C), and (D) of section 718.84 of the Revised Code upon the effective date of the enactment by this act of section 718.841 of the Revised Code, and shall continue to add functionality to the portal until such time that the portal is capable of handling the exchange of all information necessary to be exchanged for the purposes of administering sections 718.80 to 718.95 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

State administration of the municipal income tax

R.C. 718.80, 718.81, 718.84, 718.85, and 718.93 (amended); R.C. 718.841 (enacted); Sections 757.220 and 757.__

Makes several changes to the state-administered municipal income tax. (Beginning in 2018, taxpayers could elect to file a single municipal income tax return with the Department of Taxation, rather than file separate returns with each municipal corporation in which the taxpayer does business.) The amendment makes the following changes:

-- Requires the Department to develop a web portal that will be used to securely exchange information with municipal corporations.

-- Requires that a taxpayer opt-in or opt-out of the state-administered tax on or before the fifteenth day of the fourth month after the beginning of a taxable year, rather than the first day of the third month of a taxable year.

-- Allows a taxpayer to terminate the taxpayer's election to file municipal income taxes with the state within the first 24 months of making the election by providing a 60-day notice of termination.

-- Requires the Tax Commissioner to notify municipal corporations when a taxpayer has opted-in or out of the state-administered tax, rather than the taxpayer itself notifying each municipal corporation.

-- Allows, rather than requires, the Tax Commissioner to withhold tax collections from a municipality that fails to comply with reporting requirements.

-- Modifies the deadline by which a municipality must provide taxpayer information to the Department when a taxpayer opts-in to the state-administered tax.

-- Removes a requirement that, if a taxpayer has multiple taxable years beginning in one calendar year, the taxpayer must aggregate the information necessary to compute the tax for all such years onto one annual return. Under the amendment, a taxpayer would file a single return for each taxable year, as with the federal, state, and locally-administered municipal income taxes.

-- Requires, rather than allows, the Tax Commissioner to conduct an audit of a taxpayer when the matter is referred by a municipality.

-- Requires the Tax Commissioner to notify municipalities when conducting an examination of a taxpayer and to share any records obtained as a result of the examination.

SC5111

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 87384, insert:

"Section 701.15. Each fiscal year during the biennium beginning July 1, 2019, and ending June 30, 2021, the Director of Agriculture shall convene an advisory board consisting of persons representing agriculture, the environment, conservation, and institutions of higher education engaged in water quality research for consultation in determining priorities for water quality funding and to determine the projects and programs for which the Department of Agriculture will fund with money from the H2Ohio Fund created in section 126.60 of the Revised Code.

Each fiscal year during the biennium beginning July 1, 2019, and ending June 30, 2021, the Director of Natural Resources shall convene an advisory board consisting of persons representing water resources design and engineering, local government, agriculture, the environment, conservation, and institutions of higher education engaged in water quality research for consultation in determining priorities for water quality funding and to determine the projects and programs for which the Department of Natural Resources will fund with money

from the H2Ohio fund created in section 126.60 of the Revised Code.

Each fiscal year during the biennium beginning July 1, 2019, and ending June 30, 2021, the Director of Environmental Protection shall convene an advisory board consisting of persons representing the environment, conservation, public health, local governments, and institutions of higher education engaged in water quality research for consultation in determining priorities for water quality funding and to determine the projects and programs for which the Environmental Protection Agency will fund with money from the H2Ohio fund created in section 126.60 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

H2Ohio advisory boards

Section 701.15

Requires the Directors of Agriculture, Natural Resources, and Environmental Protection to each convene their own separate advisory boards in both FY 2020 and FY 2021 to determine the Department or Agency's priorities for water quality funding and to determine the projects and programs that will be funded by the H2Ohio Fund (Fund 6H20).

SC5123

Sub. H.B. 166
As Pending in S. Finance
AGRCD14

_____ moved to amend as follows:

In line 6897, after "(A)" insert "As used in this section:

(1) "Agricultural water project" means a project that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment, that result from agricultural practices, in the waters of the state. "Agricultural water project" includes a project involving research, technology, design, construction, best management practices, conservation, testing, or education.

(2) "Community water project" means a project involving a public water system operated by a political subdivision that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment in the waters of the state. "Community water project" includes a project involving research, technology, design, construction, best management practices, conservation, testing, or maintenance.

(3) "Nature water project" means a project involving a natural water system that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or

20 sediment in the waters of the state. "Nature water project"
21 includes a project involving research, technology, design,
22 construction, best management practices, conservation, or
23 maintenance. "Nature water project" also includes the creation,
24 maintenance, or restoration of wetlands, flood plains, flood
25 control systems, and buffers throughout the state, including the
26 western basin of Lake Erie.

27 (B)"

28 In line 6903, after "(1)" insert "Agriculture water
29 projects;

30 (2) Community water projects;

31 (3) Nature water projects;

32 (4)"

33 In line 6907, delete "(2)" and insert "(5)"

34 In line 6910, delete "(3)" and insert "(6)"

35 In line 6914, delete "(4)" and insert "(7)"

36 In line 6920, delete "(B)" and insert "(C)"

37 The motion was _____ agreed to.

38 SYNOPSIS

39 **H2Ohio Fund purposes**

40 **R.C. 126.60**

41 Adds all of the following to the purposes for which the
42 H2Ohio Fund may be used for:

1. Agricultural water projects, which are projects that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment, that result from agricultural practices, in Ohio waters. Agricultural water projects include projects involving research, technology, design, construction, best management practices, conservation, testing, or education.

2. Community water projects, which are projects involving a public water system operated by a political subdivision that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment in Ohio waters. Community water projects include projects involving research, technology, design, construction, best management practices, conservation, testing, or maintenance.

3. Nature water projects, which are projects involving a natural water system that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment in Ohio waters. Nature water projects include projects involving research, technology, design, construction, best management practices, conservation, or maintenance. They also include the creation, maintenance, or restoration of wetlands, flood plains, flood control systems, and buffers throughout the state, including the western basin of Lake Erie.

SC5125

Sub. H.B. 166
As Pending in S. Finance
OBM CD44

_____ moved to amend as follows:

In line 85982, after "Fund" delete the balance of the line

In line 85983, delete "June 30, 2021"

The motion was _____ agreed to.

SYNOPSIS

Office of Budget and Management

Section 513.10

Modifies the bill's requirement that the FY 2019 ending GRF balance remain in the GRF, except for certain specified transfers, through the end of the biennium by removing the reference to the end of the biennium. (The amendment retains the requirement that the surplus remain in the GRF.)

SC5127X2

Sub. H.B. 166
As Pending in S. Finance
BORCD42 and TOSCD8

_____ moved to amend as follows:

In line 76048, delete "$10,700,000 $10,700,000" and insert "$5,100,000 $4,400,000"

In line 76052, subtract $5,600,000 from fiscal year 2020 and $6,300,000 from fiscal year 2021

After line 76058a, insert:

"5HR0 195XXX TechCred Program $5,600,000 $7,050,000"

In line 76072, add $5,600,000 to fiscal year 2020 and $7,050,000 to fiscal year 2021

In line 76109, add $750,000 to fiscal year 2021

In line 76264, delete "Of the" and insert "The"

In line 76265, delete "$10,500,000 in each fiscal year"

After line 76341, insert:

"TECHCRED PROGRAM

The foregoing appropriation item 195XXX, TechCred Program, shall be used in conjunction with GRF appropriation item 195556, TechCred Program, to support the TechCred Program under section 122.178 of the Revised Code.

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer $5,600,000 cash

20 from the OhioMeansJobs Workforce Development Revolving Loan Fund
21 (Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund
22 (Fund 5HR0).
23 On July 1, 2020, or as soon as possible thereafter, the
24 Director of Budget and Management shall transfer $7,050,000 cash
25 from the OhioMeansJobs Workforce Development Revolving Loan Fund
26 (Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund
27 (Fund 5HR0)."
28 In line 83222, delete "$250,000" and insert "$0"
29 In line 83226, subtract $250,000 from fiscal year 2021
30 In line 83239, subtract $250,000 from fiscal year 2021
31 Delete lines 84565 through 84570
32 In line 85329, delete "$13,107,584 $0" and insert
33 "$350,000 $350,000"
34 After line 85330a, insert "XXXX 090XXX State Pay for
35 Success Contract Fund $0 $5,000,000"
36 In line 85332, subtract $12,757,584 from FY 2020 and add
37 $5,350,000 to FY 2021
38 In line 85336, subtract $12,757,584 from FY 2020 and add
39 $5,350,000 to FY 2021
40 After line 85396, insert:
41 "**Section 413.50.** STATE PAY FOR SUCCESS CONTRACT FUND
42 The Director of Budget and Management shall transfer
43 $5,000,000 cash from the General Revenue Fund to the State Pay

for Success Contract Fund (Fund XXXX) on July 1, 2020, or as soon as possible thereafter.

The foregoing appropriation item 090XXX, State Pay for Success Contract Fund, shall be used for the purpose of implementing a pay for success project as established under section 113.60 of the Revised Code. The Treasurer of State, in consultation with the Department of Administrative Services and the Department of Rehabilitation and Correction shall initiate a pay for success contract with a service intermediary in the area of enhanced workforce training for prison populations or recidivism rate reduction utilizing the ZeroBack program. The project may take place at the following correctional institutions: Lake Erie Correctional Institution, Lorain Correctional Institution, Mansfield Correctional Institution, Northeast Reintegration Center, and Richland Correctional Institution."

The motion was _____ agreed to.

SYNOPSIS

Development Services Agency

Sections 259.10, 259.20, and 259.30

Decreases appropriations to GRF line item 195556, TechCred Program, by $5.6 million in FY 2020 and $6.3 million in FY 2021.

Establishes appropriations of $5.6 million in FY 2020 and $7.05 million in FY 2021 under Fund 5HR0 line item 195XXX,

TechCred Program, and requires the appropriations to be used in conjunction with GRF line item 195556 for the TechCred Program.

(In total, the amendment increases funding for the TechCred Program by $750,000 in FY 2021 as compared to the pending Senate Substitute bill.)

Requires OBM to transfer $5.6 million cash in FY 2020 and $7.05 million cash in FY 2021 from the OhioMeansJobs Workforce Development Revolving Loan Fund (Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0).

Department of Higher Education

Sections 381.10 and 381.450

Eliminates the FY 2021 appropriation of $250,000 from DPF Fund 5NH0 appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program. Eliminates the requirement that the Chancellor of Higher Education and the Treasurer of State evaluate the OhioMeansJobs Workforce Development Revolving Loan Program, make recommendations to enhance the effectiveness of the program, and issue a report of their findings to the Governor and General Assembly by June 30, 2020.

Treasurer of State

Sections 413.10 and 413.50

Removes all but $350,000 of funding for DPF Fund 5NH0 appropriation line item 090610, OhioMeansJobs Workforce Development, in FY 2020, and adds an appropriation of $350,000 in FY 2021.

Requires the Director of the Office of Budget and Management to transfer $5,000,000 from the GRF to DPF XXXX, State Pay for Success Contract Fund, at the beginning of FY 2021.

Establishes a $5,000,000 appropriation from that fund in FY 2021 to be used to fund pay for success projects focused on lowering recidivism rates or promoting workforce readiness. The projects are to be implemented by the Treasurer of State in consultation with the Department of Rehabilitation and Correction, and are to utilize the ZeroBack program. The projects may take place at Lake Erie Correctional Institution, Lorain Correctional Institution, Mansfield Correctional Institution, Northeast Reintegration Center, and Richland Correctional Institution.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 28 of the title, after "3301.53," insert "3301.68,"

In line 221, after "3301.53," insert "3301.68,"

After line 21960, insert:

"**Sec. 3301.68.** (A) The department of education shall establish a consolidated school mandate report for school districts. The report shall be distributed and monitored by the department. Each district or school shall complete and file the report not later than the thirtieth day of November each year. The report shall require each district or school to denote "yes" to indicate compliance or "no" to indicate noncompliance with the items prescribed under division (B) of this section, and to provide any other information that the department requests regarding those items. If a district or school denotes "no" on any item, it shall provide, within thirty days, to its board of education a written explanation for why that item was not completed and a written plan of action for accurately and efficiently addressing the problem.

(B) The report shall contain the following items:

(1) Training on the use of physical restraint or seclusion on students pursuant to section 3319.46 of the Revised Code;

(2) Training on harassment, intimidation, or bullying pursuant to sections 3313.666, 3313.667, and 3319.073 of the Revised Code;

(3) Training on the use of cardiopulmonary resuscitation and an automated external defibrillator under sections 3313.60, 3313.6023, 3313.717, and 3314.16 of the Revised Code~~, and training on crisis prevention intervention~~;

(4) ~~The establishment of a wellness committee;~~

~~(5)~~ The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code;

~~(6)~~(5) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code;

~~(7)~~(6) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code.

(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section."

In line 74445, after "3301.53," insert "3301.68,"

The motion was _____ agreed to.

SYNOPSIS

Consolidated school mandate report

R.C. 3301.68

Removes both of the following from the list of items that must be included in the consolidated school mandate report that each district annually must file with the Department of Education:

(1) Training on crisis prevention intervention; and

(2) The establishment of a wellness committee.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 135 of the title, after "121.374," insert "121.95,"

In line 298, after "121.374," insert "121.95,"

After line 4598, insert:

"**Sec. 121.95.** (A) Beginning on the effective date of this section and ending on June 30, 2023, a the state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.

(B) As used in this section, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio.

(C) Rules adopted by an otherwise independent official or

entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of this section.

(D) Rules that include the words "shall," "must," "require," "shall not," "may not," and "prohibit" shall be considered to contain regulatory restrictions."

The motion was _____ agreed to.

SYNOPSIS

State agency regulatory restrictions

R.C. 121.95

Prohibits a state agency, during FYs 2020 (once effective), 2021, 2022, and 2023, from adopting a new regulatory restriction unless the state agency simultaneously removes two or more existing regulatory restrictions.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 135 of the title, after "121.374," insert "121.95,"

In line 298, after "121.374," insert "121.95,"

After line 4598, insert:

"**Sec. 121.95.** (A) As used in this section, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of this section.

(B) Not later than December 31, 2019, a state agency shall review its existing rules to identify rules having one or more regulatory restrictions that require or prohibit an action and prepare a base inventory of the regulatory restrictions in its existing rules. Rules that include the words "shall," "must,"

"require," "shall not," "may not," and "prohibit" shall be considered to contain regulatory restrictions.

(C) In the base inventory, the state agency shall indicate all of the following concerning each regulatory restriction:

(1) A description of the regulatory restriction;

(2) The rule number of the rule in which the regulatory restriction appears;

(3) The statute under which the regulatory restriction was adopted;

(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;

(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;

(6) Any other information the joint committee on agency rule review considers necessary.

(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.

(E) The following types of rules or regulatory restrictions

are not required to be included in a state agency's inventory of regulatory restrictions:

(1) An internal management rule;

(2) An emergency rule;

(3) A rule that state or federal law requires the state agency to adopt verbatim;

(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code;

(5) A rule adopted pursuant to section 1347.15 of the Revised Code;

(6) A rule concerning instant lottery games;

(7) Any other rule that is not subject to review under Chapter 106. of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Agency review rules for regulatory restrictions – inventory

R.C. 121.95

Requires state agencies to identify which of its rules contain regulatory restrictions and to produce an inventory of regulatory restrictions before December 31, 2019.

Requires state agencies to post the inventory on its website and transmit a copy to the Joint Committee on Agency Rule Review (JCARR). JCARR must transmit the inventory to the Speaker and

President.

SC5218

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 84315, delete "$1,900" and insert "$2,000"; delete "$2,400" and insert "$2,500"

In line 84317, delete "$3,400" and insert "$3,500"

In line 84318, delete "$3,900" and insert "$4,000"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 381.360

Increases the specific OCOG award allocations from $1,900 to $2,000 in FY 2020 and $2,400 to $2,500 in FY 2021 for students attending eligible state colleges and universities and from $3,400 to $3,500 in FY 2020 and $3,900 to $4,000 in FY 2021 for students attending private nonprofit institutions of higher education.

Sub. H.B. 166
As Pending in S. Finance
DNRCD24

_____ moved to amend as follows:

After line 82426, insert:

"RECLAMATION FORFEITURE FUND

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer $2,000,000 cash from the General Revenue Fund to the Reclamation Forfeiture Fund (Fund 5310), which shall be used to reclaim areas of land affected by coal mining in accordance with section 1513.18 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Department of Natural Resources

Section 343.30

Restores a provision in the House-passed version that requires the Director of OBM to transfer cash from the GRF to the Reclamation Forfeiture Fund (Fund 5310), but limits the transfer to $2.0 million in FY 2020 rather than $2.0 million in each fiscal

year. Requires the transferred cash to be used to reclaim areas of land affected by coal mining in accordance with R.C. 1513.18.

_____ moved to amend as follows:

In line 85432, delete "$4,348,745 $4,505,661" and insert "$4,448,745 $4,605,661"

In line 85434, add $100,000 to each fiscal year

In line 85453, add $100,000 to each fiscal year

After line 85458, insert:

"SAVE A WARRIOR

Of the foregoing appropriation item 900408, Department of Veterans Services, $100,000 in each fiscal year shall be distributed to Save a Warrior for the purpose of providing post-traumatic stress rehabilitation services to Ohio veterans at their facility located in Licking County."

The motion was _____ agreed to.

SYNOPSIS

Department of Veterans Services

Section 415.10

Increases GRF line item 900408, Department of Veterans Services, by $100,000 in each fiscal year, and earmarks that amount in each fiscal year to be distributed to Save a Warrior for the purpose of providing post-traumatic stress rehabilitation services to Ohio veterans at their facility located in Licking County.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 8 of the title, after "126.48," insert "128.021,"

In line 206, after "126.48," insert "128.021,"

After line 6929, insert:

"**Sec. 128.021.** (A) Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for wireless 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards. A public safety answering point may be deemed compliant with rules for minimum staffing standards, if it can demonstrate compliance with all other rules for operational standards.

(B) Not later than one year after ~~the effective date of this amendment~~ September 29, 2015, and in accordance with Chapter 119. of the Revised Code, the steering committee shall conduct an assessment of the operational standards for public safety answering points developed under division (A) of this section and

revise the standards as necessary to ensure that the operational standards contain the following:

(1) Policies to ensure that public safety answering point personnel prioritize life-saving questions in responding to each call to a 9-1-1 system established under this chapter;

(2) A requirement that all public safety answering point personnel complete proper training or provide proof of prior training to give instructions regarding emergency situations."

In line 74430, after "126.48," insert "128.021,"

The motion was _____ agreed to.

SYNOPSIS

Public safety answering points minimum staffing

R.C. 128.021

Provides that a public safety answering point (PSAP) may be deemed compliant with minimum staffing standards adopted in rules by the Statewide Emergency Services Internet Protocol Network Steering Committee if the PSAP complies with all other operational standard rules.

Sub. H.B. 166
As Pending in S. Finance
DOH083 and DOHCD26

_____ moved to amend as follows:

In line 85 of the title, after "4773.02," insert "4773.07,"

In line 262, after "4773.02," insert "4773.07,"

In line 53384, delete "radiography" and insert "radiology"

In line 53418, delete "radiography" and insert "radiology"

After line 53458, insert:

"**Sec. 4773.07.** (A) Each person seeking accreditation for an educational program or approval for a continuing education program in general x-ray machine operation, ~~radiography~~ radiology, radiation therapy technology, or nuclear medicine technology shall apply to the department of health on a form the department shall prescribe and provide. The application shall be accompanied by the accreditation or approval fee established in rules adopted under section 4773.08 of the Revised Code.

(B) The department shall accredit educational programs and approve continuing education programs that meet the standards established in rules adopted under section 4773.08 of the Revised Code. The accreditation or approval shall be valid until surrendered by the program or suspended or revoked by the department. A program's accreditation or approval may be suspended

or revoked if the program does not comply with applicable requirements of this chapter or rules adopted under it."

In line 53475, strike through "radiography" and insert "radiology"

In line 53479, strike through "radiography" and insert "radiology"

In line 74487, after "4773.02," insert "4773.07,"

The motion was _____ agreed to.

SYNOPSIS

Radiography references

R.C. 4773.01, 4773.07, and 4773.08

Changes references from "radiography" to "radiology" for purposes of the law governing the licensure and regulation of radiation technology professionals.

Sub. H.B. 166
As Pending in S. Finance
TAXCD56

_____ moved to amend as follows:

In line 113 of the title, after "5705.091," insert "5705.21,"

In line 283, after "5705.091," insert "5705.21,"

After line 63992, insert:

"**Sec. 5705.21.** (A) At any time, the board of education of any city, local, exempted village, cooperative education, or joint vocational school district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the school district, that it is necessary to levy a tax in excess of such limitation for one of the purposes specified in division (A), (D), (F), (H), or (DD) of section 5705.19 of the Revised Code, for general permanent improvements, for the purpose of operating a cultural center, for the purpose of providing for school safety and security, or for the purpose of providing education technology, and that the question of such additional tax levy shall be submitted to the electors of the school district at a special election on a day to be specified in the resolution. In the case of a qualifying library levy for the support of a library association or private

corporation, the question shall be submitted to the electors of the association library district. If the resolution states that the levy is for the purpose of operating a cultural center, the ballot shall state that the levy is "for the purpose of operating the..... (name of cultural center)."

As used in this division, "cultural center" means a freestanding building, separate from a public school building, that is open to the public for educational, musical, artistic, and cultural purposes; "education technology" means, but is not limited to, computer hardware, equipment, materials, and accessories, equipment used for two-way audio or video, and software; "general permanent improvements" means permanent improvements without regard to the limitation of division (F) of section 5705.19 of the Revised Code that the improvements be a specific improvement or a class of improvements that may be included in a single bond issue; and "providing for school safety and security" includes but is not limited to providing for permanent improvements to provide or enhance security, employment of or contracting for the services of safety personnel, providing mental health services and counseling, or providing training in safety and security practices and responses.

A resolution adopted under this division shall be confined to a single purpose and shall specify the amount of the increase in rate that it is necessary to levy, the purpose of the levy, and the number of years during which the increase in rate shall be in effect. The number of years may be any number not exceeding five or, if the levy is for current expenses of the district or for general permanent improvements, for a continuing period of time.

(B)(1) The board of education of a qualifying school district, by resolution, may declare that it is necessary to levy

a tax in excess of the ten-mill limitation for the purpose of paying the current expenses of partnering community schools and, if any of the levy proceeds are so allocated, of the district. A qualifying school district that is not a municipal school district may allocate all of the levy proceeds to partnering community schools. A municipal school district shall allocate a portion of the levy proceeds to the current expenses of the district. The resolution shall declare that the question of the additional tax levy shall be submitted to the electors of the school district at a special election on a day to be specified in the resolution. The resolution shall state the purpose of the levy, the rate of the tax expressed in mills per dollar of taxable value, the number of such mills to be levied for the current expenses of the partnering community schools and the number of such mills, if any, to be levied for the current expenses of the school district, the number of years the tax will be levied, and the first year the tax will be levied. The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time.

The levy of a tax for the current expenses of a partnering community school under this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2)(a) If any portion of the levy proceeds are to be allocated to the current expenses of the qualifying school district, the form of the ballot at an election held pursuant to division (B) of this section shall be as follows:

"Shall a levy be imposed by the..... (insert the name of the qualifying school district) for the purpose of current

expenses of the school district and of partnering community schools at a rate not exceeding..... (insert the number of mills) mills for each one dollar of valuation, of which..... (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to..... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning..... (insert first year the tax is to be levied), which will first be payable in calendar year..... (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the current expenses of partnering community schools, the form of the ballot shall be as follows:

"Shall a levy be imposed by the..... (insert the name of the qualifying school district) for the purpose of current expenses of partnering community schools at a rate not exceeding..... (insert the number of mills) mills for each one dollar of valuation which amounts to..... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning..... (insert first year the tax is to be levied), which will first be payable in calendar year..... (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY

	AGAINST THE TAX LEVY

"

(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date of receipt and deposit of the tax distribution.

(b) If the qualifying school district is not a municipal school district, the board of education may distribute all or a portion of the amount in the partnering community schools fund during a fiscal year to partnering community schools on or before the first day of June of the preceding fiscal year. Each such partnering community school shall receive a portion of the amount distributed by the board from the partnering community schools fund during the fiscal year in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date the school district received and deposited the most recent tax distribution. On or before the fifteenth day of June of each fiscal year, the board of education shall announce an estimated

allocation to partnering community schools for the ensuing fiscal year. The board is not required to allocate to partnering community schools the entire partnering community schools amount in the fiscal year in which a tax distribution is received and deposited in the partnering community schools fund. The estimated allocation shall be published on the web site of the school district and expressed as a dollar amount per resident student. The actual allocation to community schools in a fiscal year need not conform to the estimate published by the school district so long if the estimate was made in good faith.

Distributions by a school district under division (B)(3)(b) of this section shall be made in accordance with distribution agreements entered into by the board of education and each partnering community school eligible for distributions under this division. The distribution agreements shall be certified to the department of education each fiscal year before the thirtieth day of July. Each agreement shall provide for at least three distributions by the school district to the partnering community school during the fiscal year and shall require the initial distribution be made on or before the thirtieth day of July.

(c) For the purposes of division (B) of this section, the number of resident students shall be the number of such students reported under section 3317.03 of the Revised Code and established by the department of education as of the date of receipt and deposit of the tax distribution.

(4) To the extent an agreement whereby the qualifying school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the

department of education the agreement along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a qualifying school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of partnering community schools. The taxes charged and payable for the current expenses of partnering community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code or a school district that contains within its territory a partnering community school.

(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the qualifying school district and meets one of the following criteria:

(i) If the qualifying school district is a municipal school district, the community school is sponsored by the district or is a party to an agreement with the district whereby the district and the community school endorse each other's programs;

(ii) If the qualifying school district is not a municipal school district, the community school is sponsored by a sponsor

that was rated as "exemplary" in the ratings most recently published under section 3314.016 of the Revised Code before the resolution proposing the levy is certified to the board of elections.

(c) "Partnering community schools amount" means the product obtained, as of the receipt and deposit of the tax distribution, by multiplying the amount of a tax distribution by a fraction, the numerator of which is the number of mills per dollar of taxable value of the property tax to be allocated to partnering community schools, and the denominator of which is the total number of mills per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax. If the resolution allocates all of the levy proceeds to partnering community schools, the "partnering schools amount" equals the amount of the tax distribution.

(d) "Partnering community schools fund" means a separate fund established by the board of education of a qualifying school district for the deposit of partnering community school amounts under this section.

(e) "Resident student" means a student enrolled in a partnering community school who is entitled to attend school in the qualifying school district under section 3313.64 or 3313.65 of the Revised Code.

(f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law.

(C) A resolution adopted under this section shall specify the

date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

A resolution adopted under this section may propose to renew one or more existing levies imposed under division (A) or (B) of this section or to increase or decrease a single levy imposed under either such division.

If the board of education imposes one or more existing levies for the purpose specified in division (F) of section 5705.19 of the Revised Code, the resolution may propose to renew one or more of those existing levies, or to increase or decrease a single such existing levy, for the purpose of general permanent improvements.

If the resolution proposes to renew two or more existing levies, the levies shall be levied for the same purpose. The resolution shall identify those levies and the rates at which they are levied. The resolution also shall specify that the existing levies shall not be extended on the tax lists after the year preceding the year in which the renewal levy is first imposed, regardless of the years for which those levies originally were authorized to be levied.

If the resolution proposes to renew an existing levy imposed under division (B) of this section, the rates allocated to the qualifying school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be increased, decreased, or remain the same. The resolution and notice of election shall specify the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills, if any, to be levied for the current expenses of the qualifying school district.

A resolution adopted under this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passing be certified to the board of elections of the proper county in the manner provided by section 5705.25 of the Revised Code. That section shall govern the arrangements for the submission of such question and other matters concerning the election to which that section refers, including publication of notice of the election, except that the election shall be held on the date specified in the resolution. In the case of a resolution adopted under division (B) of this section, the publication of notice of that election shall state the number of the mills, if any, to be levied for the current expenses of partnering community schools and the number of the mills to be levied for the current expenses of the qualifying school district. If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district or, in the case of a qualifying library levy for the support of a library association or private corporation, within the association library district, at the additional rate, or at any lesser rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolution. A levy for a continuing period of time may be reduced pursuant to section 5705.261 of the Revised Code. The tax levy shall be included in the next tax budget that is certified to the county budget commission.

(D)(1) After the approval of a levy on the current tax list and duplicate for current expenses, for recreational purposes, for community centers provided for in section 755.16 of the Revised Code, or for a public library of the district under division (A)

of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy.

(2) After the approval of a levy for general permanent improvements for a specified number of years or for permanent improvements having the purpose specified in division (F) of section 5705.19 of the Revised Code, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(3) After approval of a levy for general permanent improvements for a continuing period of time, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a specified period of years, not exceeding ten, after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten

years, and may have a principal payment in the year of their issuance.

(4) After the approval of a levy on the current tax list and duplicate under division (B) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of the levy proceeds to be allocated to partnering community schools under that division shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(E) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(F) The board of education of any school district that levies a tax under this section for the purpose of providing for school safety and security may report to the department of education how the district is using revenue from that tax.

<u>The board of education of any school district that proposes to levy a tax for the purpose of providing for school safety and security may share the proceeds of the tax with chartered nonpublic schools, as defined by section 3310.01 of the Revised</u>

Code, that are located in the territory of the school district as provided in this division. The resolution levying the tax and the form of the ballot shall state that proceeds from the levy are to be shared with chartered nonpublic schools and shall state the percentage of the proceeds that is to be shared with those schools.

If a percentage of the proceeds of such a tax are to be shared with chartered nonpublic schools under this division, such proceeds shall be shared with all chartered nonpublic schools located in the territory of the school district. Of the percentage of the proceeds to be shared with chartered nonpublic schools, each such school shall receive an amount that bears the same proportion of that percentage that the number of resident students attending that school bears to the total number of resident students attending all such schools in the territory of the school district. For the purposes of this section, a resident student is a student enrolled in a chartered nonpublic school located in the territory of the school district who is entitled to attend school in the school district under section 3313.64 or 3313.65 of the Revised Code.

All proceeds of the levy shall be credited to a fund of the school district created for that purpose, and the board of education shall pay each chartered nonpublic school its share of the proceeds from that fund not less frequently than once after each settlement of taxes under divisions (A) and (C) of section 321.24 of the Revised Code. Any chartered nonpublic school receiving payments under this section shall use all of such payments only for providing for school safety and security."

In line 74507, after "5705.091," insert "5705.21,"

The motion was _____ agreed to.

SYNOPSIS

School safety levy money for chartered nonpublic schools

R.C. 5705.21

Restores a provision added by the House and removed by the Senate authorizing the board of education of a school district to propose a tax levy for school safety and security and give some of the revenue to chartered nonpublic schools located in the district to be used for that purpose.

The provision requires that the resolution and ballot language proposing the levy specify the portion of the proceeds allocated to chartered nonpublic schools. It specifies that the chartered nonpublic school portion would be divided proportionally among all such schools located within the territory of the school district based on the number of "resident students" (i.e., students who are entitled to attend school in the district) enrolled in each chartered nonpublic school. If proceeds are shared with any nonpublic school in the district, they must be shared with all nonpublic schools in the district in that proportion.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 29 of the title, delete "3302.021,"

In line 33 of the title, delete "3313.413,"

In line 36 of the title, delete "3314.034,"

In line 142 of the title, delete "3302.038,"

In line 221, delete "3302.021,"

In line 224, delete "3313.413,"

In line 226, delete "3314.034,"

In line 304, delete "3302.038,"

In line 21910, reinsert "and"; delete "or"

Delete lines 22058 through 22108

In line 22355, reinsert "up to three years"; delete "not more than one"

In line 22356, delete "academic year"; delete "growth"; reinsert "as available"

In line 22496, reinsert "give equal weight to the components in"

In line 22497, reinsert "divisions (C)(3)(b) and (c) of this section"; delete "use either the"

Delete lines 22498 through 22511

In line 22512, delete "building"

In line 22623, reinsert "(4)"; delete "(2)"

Delete lines 22758 through 22774

In line 22780, delete "This section does"

Delete lines 22781 through 22783

In line 22784, delete everything before "The"

Delete lines 24235 through 24316

In line 26209, reinsert "(4)"; delete "(2)"

In line 26211, reinsert "(4)"; delete "(2)"

In line 26374, reinsert "(4)"; delete "(2)"

In line 26448, reinsert "(4)"; delete "(2)"

In line 26472, reinsert "(4)"; delete "(2)"

In line 26487, reinsert "(4)"; delete "(2)"

In line 26509, reinsert "(4)"; delete "(2)"

In line 26538, reinsert "(4)"; delete "(2)"

In line 26916, delete "(1)"

In line 27108, reinsert "(4)"; delete "(2)"

Delete lines 27308 through 27379

Delete lines 28150 through 28285 and insert:

"**Sec. 3314.35.** (A)(1) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(2) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but

does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(3) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:

(a) The school does not offer a grade level higher than three and, for ~~two of~~ the three most recent school years, satisfies any of the following criteria:

(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;

(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;

(iii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code.

(b) The school offers any of grade levels four to eight but

does not offer a grade level higher than nine and, for ~~two of~~ the three most recent school years, satisfies any of the following criteria:

(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013, and the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code;

(ii) The school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and a grade of "F" for the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code;

(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and, for ~~two of~~ the three most recent school years, satisfies any of the following criteria:

(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;

(ii) The school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and has not met annual measurable objectives under division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of the Revised Code;

(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code.

For purposes of division (A)(3) of this section only, the department of education shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-added data from only the most recent school year.

(4) This section does not apply to either of the following:

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a dropout prevention and recovery program shall be exempt from this section only if it has been granted a waiver under section 3314.36 of the Revised Code.

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The

governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(C) In accordance with division (B) of section 3314.012 of the Revised Code, the department shall not consider the performance ratings assigned to a community school for its first two years of operation when determining whether the school meets the criteria prescribed by division (A)(1) or (2) of this section.

(D) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code."

In line 74445, delete "3302.021,"

In line 74448, delete "3313.413,"

In line 74450, delete "3314.034,"

The motion was _____ agreed to.

SYNOPSIS

Use of value-added progress dimension and performance index grades

R.C. 3302.021, 3302.03, and 3302.038; conforming changes in R.C. 3301.52, 3302.042, 3314.034, and 3314.35

Removes the provisions of the bill that do the following:

Specify that the calculation of the value-added progress dimension must use not more than one academic year's worth of

growth data.

Specify that for the overall grade on the state report card and for any sanction or penalty based on the measures, only the performance index score measure or the value-added progress dimension measure be used, whichever is higher and prohibits the use of both measures for those purposes.

Make conforming changes to sanctions, penalties, and other qualifications in certain provisions of law affected by the performance index score and the value-added progress dimension measures, including the Columbus parent trigger pilot project, eligibility for community schools to change sponsors, and community school closure.

Community School Closure

R.C. 3314.35; Conforming changes in R.C. 3302.03, 3313.413, 3314.016, 3314.017, and 3314.03

Reinstates a provision of law removed by the bill that includes an overall grade of "F" and an "F" for the value-added progress dimension as criteria for closure of community schools serving certain grades. (Maintains the bill's provision that the criteria for community school closure for a school receiving grades of "F" in certain specified graded measures is for three consecutive school years, rather than two of the three most recent school years as under current law.)

SC5278X1

Sub. H.B. 166
As Pending in S. Finance
EPACD16

_____ moved to amend as follows:

After line 78953a, insert:

"GRF 715506 Environmental Program Support $125,000 $0"

In line 78955, add $125,000 to fiscal year 2020

In line 79016, add $125,000 to fiscal year 2020

In line 79018, after **"277.20."** insert "ENVIRONMENTAL PROGRAM SUPPORT

The foregoing appropriation item 715506, Environmental Program Support, shall be used to support the final stage of the awards process for the Everglades Foundation's George Barley Water Prize. On July 1, 2020, or as soon as possible thereafter, the Director of Environmental Protection may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 715506, Environmental Program Support, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021."; begin a new paragraph

The motion was _____ agreed to.

19 SYNOPSIS

20 **Environmental Protection Agency**

21 **Sections 277.10 and 277.20**

22 Creates GRF line item 715506, Environmental Program
23 Support, with an appropriation of $125,000 in fiscal year 2020,
24 and requires those amounts in each fiscal year to be used to
25 support the final stage of the awards process for the Everglades
26 Foundation's George Barley Water Prize.

27 Permits the Director of Environmental Protection, on
28 July 1, 2020, or as soon as possible thereafter, to certify to
29 the Director of Budget and Management an amount up to the
30 unexpended, unencumbered balance of GRF appropriation item
31 715506, Environmental Program Support, to be reappropriated from
32 FY 2020 to FY 2021. Appropriates the amount certified.

SC5279

Sub. H.B. 166
As Pending in S. Finance
OBM DAS030
DASCD12

_____ moved to amend as follows:

In line 74819, after "Police" insert "State of"

In line 74820, delete "Labor Council"; after "2" insert "Association"

The motion was _____ agreed to.

SYNOPSIS

Department of Administrative Services

Section 207.30

Makes a correction in referring to the Fraternal Order of Police Labor Council, Unit 2 by instead referring to the organization as the Fraternal Order of Police State of Ohio, Unit 2 Association.

SC5285

Sub. H.B. 166
As Pending in S. Finance
TOSCD8

_____ moved to amend as follows:

In line 1967, delete "with"

In line 1968, delete "the treasurer of state"

In line 1984, after the underlined period insert "In the case of a contract for the delivery of services that benefit the state, the treasurer of state shall enter into the contract jointly with the director of administrative services."; after "state" insert "and, as applicable, the director of administrative services,"

In line 1985, delete "any" and insert "either"

In line 1989, delete "Upon receiving federal grant moneys for the purpose of"

Delete line 1990

In line 1991, delete "(3)" and insert "(a)"

In line 1993, after "state" insert "and, as applicable, the director of administrative services,"

After line 1998, insert:

"(b) A political subdivision or group of political subdivisions that requests the treasurer of state to enter into a pay for success contract on behalf of the political

20 subdivision or group shall not use state funds to pay the cost
21 of the contract.
22 (c) The treasurer of state may apply for federal grant
23 moneys on behalf of a requesting state agency, political
24 subdivision, or group to pay the cost of all or part of the
25 contract. The treasurer of state shall not apply for federal
26 grant moneys for the purpose of entering into a pay for success
27 contract without first entering into an agreement with a
28 requesting state agency, political subdivision, or group for the
29 treasurer of state to apply for those moneys."
30 In line 2035, after "state" insert "and, as applicable, the
31 director of administrative services"
32 In line 2040, after "state" insert "and, as applicable, the
33 director of administrative services"
34 In line 2059, after "agency" insert "or agencies and the
35 director of administrative services"; after the first underlined
36 comma, insert "or in consultation with the requesting"; delete
37 the second underlined comma; delete the second "state"
38 In line 2060, delete "agencies or"
39 In line 2087, after "state" insert "and, as applicable, the
40 director of administrative services"
41 In line 2088, delete "ensure" and insert "determine";
42 delete "that the service"

43 In line 2089, delete "intermediary has access"; delete
44 "any" and insert "which"
45 In line 2090, delete ", including historical"
46 In line 2091, delete "data, that"; delete "requests" and
47 insert "shall have access"
48 In line 2092, after "contract" insert "and any limitations
49 on the use of the data"; after the underlined period insert "The
50 state agency, political subdivision, or group shall retain
51 control over the data and shall provide the data directly to the
52 service intermediary in accordance with the terms of the
53 contract. If any dispute arises concerning the data, the state
54 agency, political subdivision, or group shall work directly with
55 the service intermediary to resolve the dispute."
56 In line 2094, strike through "contracts" and insert "and,
57 as applicable, the director of administrative services contract"
58 In line 2095, after the second "the" insert "treasurer of
59 state and, as applicable, the"; reinsert "director"; delete
60 "treasurer"
61 In line 2098, after "treasurer" insert "and, as applicable,
62 the director"
63 In line 2102, after "treasurer" insert "and, as applicable,
64 the director"
65 In line 2112, delete "enters" and insert "and the director
66 of administrative services enter"

In line 2126, delete "that require the treasurer to enter" and insert "for the purpose of entering"

In line 2130, delete "the treasurer enters into"

In line 2136, delete "that required the treasurer"

In line 2137, delete "of state to enter into the contract"

The motion was _____ agreed to.

SYNOPSIS

Pay for Success contracting program changes

R.C. 125.66 (113.60), 125.661 (113.61), and 113.62

Makes changes to the provisions of the bill that expand the Pay for Success Contracting Program and require the Treasurer of State to administer the Program.

Requires that, in the case of a contract to benefit the state, the Treasurer of State enter into the contract jointly with the Director of Administrative Services.

Removes a provision allowing the Treasurer of State to enter into contracts independently using federal grant moneys.

Allows the Treasurer of State to seek federal grants only under an agreement with a state agency, political subdivision, or group of state agencies or political subdivisions that wish to enter into a contract.

Prohibits a political subdivision from using state funds to pay the cost of a contract.

Requires a state agency, political subdivision, or group of state agencies or political subdivisions that seek a contract to do all of the following:

--Determine which data are available to the service intermediary under the contract and how those data may be used;

95 --Transmit the data directly to the service intermediary;

96 --Work with the service intermediary to resolve any
97 disputes concerning the data.

SC5286

Sub. H.B. 166
As Pending in S. Finance
OBM DHE027

_____ moved to amend as follows:

In line 84529, after "transfer" insert "cash in an amount"

In line 84530, delete "$50,000 cash" and insert "the amount appropriated from the foregoing appropriation item 235602, Higher Educational Facility Commission Administration,"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 381.420

Modifies the provision authorizing the OBM Director, upon request of the Chancellor, to transfer up to $50,000 cash in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administrative Fund (Fund 4E80) by, instead, authorizing a transfer up to the amount appropriated for Fund 4E80 appropriation item 235602, Higher Educational Facility Commission Administration, in each fiscal year. (The Senate-substitute version of the bill appropriates $53,239 in FY 2020 and $60,000 from item 235602.)

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 55 of the title, after "3711.02," insert "3715.08,"

In line 131 of the title, after the last comma insert "3715.08 (3719.064),"

In line 168 of the title, after "3706.30," insert "3719.064,"

In line 240, after "3711.02," insert "3715.08,"

In line 295, after the first comma insert "3715.08 (3719.064),"

After line 38290, insert:

"**Sec. ~~3715.08~~3719.064.** (A) As used in this section:

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(2) "Prescriber" means any of the following:

(a) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(b) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(3) "Qualifying practitioner" has the same meaning as in section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended.

(B) Before initiating medication-assisted treatment, a prescriber shall give the patient or the patient's representative information about all drugs approved by the United States food and drug administration for use in medication-assisted treatment. The information must be provided both orally and in writing. The prescriber or the prescriber's delegate shall note in the patient's medical record when this information was provided and make the record available to employees of the board of nursing or state medical board on their request.

If the prescriber is not a qualifying practitioner and the patient's choice is opioid treatment and the prescriber determines that such treatment is clinically appropriate and meets generally accepted standards of medicine, the prescriber shall refer the patient to an opioid treatment program licensed under section 5119.37 of the Revised Code or a qualifying practitioner. The prescriber or the prescriber's delegate shall make a notation in the patient's medical record naming the program or practitioner to whom the patient was referred and specifying when the referral was made."

In line 74465, after "3711.02," insert "3715.08,"

In line 74525, after "3706.30," insert "3719.064,"

The motion was _____ agreed to.

SYNOPSIS

Opioid treatment programs - corrective changes

R.C. 3715.08 and 3719.064 (repealed)

Coordinates and consolidates duplicative provisions of H.B. 111 and S.B. 119, both of the 132nd General Assembly, involving licensure of opioid treatment programs.

SC5293

Sub. H.B. 166
As Pending in S. Finance
OBM DAS023
DNRCD18

_____ moved to amend as follows:

In line 87174d, delete "214,408,136" and insert "214,908,136"

In line 87178d, delete "306,468,104" and insert "310,968,104"

The motion was _____ agreed to.

SYNOPSIS

Capital appropriations technical correction

Section 601.20

Makes a technical correction to capital appropriation totals resulting from changes the bill makes to H.B. 529 of the 132nd General Assembly.

SC5296

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

1 In line 77747, delete "five" and insert "fifty"

2 The motion was _____ agreed to.

3 SYNOPSIS

4 **Department of Education**

5 **Section 265.180**

6 Increases the maximum per-pupil amount of administrative
7 cost reimbursement payments to nonpublic schools for each of FY
8 2020 and FY 2021 from $405 to $450.

SC5313

Sub. H.B. 166
As Pending in S. Finance
OBM039

_____ moved to amend as follows:

After line 76923a, insert:

"5VU0 200663 School Bus Purchase $0 $20,000,000"

In line 76925, add $20,000,000 to fiscal year 2021

In line 76967, add $20,000,000 to fiscal year 2021

After line 78359, insert:

"Section 265.324. SCHOOL BUS PURCHASE

The foregoing appropriation item 200663, School Bus Purchase, shall be used by the Department of Education to assist school districts in purchasing school buses in accordance with the program developed under this section.

The Department of Education, in partnership with the Department of Public Safety, shall develop a program to provide school bus purchase assistance. Not later than January 31, 2020, the departments of Education and Public Safety shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code that describes how the program will operate."

Delete lines 79176 through 79178a

In line 79182, subtract $20,000,000 from fiscal year 2021

Delete lines 79206 through 79220

The motion was _____ agreed to.

SYNOPSIS

Department of Education and Facilities Construction Commission

Sections 265.10, 265.324, 287.10, and 287.30

Requires ODE, instead of OFCC as in the bill currently, to develop a program to provide school bus purchase assistance. Moves the funding for the program from OFCC to ODE by eliminating DPF Fund 5VU0 appropriation item 230646, School Bus Purchase, with an appropriation of $20,000,000 in FY 2021 and establishing DPF Fund 5VU0 appropriation item 200663, School Bus Purchase, with an appropriation of $20,000,000 in FY 2021. Removes provisions requiring the program to be developed in partnership with DAS and in a manner comparable to the method in which school facilities assistance is provided under the Classroom Facilities Assistance Program.

SC5320

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 78439, delete "$1,750" and insert "$1,150"

In line 78441, delete "$1,000" and insert "$650"

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Section 265.335

Reduces the per-pupil amounts that a community school designated as a Community School of Quality receives each fiscal year for students identified as economically disadvantaged from $1,750 to $1,150 and for students not identified as economically disadvantaged from $1,000 to $650.

SC5336

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

1 After line 26367, insert:

2 "(E) The department shall recalculate the rating for the
3 2017-2018 school year for each sponsor of a community school
4 that receives recalculated ratings pursuant to division (H) of
5 section 3314.017 of the Revised Code."

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Recalculation of sponsor ratings**

9 **R.C. 3314.016**

10 Requires the Department of Education to recalculate the
11 rating for the 2017-2018 school year for each sponsor of a
12 community school that receives recalculated ratings for the
13 2017-2018 school year based on a new rating system proposed by
14 the bill.

SC5338

Sub. H.B. 166
As Pending in S. Finance
OBM JSC005
JSCCD1

_____ moved to amend as follows:

In line 80505a, delete "Council" and insert "Commission"

In line 80524, delete "COUNCIL" and insert "COMMISSION"

In line 80526, delete "Council" and insert "Commission"

The motion was _____ agreed to.

SYNOPSIS

The Judiciary/Supreme Court

Section 317.20

Changes the name of GRF appropriation item 005401 from State Criminal Sentencing Council to State Criminal Sentencing Commission.

SC5339

Sub. H.B. 166
As Pending in S. Finance
DOTCD45

_____ moved to amend as follows:

In line 63660, delete "Notwithstanding any other provision of this section or" and insert "Other than for a contract referred to in division (B) or (E) of this section, and notwithstanding"

The motion was _____ agreed to.

SYNOPSIS

Ohio Turnpike and Infrastructure Commission - contracts

R.C. 5537.07

Limits when the Commission is authorized to use a competitive proposal process, rather than competitive bidding, to contracts for goods and services. (Under the bill currently, the Commission is authorized to use the competitive proposal process for all contracts, including construction contracts. Current law requires the Commission to use competitive bidding and award all contracts to the lowest responsive and responsible bidder.)

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 151 of the title, after "4303.2011," insert "4723.94,"; after "4729.801," insert "4731.2910,"

In line 310, after "4303.2011," insert "4723.94,"

In line 311, after "4729.801," insert "4731.2910,"

After line 46648, insert:

"**Sec. 4723.94.** (A) As used in this section:

(1) "Facility fee" means any fee charged or billed for telemedicine services provided in a facility that is intended to compensate the facility for its operational expenses and is separate and distinct from a professional fee.

(2) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.

(3) "Telemedicine services" has the same meaning as in section 3902.30 of the Revised Code.

(B) An advanced practice registered nurse providing telemedicine services shall not charge a facility fee, an origination fee, or any fee associated with the cost of the equipment used to provide telemedicine services to a health plan

19 issuer covering telemedicine services under section 3902.30 of
20 the Revised Code."
21 After line 48738, insert:
22 "**Sec. 4731.2910.** (A) As used in this section:
23 (1) "Facility fee" has the same meaning as in section
24 4723.94 of the Revised Code.
25 (2) "Health care professional" means:
26 (a) A physician licensed under this chapter to practice
27 medicine and surgery, osteopathic medicine and surgery, or
28 podiatric medicine and surgery;
29 (b) A physician assistant licensed under Chapter 4730. of
30 the Revised Code.
31 (3) "Health plan issuer" has the same meaning as in section
32 3922.01 of the Revised Code.
33 (4) "Telemedicine services" has the same meaning as in
34 section 3902.30 of the Revised Code.
35 (B) A health care professional providing telemedicine
36 services shall not charge a facility fee, an origination fee, or
37 any fee associated with the cost of the equipment used to
38 provide telemedicine services to a health plan issuer covering
39 telemedicine services under section 3902.30 of the Revised
40 Code."

41 The motion was _____ agreed to.

42 SYNOPSIS

43 **Telemedicine coverage and fees**

44 **R.C. 4723.94 and 4731.2910**

45 Prohibits the following health services providers from
46 charging health plan issuers a facility, origination, or other
47 fee with regard to covered telemedicine services:

48 • A physician;

49 • A physician's assistant.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 68 of the title, after "4730.02," insert "4730.10,"

In line 249, after "4730.02," insert "4730.10,"

After line 47091, insert:

"**Sec. 4730.10.** (A) An individual seeking a license to practice as a physician assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following:

(1) The applicant's name, residential address, business address, if any, and social security number;

(2) Satisfactory proof that the applicant meets the age and moral character requirements specified in divisions (A)(1) and (2) of section 4730.11 of the Revised Code;

(3) Satisfactory proof that the applicant meets either the educational requirements specified in division (B)(1) or (2) of section 4730.11 of the Revised Code or the educational or other applicable requirements specified in division (C)(1), (2), or (3) of that section;

(4) Any other information the board requires.

(B) At the time of making application for a license to practice, the applicant shall pay the board a fee of ~~five~~ four hundred dollars, no part of which shall be returned. The fees shall be deposited in accordance with section 4731.24 of the Revised Code."

In line 74474, after "4730.02," insert "4730.10,"

The motion was _____ agreed to.

SYNOPSIS

Physician assistant license application fee

R.C. 4730.10

Reduces to $400 (from $500) the fee that must be paid to the State Medical Board when applying for a license to practice as a physician assistant.

SC5361

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

1 After line 78856, insert:

2 "General Revenue Fund

3 GRF 881XXX Indigent Burial and Cremation Support $1,000,000

4 $1,000,000

5 TOTAL GRF General Revenue Fund $1,000,000 $1,000,000"

6 In line 78860, add $1,000,000 to each fiscal year

7 After line 78860, insert:

8 **"Section 269.20.** INDIGENT BURIAL AND CREMATION SUPPORT

9 The foregoing appropriation item 881XXX, Indigent Burial

10 and Cremation Support, shall be used to reimburse local

11 government entities for the cost of providing burials or

12 cremations to indigent deceased persons. Reimbursements shall

13 not exceed one thousand dollars for an adult or seven hundred

14 fifty dollars for a child.

15 The State Board of Embalmers and Funeral Directors may

16 adopt rules in accordance with Chapter 119 of the Revised Code

17 as necessary to carry out the purposes of this section."

18 Delete lines 79770 through 79770a

19 In line 79775, subtract $1,000,000 from each fiscal year

20 In line 79827, subtract $1,000,000 from each fiscal year

21 Delete lines 80272 through 80281

22 The motion was _____ agreed to.

23 SYNOPSIS

24 **Indigent Burial and Cremation Support**

25 **Sections 269.10, 269.20, 307.10, and 307.137**

26 Transfers the responsibility for the administration of the
27 Indigent Burial and Cremation Support Program in the pending
28 budget bill from the Department of Job and Family Services to
29 the State Board of Embalmers and Funeral Directors. Creates GRF
30 appropriation item 881XXX, Indigent Burial and Cremation
31 Support, to be used by the State Board of Embalmers and Funeral
32 Directors, and appropriates $1.0 million in each fiscal year for
33 these purposes. Correspondingly eliminates GRF appropriation
34 item 600554, Indigent Burial and Cremation Support, to be used
35 by JFS for the same purposes.

SC5370

Sub. H.B. 166
As Pending in S. Finance
OBM JFS045

_____ moved to amend as follows:

In line 79956, delete "distributed" and insert "reimbursed"

In line 79960, delete "distribution" and insert "reimbursement"

In line 79961, delete "be equal to" and insert "not exceed"; delete ", but" and insert "and"

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.91

Modifies an earmark from Federal Fund 3V60 appropriation item 600689, TANF Block Grant, for $1.0 million in each fiscal year for the Siemer Institute to require funds be reimbursed to the organization (rather than distributed as stated in the current version of the bill) and clarifies the amount reimbursed shall not exceed the amount documented (rather than being equal to the amount documented as stated in the current version of the bill).

Sub. H.B. 166
As Pending in S. Finance
OBM DOT032

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "9.54,"

In line 200, after "sections" insert "9.54,"

After line 342, insert:

"**Sec. 9.54.** Whoever erects or replaces a sign containing the international symbol of access shall ~~do both of the following:~~

~~(A) Use~~ use forms of the word "accessible" rather than forms of the words "handicapped" or "disabled" whenever words are included on the sign~~;~~

~~(B) For the international symbol of access, use a logo that depicts a dynamic character leaning forward with a sense of movement~~."

In line 74424, after "sections" insert "9.54,"

The motion was _____ agreed to.

SYNOPSIS

Removal of dynamic access symbol requirement

R.C. 9.54

Removes the provision of law that requires a person –- who is erecting or replacing a sign that has the international symbol of access -- to use a logo that depicts a dynamic character leaning forward with a sense of movement.

SC5387

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 80049, delete "public children services agency to expend" and insert "expenditure of"

In line 80053, after the period insert "The program shall include a family stabilization service and a caregiving service."

In line 80054, delete "this" and insert "the stabilization"

In line 80056, delete everything after the period

Delete line 80057 and insert "Stabilization services shall be designed to transition the child into and maintain the child in the home of the kinship caregiver. For the purpose of the caregiving service, each assistance group shall include at least a child living with a kinship caregiver and the kinship caregiver."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 307.100

Makes the following modifications to the Kinship Caregiver Program:

--Requires the program to include a family stabilization service and a caregiving service.

--Removes the requirement that each assistance group include a child 18 years of age or younger and instead specifies the caregiving service include a kinship caregiver and a child residing with that caregiver.

--Requires stabilization services be designed to transition the child and maintain the child in the home of the kinship caregiver.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 15 of the title, after "505.371," insert "701.10,"

In line 210, after "505.371," insert "701.10,"

After line 12248, insert:

"**Sec. 701.10.** The legislative authority of a municipal corporation ~~that is located in a charter county and~~ that has established a rate or charge for the provision of collection or disposal services for garbage, ashes, animal and vegetable refuse, dead animals, or animal offal may certify to the county ~~fiscal officer~~ auditor, by ordinance, the amount of the rate or charge that has not been paid in accordance with applicable requirements by a person using the collection or disposal services, when the unpaid amount is at least two hundred fifty dollars. The amount certified shall be a lien on the person's property to which services are provided, placed on the tax list in a separate column, collected as other taxes, and paid into the general fund of the municipal corporation."

In line 74435, after "505.371," insert "701.10,"

The motion was _____ agreed to.

SYNOPSIS

Municipal garbage fees

R.C. 701.10

Authorizes all municipalities providing for garbage collection to have unpaid garbage fees of $250 or more charged as a lien against real property. Current law allows municipalities located in a charter county to certify any unpaid amounts as a lien against the real property served, so, as to those municipalities, the unpaid amounts must accrue to $250 or more as well.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 76904, delete "$6,943,108,845 $6,774,258,845" and insert "$6,943,208,845 $6,774,358,845"

Delete lines 76911 and 76911a

After line 77985, insert:

"Of the foregoing appropriation item 200550, Foundation Funding, up to $100,000 in each fiscal year shall be used to make payments under section 3314.06 of the Revised Code to each community school that operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction for students younger than four years of age who are enrolled in the school."

Delete lines 78290 through 78298

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Sections 265.10, 265.210, and 265.260

Increases GRF appropriation item 200550, Foundation Funding, by $100,000 in each fiscal year and earmarks the same amounts for payments to eligible montesorri community schools that enroll students younger than four years old.

Removes GRF appropriation item 200599, Montessori Community Schools, with appropriations of $100,000 in each fiscal year for the same purpose.

SC5423

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 26298, after "of" insert ""exemplary" or"

The motion was _____ agreed to.

SYNOPSIS

Community school sponsor evaluations

R.C. 3314.016

Requires that a community school sponsor with an overall rating of "exemplary" or "effective" for at least three consecutive years be evaluated by the Department of Education once every three years (rather than a sponsor with an overall rating of only "effective" for at least three consecutive years as under the substitute bill).

SC5428

Sub. H.B. 166
As Pending in S. Finance
MCDCD50

_____ moved to amend as follows:

In line 157 of the title, after "5167.103," insert "5167.104,"

In line 315, after "5167.103," insert "5167.104,"

In line 62598, after "**5167.102.**" insert "The department of medicaid shall allow a medicaid managed care organization to use providers to render care to the organization's enrollees upon completion of the organization's credentialing process.

Sec. 5167.103."

In line 62610, delete "**5167.103**" and insert "**5167.104**"

The motion was _____ agreed to.

SYNOPSIS

Medicaid managed care organizations' provider credentialing

R.C. 5167.102, 5167.103, and 5167.104

Removes the Senate provision that would have repealed a law that authorizes the Department of Medicaid to permit a Medicaid managed care organization (MCO) to use providers to render care upon completion of the MCO's credentialing process.

SC5430

Sub. H.B. 166
As Pending in S. Finance
OBM DDD027
DDDCD37

_____ moved to amend as follows:

Delete lines 76582 through 76589

The motion was _____ agreed to.

SYNOPSIS

Department of Developmental Disabilities

Section 261.35

Removes an earmark in GRF appropriation item 322421, Part C Early Intervention, of $750,000 in each fiscal year, which was to be used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide early intervention services and family support to children under the age of three years old with blindness or low vision.

SC5441X1

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 36594, after "governor" insert:

"; (14) Two individuals who represent children's interests, one to be appointed by the speaker of the house of representatives and one to be appointed by the senate president"

The motion was _____ agreed to.

SYNOPSIS

Commission on Infant Mortality membership

R.C. 3701.68

Requires the Speaker of the House of Representatives and the Senate President to each appoint an individual who represents children's interests to the Commission.

SC5447

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 31321, after "have" insert "either"

In line 31323, after "equivalent" insert "or a cumulative graduate school grade point average of at least 3.0 out of 4.0"

The motion was _____ agreed to.

SYNOPSIS

Alternative resident educator license

R.C. 3319.26

Requires applicants for an alternative resident educator license to have either a cumulative undergraduate grade point average (GPA) of 2.5 out of 4.0 or a cumulative graduate school GPA of 3.0 out of 4.0. (Current law requires an undergraduate GPA of 2.5 out of 4.0, or its equivalent.)

Sub. H.B. 166
As Pending in S. Finance
INSCD9 and MCDCD50

_____ moved to amend as follows:

In line 147 of the title, after "3721.026," insert "3727.46, 3727.461, 3727.462,"

In line 150 of the title, after "3902.30," insert "3902.60,"

In line 171 of the title, after "5162.64," insert "5162.80,"

In line 308, after "3721.026," insert "3727.46, 3727.461, 3727.462,"

In line 310, after "3902.30," insert "3902.60,"

After line 38575, insert:

"**Sec. 3727.46.** (A)(1) On and after January 1, 2020, and except as provided in division (D) of this section, a hospital shall, on the request of a patient or the patient's representative, provide to that individual a reasonable, good faith estimate of the cost for each health care service or procedure that a patient or the patient's representative has scheduled at least seven days before the service or procedure is to occur. The estimate may be given in writing or verbally. A written estimate may be given in electronic form.

(2) Subject to divisions (B) and (C) of this section, all of

the following apply with respect to the components of an estimate provided under division (A)(1) of this section:

(a) The estimate shall specify the amount that the patient or party responsible for paying for the patient's care will be required to pay to the hospital for the service.

(b) If applicable, the estimate shall include a notice that the professional services of physicians or other health care providers will be billed separately.

(c) The estimate shall include a disclaimer that the information provided is only an estimate based on facts available at the time the estimate was prepared and that other required health care items, services, or procedures could change the estimate.

(d) If applicable and known to the hospital at the time the estimate is given, the estimate shall include a notification that the hospital or a health care provider who will treat the patient is out-of-network for the patient.

(B) The estimate required by division (A) of this section shall be based on information available at the time the estimate is provided and need not take into account any information that subsequently arises, such as unexpected additional services or procedures.

(C) A hospital may state the estimate required by division (A) of this section as a range rather than an actual dollar amount.

(D) Division (A) of this section does not apply if the patient is insured and the patient's health plan issuer, as defined in section 3922.01 of the Revised Code, fails to supply the necessary information to the hospital within forty-eight hours

of the hospital's request to the health plan issuer for that information.

Sec. 3727.461. A patient or party responsible for paying for the patient's care is responsible for payment of hospital services provided, even if the patient does not receive a cost estimate under section 3727.46 of the Revised Code before the services are provided.

Sec. 3727.462. (A) A hospital shall publish on its internet web site the list, required by section 2718(e) of the "Public Health Service Act," 42 U.S.C. 300gg-18(e), of the hospital's standard charges for items and services provided by the hospital. The hospital shall publish an updated list on its internet web site immediately after an updated list is prepared.

(B) An estimate required by division (A) of section 3727.46 of the Revised Code shall contain an internet web site address where the list described in division (A) of this section is available."

After line 41770, insert:

"**Sec. 3902.60.** A health plan issuer, as defined in section 3922.01 of the Revised Code, shall provide to its covered persons and their representatives estimates of the costs of health care services and procedures to at least the same extent it is required to do so by federal law. The superintendent of insurance has no authority to enforce this section."

In line 74528, after "5162.64," insert "5162.80,"

The motion was _____ agreed to.

SYNOPSIS

Health care price transparency

R.C. 3727.46, 3727.461, 3727.462, and 3902.60; R.C. 5162.80 (repealed)

Repeals existing health care price transparency provisions which were permanently enjoined from enforcement in February 2019, and replaces them with provisions that:

--Require a hospital, beginning January 1, 2020, to provide a patient with a verbal or written cost estimate for scheduled services;

--Require a hospital to publish on its website the standard list of health care items and services it must annually prepare and make public under federal law;

--Require a health plan issuer to provide to its covered persons estimates of the costs of health care services and procedures to at least the same extent it is required to do so by federal law; and

--Prohibit the Superintendent of Insurance from enforcing the health plan issuer cost estimate requirement.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 29 of the title, delete "3302.021,"

In line 36 of the title, delete "3314.034,"

In line 142 of the title, delete "3302.038,"

In line 221, delete "3302.021,"

In line 226, delete "3314.034,"

In line 304, delete "3302.038,"

In line 21910, reinsert "and"; delete "or"

Delete lines 22058 through 22108

In line 22355, reinsert "up to three years"; delete "not more than one"

In line 22356, delete "academic year"; delete "growth"; reinsert "as available"

In line 22496, reinsert "give equal weight to the components in"

In line 22497, reinsert "divisions (C)(3)(b) and (c) of this section"; delete "use either the"

Delete lines 22498 through 22511

In line 22512, delete "building"

Delete lines 22758 through 22774

In line 22780, delete "This section does"

Delete lines 22781 through 22783

In line 22784, delete everything before "The"

Delete lines 27308 through 27379

In line 28219, delete ", pursuant to section"

In line 28220, delete "3302.038 of the Revised Code,"

In line 28221, reinsert "and"

In line 28222, delete "or"

In line 28235, delete ", pursuant to section"

In line 28236, delete "3302.038 of the Revised Code,"; delete "either"

In line 28238, after "(b)" delete the balance of the line

In line 28339, delete everything before "and"

In line 74445, delete "3302.021,"

In line 74450, delete "3314.034,"

The motion was _____ agreed to.

SYNOPSIS

Use of value-added progress dimension and performance index grades

R.C. 3302.021, 3302.03, and 3302.038; conforming changes in R.C. 3301.52, 3302.042, 3314.034, and 3314.35

Removes the provisions of the bill that do the following:

Specify that the calculation of the value-added progress dimension must use not more than one academic year's worth of growth data.

Specify that for the overall grade on the state report card and for any sanction or penalty based on the measures, only the performance index score measure or the value-added progress dimension measure be used, whichever is higher and prohibits the use of both measures for those purposes.

Make conforming changes to sanctions, penalties, and other qualifications in certain provisions of law affected by the performance index score and the value-added progress dimension measures, including the Columbus parent trigger pilot project, eligibility for community schools to change sponsors, and community school closure.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 9 of the title, delete "133.06,"

In line 29 of the title, delete "3302.036,"

In line 30 of the title, delete "3302.16, 3302.17,"

In line 32 of the title, delete "3311.29,"

In line 36 of the title, delete "3314.102,"

In line 133 of the title, delete "3302.10,"; delete the second comma

In line 164 of the title, delete "3302.10,"

In line 165 of the title, delete "3302.101, 3302.102, 3302.11, 3302.12,"

In line 190 of the title, delete "to repeal Sections 4, 5,"

In line 191, delete "and 6 of H.B. 70 of the 131st General Assembly,"

In line 206, delete "133.06,"

In line 221, delete "3302.036,"

In line 222, delete "3302.16, 3302.17,"

In line 223, delete "3311.29,"

In line 226, delete "3314.102,"

In line 297, delete "3302.10,"; delete the second comma

Delete lines 7264 through 7615

Delete lines 22700 through 22757

Delete lines 22950 through 23251

In line 23539, reinsert "is"; delete "was"; delete "former"

In line 23540, reinsert "and the student either:"

Reinsert lines 23541 through 23546

In line 23547, reinsert "which a scholarship is sought"; delete "as it existed prior to the effective"

In line 23548, delete "date of this amendment"

In line 23598, delete "former"

In line 23599, delete "as it existed prior to the effective date of this"

In line 23600, delete "amendment"

Delete lines 23826 through 23886

Delete lines 28007 through 28032

In line 74430, delete "133.06,"

In line 74445, delete "3302.036,"

In line 74446, delete "3302.16, 3302.17,"

In line 74447, delete "3311.29,"

In line 74451, delete "3314.102,"

In line 74523, delete "3302.10, 3302.101, 3302.102, 3302.11, 3302.12,"

In line 76904, delete "$6,943,108,845 $6,774,258,845" and insert "$6,944,280,845 $6,776,018,845"

In line 76913, add $1,172,000 to fiscal year 2020 and $1,760,000 to fiscal year 2021

Delete line 76937

In line 76939, subtract $10,000,000 from each fiscal year

In line 76967, subtract $8,828,000 from fiscal year 2020 and $8,240,000 from fiscal year 2021

After line 77979, insert:

"Of the foregoing appropriation item 200550, Foundation Funding, up to $1,172,000 in fiscal year 2020 and up to $1,760,000 in fiscal year 2021 may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions."

Delete lines 87342 and 87343

Delete lines 88704 and 88705

The motion was _____ agreed to.

SYNOPSIS

Academic distress commissions and improvement interventions

R.C. 133.06, 3302.036, 3302.10, 3302.101, 3302.102, 3302.11; New R.C. 3302.10, 3302.12, 3302.16, 3302.17, 3310.03, 3311.29, 3314.102; and Sections 4, 5, and 6 of the 131st General Assembly

Removes provisions of the substitute bill that do all of the

following:

-- Repeal the establishment of academic distress commissions and makes conforming changes.

-- Dissolve existing academic distress commissions.

-- Establish progressive interventions for poor-performing schools operated by a school district that include the following:

(1) A designation of "in need of improvement" status.

(2) The formation of an improvement team that must conduct a performance audit and develop an improvement plan for the school to be submitted and approved by the district board of education.

(3) Optional reviews by the Department of Education of measurable benchmarks in a school's improvement plan.

(4) Optional hiring of an academic coordinator and request of technical support from the Department.

(5) Review by the Superintendent of Public Instruction on the progress of a school in making improvements.

-- Subject schools operated by a school district to progressive interventions as follows:

(1) Beginning July 1, 2019, schools in a district that was subject to an academic distress commission and received an overall grade of "F" on the most recent state report card.

(2) Beginning July 1, 2020, schools that receive an overall grade of "F" on the most recent state report card.

-- Require the state Superintendent to determine when a school may move out of in need of improvement status.

-- Require the State Board of Education to adopt rules to establish criteria for the state Superintendent to consider when

moving a school out of in need of improvement status.

-- Require the state Superintendent, by January 1, 2020, to submit a report to the House and Senate Education Committees on the best methods to support schools that fail to meet improvement benchmarks.

-- Repeal a current provision on school restructuring.

Department of Education

Sections 265.10 and 265.210

Increases GRF appropriation item 200550, Foundation Funding, by $1,172,000 in fiscal year 2020 and $1,760,000 in fiscal year 2021 and restores an earmark from the As Introduced bill for the same amounts for duties and activities related to the operations of academic distress commissions.

Removes State Lottery Fund Group Fund 7017 appropriation item 200647, School Improvement, which is appropriated $10,000,000 in each fiscal year in the Senate substitute bill.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 14 of the title, after "349.07," insert "351.021,"

In line 210, after "349.07," insert "351.021,"

After line 11758, insert:

"**Sec. 351.021.** (A) The resolution of the county commissioners creating a convention facilities authority, or any amendment or supplement to that resolution, may authorize the authority to levy one or both of the excise taxes authorized by division (B) of this section to pay the cost of one or more facilities; to pay principal, interest, and premium on convention facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; to pay operating and maintenance costs of those facilities; and to pay the costs of administering the excise tax.

(B) The board of directors of a convention facilities authority that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section may levy, by resolution adopted on or before December 31, 1988, either or both of the following:

(1) Within the territory of the authority, an additional

excise tax not to exceed four per cent on each transaction. The excise tax authorized by division (B)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(2) of this section.

(2) Within that portion of any municipal corporation that is located within the territory of the authority or within the boundaries of any township that is located within the territory of the authority, which municipal corporation or township is levying any portion of the excise tax authorized by division (A) of section 5739.08 of the Revised Code, and with the approval, by ordinance or resolution, of the legislative authority of that municipal corporation or township, an additional excise tax not to exceed nine-tenths of one per cent on each transaction. The excise tax authorized by division (B)(2) of this section may be levied only if, on the effective date of the levy specified in the resolution making the levy, the amount being levied pursuant to division (A) of section 5739.08 of the Revised Code by each municipal corporation or township in which the tax authorized by division (B)(2) of this section will be levied, when added to the amount levied under division (B)(2) of this section, does not exceed three per cent on each transaction. The excise tax authorized by division (B)(2) of this section shall be in addition to any excise tax that is levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(1) of this section.

(C)(1) The board of directors of a convention facilities authority that is located in an eligible Appalachian county; that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section; and that is not levying a tax under division (B)(1) or (2) of this section may levy within the

territory of the authority, by resolution adopted on or before December 31, 2005, an additional excise tax not to exceed three per cent on each transaction. The excise tax authorized under division (C)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code.

As used in division (C)(1) of this section, "eligible Appalachian county" means a county in this state designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and having a population less than eighty thousand according to the most recent federal decennial census.

(2) Division (C)(2) of this section applies only to a convention facilities authority located in a county with a population, according to the 2000 federal decennial census, of at least one hundred thirty-five thousand and not more than one hundred fifty thousand and containing entirely within its boundaries the territory of a municipal corporation with a population according to that census of more than fifty thousand. The board of directors of such a convention facilities authority, by resolution adopted on or before November 1, 2009, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests at a rate not to exceed three per cent on such transactions for the same purposes for which a tax may be levied under division (B) of this section. The resolution may be adopted only if the board of county commissioners of the county, by resolution, authorizes the levy of the tax. The resolution of the board of county commissioners is subject to referendum as prescribed by sections 305.31 to 305.41 of the Revised Code. If, pursuant to those procedures, a referendum is to be held, the

board's resolution does not take effect until approved by a majority of electors voting on the question. The convention facilities authority may adopt the resolution authorized by division (C)(2) of this section before the election, but the authority's resolution shall not take effect if the board of commissioners' resolution is not approved at the election. A tax levied under division (C)(2) of this section is in addition to any tax levied under section 5739.09 of the Revised Code.

(3) The board of directors of a convention facilities authority created between July 1, 2019, and December 31, 2019, by resolution adopted on or before December 30, 2020, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests at a rate not to exceed three per cent on such transactions for the purposes described in division (A) of this section. This tax shall be in addition to any excise tax levied pursuant to this section or section 5739.08 or 5739.09 of the Revised Code. The resolution levying the tax shall not take effect sooner than ninety days after the convention facilities authority is created.

(D) The authority shall provide for the administration and allocation of an excise tax levied pursuant to division (B) or (C) of this section. All receipts arising from those excise taxes shall be expended for the purposes provided in, and in accordance with this section and section 351.141 of the Revised Code. An excise tax levied under division (B) or (C) of this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 351.141 of the Revised Code.

(E) Except as provided in division (B)(2) of this section,

the levy of an excise tax on each transaction pursuant to sections 5739.08 and 5739.09 of the Revised Code does not prevent a convention facilities authority from levying an excise tax pursuant to division (B) or (C) of this section.

(F) A convention facilities authority located in a county with a population greater than eighty thousand but less than ninety thousand according to the 2010 federal decennial census that levies a tax under division (B) of this section may amend the resolution levying the tax to allocate a portion of the revenue from the tax for support of tourism-related sites or facilities and programs operated by the county or a municipal corporation within the county in which the authority is located or for the purpose of leasing lands for county fairs, erecting buildings for county fair purposes, making improvements on a county fairground, or for any purpose connected with the use of a county fairground or with the management thereof by the county in which the authority is located. The revenue allocated by the authority for such purposes in a calendar year shall not exceed fifteen per cent of the total revenue from the tax in the preceding calendar year."

In line 74434, after "349.07," insert "351.021,"

After line 88607, insert:

"**Section 757.__.** A resolution adopted by a board of county commissioners under section 351.02 of the Revised Code that creates a convention facilities authority is subject to referendum as prescribed by sections 305.31 to 305.99 of the Revised Code if the resolution creating the convention facilities authority is adopted between July 1, 2019, and December 31, 2019, and the petition initiating the referendum is filed with the county auditor within ninety days after the resolution is adopted. If, pursuant to those procedures, a referendum is to be held, the

board's resolution creating the convention facilities authority does not take effect until approved by a majority of electors voting on the question. If the convention facilities authority adopts a resolution levying the tax authorized by division (C)(3) of section 351.021 of the Revised Code before the election, the authority's resolution shall not take effect unless the board's resolution is approved at the election. If the board's resolution is approved at the election, the authority's resolution shall take effect on the first day of the first month that begins at least thirty days following the date of the election, unless a later date is specified in the authority's resolution."

The motion was _____ agreed to.

SYNOPSIS

Convention facilities authority lodging tax

R.C. 351.021 and 351.06; Section 757.__

Authorizes a convention facilities authority created between July and December of 2019 to levy up to a 3% excise tax on hotel lodging within its territory. The resolution authorizing the tax must be adopted on or before December 30, 2020. The tax must be used to fund permanent improvements, including associated debt, the authority's operating costs, and costs to administer the tax. The tax must be approved by the board of county commissioners before it is levied but is not subject to prior voter approval.

Subjects resolutions creating a convention facilities authority between July and December of 2019 to a referendum if a referendum petition is signed by 10% of the number of persons who voted for Governor in the most recent gubernatorial election and

is filed within 90 days. The imposition of the tax itself is not subject to referendum but the tax may not be imposed until after the referendum period for the resolution creating the convention facilities authority has expired.

SC5480

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 85303, after "state" delete the balance of the line and insert a period

Delete lines 85304 and 85305

The motion was _____ agreed to.

SYNOPSIS

Department of Transportation

Section 411.17

Alters temporary language governing the appropriations to GRF line item 777471, Airport Improvements – State, to remove a provision stating that the Ohio Airport Grant Program is available for use by all Ohio airports, including commercial service airports and cargo-dedicated airports.

_____ moved to amend as follows:

After line 87574, insert:

"Section 735.___. Notwithstanding any provision of the Revised Code to the contrary, the major political parties shall certify to the Secretary of State the names of the candidates for president and vice-president nominated at their national conventions pursuant to section 3505.10 of the Revised Code not later than the sixtieth day before the 2020 general election. Certification by the Secretary of State of the forms of official ballots required by division (A) of section 3505.01 of the Revised Code shall occur on or before the fiftieth day before the general election.

For purposes of this section, "major political party" has the same meaning as in section 3501.01 of the Revised Code."

The motion was _____ agreed to.

Synopsis

Certification of presidential and vice-presidential candidates

Section 735.___

Delays the deadline for major political parties to certify presidential and vice-presidential candidates to the Secretary of State for the 2020 general election.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 46 of the title, after "3358.06," insert "3501.01,"; after "3505.21," insert "3513.01, 3513.12,"

In line 233, after "3358.06," insert "3501.01,"

In line 234, after "3505.21," insert "3513.01, 3513.12,"

After line 32716, insert:

"**Sec. 3501.01.** As used in the sections of the Revised Code relating to elections and political communications:

(A) "General election" means the election held on the first Tuesday after the first Monday in each November.

(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.

(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.

(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in

May, except as authorized by a municipal or county charter, but may be held on the ~~second~~ third Tuesday after the first Monday in March.

(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.

(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the ~~second~~ third Tuesday after the first Monday in March except as otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party.

(1) "Major political party" means any political party organized under the laws of this state whose candidate for governor or nominees for presidential electors received not less than twenty per cent of the total vote cast for such office at the most recent regular state election.

(2) "Minor political party" means any political party

organized under the laws of this state that meets either of the following requirements:

(a) Except as otherwise provided in this division, the political party's candidate for governor or nominees for presidential electors received less than twenty per cent but not less than three per cent of the total vote cast for such office at the most recent regular state election. A political party that meets the requirements of this division remains a political party for a period of four years after meeting those requirements.

(b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F)(2)(a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president.

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being

represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judicial office, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified

in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;

(3) Director of a board of elections;

(4) Deputy director of a board of elections;

(5) Member of a board of elections;

(6) Employees of a board of elections;

(7) Precinct election officials;

(8) Employees appointed by the boards of elections on a temporary or part-time basis.

(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.

(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.

(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental

disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) "Photo identification" means a document that meets each of the following requirements:

(1) It shows the name of the individual to whom it was issued, which shall conform to the name in the poll list or signature pollbook.

(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.

(3) It shows a photograph of the individual to whom it was issued.

(4) It includes an expiration date that has not passed.

(5) It was issued by the government of the United States or this state."

After line 33185, insert:

"**Sec. 3513.01.** (A) Except as otherwise provided in this section and section 3517.012 of the Revised Code, ~~on the second Tuesday after the first Monday in March of 2016 and every fourth year thereafter, and on the first Tuesday after the first Monday in May of every other year,~~ primary elections shall be held as provided in division (E) of section 3501.01 of the Revised Code for the purpose of nominating persons as candidates of political parties for election to offices to be voted for at the succeeding general election.

(B) The manner of nominating persons as candidates for election as officers of a municipal corporation having a population of two thousand or more, as ascertained by the most recent federal census, shall be the same as the manner in which candidates were nominated for election as officers in the municipal corporation in 1989 unless the manner of nominating such candidates is changed under division (C), (D), or (E) of this section.

(C) Primary elections shall not be held for the nomination of candidates for election as officers of any township, or any municipal corporation having a population of less than two thousand, unless a majority of the electors of any such township or municipal corporation, as determined by the total number of votes cast in such township or municipal corporation for the office of governor at the most recent regular state election, files with the board of elections of the county within which such township or municipal corporation is located, or within which the major portion of the population thereof is located, if the municipal corporation is situated in more than one county, not later than one hundred twenty days before the day of a primary

election, a petition signed by such electors asking that candidates for election as officers of such township or municipal corporation be nominated as candidates of political parties, in which event primary elections shall be held in such township or municipal corporation for the purpose of nominating persons as candidates of political parties for election as officers of such township or municipal corporation to be voted for at the succeeding regular municipal election. In a township or municipal corporation where a majority of the electors have filed a petition asking that candidates for election as officers of the township or municipal corporation be nominated as candidates of political parties, the nomination of candidates for a nonpartisan election may be reestablished in the manner prescribed in division (E) of this section.

(D)(1) The electors in a municipal corporation having a population of two thousand or more, in which municipal officers were nominated in the most recent election by nominating petition and elected by nonpartisan election, may place on the ballot in the manner prescribed in division (D)(2) of this section the question of changing to the primary-election method of nominating persons as candidates for election as officers of the municipal corporation.

(2) The board of elections of the county within which the municipal corporation is located, or, if the municipal corporation is located in more than one county, of the county within which the major portion of the population of the municipal corporation is located, shall, upon receipt of a petition signed by electors of the municipal corporation equal in number to at least ten per cent of the vote cast at the most recent regular municipal election, submit to the electors of the municipal corporation the question of changing to the primary-election method of nominating persons

as candidates for election as officers of the municipal corporation. The ballot language shall be substantially as follows:

"Shall candidates for election as officers of ..... (name of municipal corporation) in the county of ..... (name of county) be nominated as candidates of political parties?

..... yes

..... no"

The question shall be placed on the ballot at the next general election in an even-numbered year occurring at least ninety days after the petition is filed with the board. If a majority of the electors voting on the question vote in the affirmative, candidates for election as officers of the municipal corporation shall thereafter be nominated as candidates of political parties in primary elections, under division (A) of this section, unless a change in the manner of nominating persons as candidates for election as officers of the municipal corporation is made under division (E) of this section.

(E)(1) The electors in a township or municipal corporation in which the township or municipal officers are nominated as candidates of political parties in a primary election may place on the ballot, in the manner prescribed in division (E)(2) of this section, the question of changing to the nonpartisan method of nominating persons as candidates for election as officers of the township or municipal corporation.

(2) The board of elections of the county within which the township or municipal corporation is located, or, if the municipal corporation is located in more than one county, of the county within which the major portion of the population of the municipal

corporation is located, shall, upon receipt of a petition signed by electors of the township or municipal corporation equal in number to at least ten per cent of the vote cast at the most recent regular township or municipal election, as appropriate, submit to the electors of the township or municipal corporation, as appropriate, the question of changing to the nonpartisan method of nominating persons as candidates for election as officers of the township or municipal corporation. The ballot language shall be substantially as follows:

"Shall candidates for election as officers of ..... (name of the township or municipal corporation) in the county of ..... (name of county) be nominated as candidates by nominating petition and be elected only in a nonpartisan election?

..... yes

..... no"

The question shall appear on the ballot at the next general election in an even-numbered year occurring at least ninety days after the petition is filed with the board. If a majority of electors voting on the question vote in the affirmative, candidates for officer of the township or municipal corporation shall thereafter be nominated by nominating petition and be elected only in a nonpartisan election, unless a change in the manner of nominating persons as candidates for election as officers of the township or municipal corporation is made under division (C) or (D) of this section.

Sec. 3513.12. At a presidential primary election, which shall be held ~~on the second Tuesday after the first Monday in March in the year 2016, and similarly in every fourth year thereafter~~ as provided in division (E)(2) of section 3501.01 of the Revised

Code, delegates and alternates to the national conventions of the different major political parties shall be chosen by direct vote of the electors as provided in this chapter. Candidates for delegate and alternate shall be qualified and the election shall be conducted in the manner prescribed in this chapter for the nomination of candidates for state and district offices, except as provided in section 3513.151 of the Revised Code and except that whenever any group of candidates for delegate at large or alternate at large, or any group of candidates for delegates or alternates from districts, file with the secretary of state statements as provided by this section, designating the same persons as their first and second choices for president of the United States, such a group of candidates may submit a group petition containing a declaration of candidacy for each of such candidates. The group petition need be signed only by the number of electors required for the petition of a single candidate. No group petition shall be submitted except by a group of candidates equal in number to the whole number of delegates at large or alternates at large to be elected or equal in number to the whole number of delegates or alternates from a district to be elected.

Each person seeking to be elected as delegate or alternate to the national convention of the person's political party shall file with the person's declaration of candidacy and certificate a statement in writing signed by the person in which the person shall state the person's first and second choices for nomination as the candidate of the person's party for the presidency of the United States. The secretary of state shall not permit any declaration of candidacy and certificate of a candidate for election as such delegate or alternate to be filed unless accompanied by such statement in writing. The name of a candidate for the presidency shall not be so used without the candidate's

written consent.

A person who is a first choice for president of candidates seeking election as delegates and alternates shall file with the secretary of state, prior to the day of the election, a list indicating the order in which certificates of election are to be issued to delegate or alternate candidates to whose candidacy the person has consented, if fewer than all of such candidates are entitled under party rules to be certified as elected. Each candidate for election as such delegate or alternate may also file along with the candidate's declaration of candidacy and certificate a statement in writing signed by the candidate in the following form:

"Statement of Candidate

For Election as ..... (Delegate) (Alternate) to the

..... (name of political party) National Convention

I hereby declare to the voters of my political party in the State of Ohio that, if elected as ..... (delegate) (alternate) to their national party convention, I shall, to the best of my judgment and ability, support that candidate for President of the United States who shall have been selected at this primary by the voters of my party in the manner provided in Chapter 3513. of the Ohio Revised Code, as their candidate for such office.

..... (name),

Candidate for .....

(Delegate) (Alternate)"

The procedures for the selection of candidates for delegate and alternate to the national convention of a political party set

forth in this section and in section 3513.121 of the Revised Code are alternative procedures, and if the procedures of this section are followed, the procedures of section 3513.121 of the Revised Code need not be followed."

In line 74458, after "3358.06," insert "3501.01,"; after "3505.21," insert "3513.01, 3513.12,"

After line 88711, insert:

"Section 3501.01 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. H.B. 153 of the 131st General Assembly."

The motion was _____ agreed to.

SYNOPSIS

Presidential primary

R.C. 3501.01, 3513.01, and 3513.12

Moves the day for holding a presidential primary from the second Tuesday after the first Monday in March to the third Tuesday after the first Monday in March.

SC5486

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 83173, delete "$1,228,000 $1,228,000" and insert "$1,728,000 $1,728,000"

In line 83214, add $500,000 to each fiscal year

In line 83239, add $500,000 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 381.10

Increases GRF appropriation item 235428, Appalachian New Economy Workforce Partnership, by $500,000 in each fiscal year. (Effectively increases by the same amount the earmark for the "remainder" of item 235428 to be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy.)

SC5494

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 33 of the title, delete "3313.603,"

In line 224, delete "3313.603,"

Delete lines 24338 through 24810

In line 74448, delete "3313.603,"

The motion was _____ agreed to.

SYNOPSIS

Computer coding as a foreign language

R.C. 3313.603

Removes a provision of the bill that requires a school district or chartered nonpublic school that requires a foreign language for high school graduation to accept one unit (120 hours of instruction) of computer coding instruction toward satisfying that requirement.

SC5501X2

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 79075, delete "$3,838,381 $3,838,381" and insert "$3,963,381 $3,963,381"

In line 79077, add $125,000 to each fiscal year

In line 79086, add $125,000 to each fiscal year

In line 79116 delete "$2,574,472" and insert "$2,699,472"

In line 79615, delete "$1,488,500 $1,488,500" and insert "$1,338,500 $1,338,500"

In line 79617, subtract $150,000 from each fiscal year

In line 79622, subtract $150,000 from each fiscal year

Delete line 79657

In line 79658, delete "shall be used to support the"

The motion was _____ agreed to.

SYNOPSIS

Ohio History Connection

Section 297.10

Decreases GRF appropriation item 360508, State Historical Grants, by $150,000 in each fiscal year and eliminates the earmark for the Victoria Theater Association of the same amount.

19 **Broadcast Educational Media Commission**

20 **Section 281.10**

21 Increases GRF appropriation item 935410, Content
22 Development, Acquisition, and Distribution, by $125,000 in each
23 fiscal year and increases the earmark to support the operations
24 of Ohio's qualified public educational television stations and
25 radio stations by the same amount.

SC5507X1

Sub. H.B. 166
As Pending in S. Finance
JFSCD45

_____ moved to amend as follows:

In line 141 of the title, after "2151.9010," insert "2151.9011,"

In line 303, after "2151.9010," insert "2151.9011,"

In line 17852, delete "2151.9010" and insert "2151.9011"

In line 18053, after "training" insert ";

(K) The host family's responsibility to report abuse or neglect of a child under section 2151.9011 of the Revised Code"

After line 18056, insert:

"**Sec. 2151.9011.** A host family shall immediately report knowledge or reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that the child who is subject to the host family agreement, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child to an employee of a qualified organization."

In line 55549, delete the underlined semicolon

Delete line 55550

In line 55551, delete "the Revised Code"

20 In line 55564, after "camp" insert "<u>;</u>

21 <u>(d) A qualified organization as defined in section 2151.90</u>

22 <u>of the Revised Code</u>"

23 The motion was _____ agreed to.

24 <u>SYNOPSIS</u>

25 **Temporary host family changes**

26 **R.C. 2151.90, 2151.909, 2151.9011, and 5103.02**

27 Requires a host family to immediately report knowledge or
28 suspicion of abuse or neglect of a hosted child to a qualified
29 organization.

30 Requires qualified organizations to train host families on
31 the requirement to report abuse or neglect of the hosted child.

32 Specifies that a qualified organization is *not* an
33 association or institution for the purpose of laws governing the
34 placement of children, rather than including a qualified
35 organization as an association or institution, and thus
36 subjecting the organization to ODJFS regulation, as in the
37 current bill.

SC5508

Sub. H.B. 166
As Pending in S. Finance
COM053
COMCD29

_____ moved to amend as follows:

In line 49608, delete everything after "(A)"

Delete lines 49609 through 49612

In line 49613, delete "section 4776.10 of the Revised Code."

In line 49614, after "license" insert "pursuant to section 4735.07 or 4735.09 of the Revised Code"

In line 49636, delete "a felony or crime of moral"

In line 49637, delete "turpitude" and insert "any criminal offense"

In line 49647, delete "a felony or crime of moral turpitude" and insert "any criminal offense"

In line 49659, delete "a felony or"

In line 49660, delete "crime of moral turpitude" and insert "any criminal offense"

In line 49666, delete "felony or crime of moral turpitude" and insert "a criminal offense"

The motion was _____ agreed to.

SYNOPSIS

Real estate background checks

R.C. 4735.143

Changes the requirement in the bill that an applicant for a real estate broker or salesperson license disclose on the application whether the applicant has been convicted of a felony or crime of moral turpitude, instead requiring the applicant to disclose any conviction of a criminal offense.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 57 of the title, after "3742.40," insert "3743.75,"

In line 242, after "3742.40," insert "3743.75,"

After line 39644, insert:

"**Sec. 3743.75.** (A) During the period beginning on June 29, 2001, and ending on December 31, ~~2019~~ 2020, the state fire marshal shall not do any of the following:

(1) Issue a license as a manufacturer of fireworks under sections 3743.02 and 3743.03 of the Revised Code to a person for a particular fireworks plant unless that person possessed such a license for that fireworks plant immediately prior to June 29, 2001;

(2) Issue a license as a wholesaler of fireworks under sections 3743.15 and 3743.16 of the Revised Code to a person for a particular location unless that person possessed such a license for that location immediately prior to June 29, 2001;

(3) Except as provided in division (B) of this section, approve the geographic transfer of a license as a manufacturer or wholesaler of fireworks issued under this chapter to any location other than a location for which a license was issued under this chapter immediately prior to June 29, 2001.

(B) Division (A)(3) of this section does not apply to a transfer that the state fire marshal approves under division (F) of section 3743.17 of the Revised Code.

(C) Notwithstanding section 3743.59 of the Revised Code, the prohibited activities established in divisions (A)(1) and (2) of this section, geographic transfers approved pursuant to division (F) of section 3743.17 of the Revised Code, and storage locations allowed pursuant to division (I) of section 3743.04 of the Revised Code or division (G) of section 3743.17 of the Revised Code are not subject to any variance, waiver, or exclusion.

(D) As used in division (A) of this section:

(1) "Person" includes any person or entity, in whatever form or name, that acquires possession of a manufacturer or wholesaler of fireworks license issued pursuant to this chapter by transfer of possession of a license, whether that transfer occurs by purchase, assignment, inheritance, bequest, stock transfer, or any other type of transfer, on the condition that the transfer is in accordance with division (D) of section 3743.04 of the Revised Code or division (D) of section 3743.17 of the Revised Code and is approved by the fire marshal.

(2) "Particular location" includes a licensed premises and, regardless of when approved, any storage location approved in accordance with section 3743.04 or 3743.17 of the Revised Code.

(3) "Such a license" includes a wholesaler of fireworks license that was issued in place of a manufacturer of fireworks license that existed prior to June 29, 2001, and was requested to be canceled by the license holder pursuant to division (D) of section 3743.03 of the Revised Code."

In line 74466, after "3742.40," insert "3743.75,"

The motion was _____ agreed to.

SYNOPSIS

Fireworks manufacturer and wholesaler license moratorium

R.C. 3743.75

Extends a general moratorium on new fireworks wholesaler and manufacturer licenses through December 31, 2020.

SC5512X1

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 18593 insert:

"(H) This section shall not apply to a person who is eighteen years of age on or before October 1, 2019. The version of this section that was in effect prior to the effective date of this amendment shall apply to a person who is eighteen years of age on or before October 1, 2019."

The motion was _____ agreed to.

SYNOPSIS

Legal age to purchase tobacco products

R.C. 2927.02

Specifies that the provisions regarding the sale or distribution of cigarettes, other tobacco products, alternative nicotine products, or rolling papers do not apply to a person who is 18 years of age on or before October 1, 2019.

SC5515

Sub. H.B. 166
As Pending in S. Finance
EDU049

_____ moved to amend as follows:

In line 78001, after "budget" insert ", including appropriation item 200903, Property Tax Reimbursement - Education,"

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Section 265.210

Permits excess funds in GRF appropriation item 200903, Property Tax Reimbursement - Education, to be used, if necessary, to meet state formula aid obligations (under the Senate substitute bill, excess funds may also be transferred between GRF appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, or from other GRF appropriation items in the Department's budget for this purpose, with the approval of the Director of Budget and Management; the Director's approval would also be needed to use funds from item 200903 under the amendment).

SC5517

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 84386, insert:

"STATE SHARE OF INSTRUCTION RECONCILIATION

On July 1, 2019, or as soon as possible thereafter, the Chancellor of Higher Education shall recommend to the Director of Budget and Management the transfer of up to $1,500,000 of unexpended and unencumbered General Revenue Fund appropriations within the Department of Higher Education that exist on June 30, 2019, to appropriation item 2355XX, State Share of Instruction Reconciliation. Upon the recommendation of the Chancellor, the Director of Budget and Management shall transfer up to $1,500,000 of unexpended and unencumbered General Revenue Fund appropriations within the Department of Higher Education to appropriation item 2355XX, State Share of Instruction Reconciliation. The transferred appropriation shall be disbursed by the Chancellor to state institutions of higher education, as defined in section 3345.011 of the Revised Code, for any prior year State Share of Instruction funding obligations as determined by the Chancellor."

The motion was _____ agreed to.

20 SYNOPSIS

21 **Department of Higher Education**

22 **Section 381.370**

23 Requires, on July 1, 2019, or as soon as possible
24 thereafter, the Chancellor of Higher Education to recommend to
25 the OBM Director the transfer of unexpended and unencumbered GRF
26 appropriations within DHE that existed on June 30, 2019, to
27 appropriation item 2355XX, State Share of Instruction
28 Reconciliation. Requires, upon the Chancellor's recommendation,
29 the Director to transfer the appropriation. Requires the
30 transferred appropriation to be disbursed by the Chancellor to
31 state institutions of higher education for any prior year State
32 Share of Instruction funding obligations as determined by the
33 Chancellor.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 62 of the title, delete "4301.62,"; delete "4303.2010,"

In line 151 of the title, delete "4303.2011,"

In line 245, delete "4301.62,"; delete "4303.2010,"

In line 310, delete "4303.2011,"

Delete lines 43531 through 43759

Delete lines 44270 through 44400

In line 74469, delete "4301.62,"

In line 74470, delete "4303.2010,"

Delete lines 88716 through 88718

The motion was _____ agreed to.

SYNOPSIS

Sale of beer at farmers markets

R.C. 4301.62, 4303.2010, and 4303.2011

Removes the provisions of the bill that do all of the

following:

1. Establish the F-11 liquor permit to authorize a person who organizes a farmers market to allow A-1c liquor permit holders (Ohio-based small beer manufacturers) or S liquor permit holders (beer manufacturers that ship beer directly to Ohio consumers) to sell both of the following at the farmers market:

--Tasting samples of beer manufactured by the A-1c or S permit holder for consumption on the premises of the farmers market; and

--Sealed containers of beer manufactured by the A-1c or S permit holder for consumption off the premises.

2. Limit the eligibility of S permit holders to make these sales at farmers markets to those that produce up to 31 million gallons of beer per year, thereby providing consistency with the A-1c permit holder production cap;

3. Prohibit an A-1c or S permit holder from engaging in certain activities at a farmers market under an F-11 permit, including:

--Selling a variety of beer that the A-1c or S permit holder is prohibited from selling under a contract with a wholesale distributor; and

--Selling more than 216 ounces of beer per household for off-premises consumption.

4. Exempt a person who has an opened container of beer served as a tasting sample for on-premises consumption at a farmers market for which an F-11 permit has been issued from the law prohibiting opened containers of alcohol in a public place.

Sub. H.B. 166
As Pending in S. Finance
LOCCD21

_____ moved to amend as follows:

In line 46 of the title, after "3501.05," insert "3501.12,"

In line 234, after "3501.05," insert "3501.12,"

After line 32940, insert:

"**Sec. 3501.12.** (A) The annual compensation of members of the board of elections shall be determined on the basis of the population of the county according to the next preceding federal census, and shall be paid monthly out of the appropriations made to the board and upon vouchers or payrolls certified by the chairperson, or a member of the board designated by it, and countersigned by the director or in the director's absence by the deputy director. Upon presentation of any such voucher or payroll, the county auditor shall issue a warrant upon the county treasurer for the amount thereof as in the case of vouchers or payrolls for county offices and the treasurer shall pay such warrant.

(B) In calendar year 2018, the amount of annual compensation of each member of the board of elections shall be ~~as follows~~ the greater of the following:

(1) ~~One~~ The sum of the following:

(a) One hundred two dollars and forty-one cents for each full

one thousand of the first one hundred thousand population;

~~(2)~~(b) Forty-eight dollars and seventy-nine cents for each full one thousand of the second one hundred thousand population;

~~(3)~~(c) Twenty-six dollars and fifty cents for each full one thousand of the third one hundred thousand population;

~~(4)~~(d) Eight dollars and thirteen cents for each full one thousand above three hundred thousand population.

(2) Six thousand dollars.

(C) In calendar year 2019 and in each calendar year thereafter through calendar year 2028, the annual compensation of each member of the board shall be computed after increasing the dollar amounts specified in ~~division~~ divisions (B)(1) and (2) of this section by one and three-quarters per cent.

~~Such compensation shall not be less than six thousand dollars.~~

(D) For the purposes of this section, members of boards of elections shall be deemed to be appointed and not elected, and therefore not subject to Section 20 of Article II of the Ohio Constitution."

In line 74458, after "3501.05," insert "3501.12,"

The motion was _____ agreed to.

SYNOPSIS

Board of elections compensation

R.C. 3501.12

Restores a provision of the House-passed bill that increases

by 1.75% annually through 2028 the minimum compensation amount a member of a board of elections receives. Currently, the minimum amount is $6,000.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 73 of the title, after "4734.281," insert "4734.285, 4734.49,"

In line 76 of the title, after "4737.045," insert "4743.04,"

In line 77 of the title, after "4757.32," insert "4759.02,"

In line 78 of the title, after "4759.062," insert "4759.10,"

In line 80 of the title, after "4760.18," insert "4761.03,"

In line 89 of the title, after "4778.07," insert "4778.08,"

In line 125 of the title, after "5751.98," insert "5903.04,"

In line 151 of the title, after "4729.801," insert "4730.121, 4731.153, 4731.57,"; after "4735.143," insert "4743.041,"

In line 152 of the title, after "4759.063," insert "4759.064, 4760.041,"; after "4760.061," insert "4761.052,"; after "4761.061," insert "4762.041,"; after "4773.061," insert "4774.041,"

In line 153 of the title, after "4774.061," insert "4778.051,"; after "4778.071," insert "4778.081,"

In line 254, after "4734.281," insert "4734.285, 4734.49,"

In line 255, after "4737.045," insert "4743.04,"

In line 256, after "4757.32," insert "4759.02,"

In line 257, after "4759.062," insert "4759.10,"

In line 259, after "4760.18," insert "4761.03,"

In line 265, after "4778.07," insert "4778.08,"

In line 291, after "5751.98," insert "5903.04,"

In line 311, after "4729.801," insert "4730.121, 4731.153, 4731.57,"; after "4735.143," insert "4743.041,"; after "4759.063," insert "4759.064, 4760.041,"; after "4761.061," insert "4761.052,"; after "4761.061," insert "4762.041,"

In line 312, after "4773.061," insert "4774.041,"; after "4774.061," insert "4778.051,"; after "4778.071," insert "4778.081,"

After line 47105, insert:

"**Sec. 4730.121.** (A) The state medical board shall issue an expedited license to practice as a physician assistant by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as a physician assistant issued by any other state or

jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4730.101 and 4730.11 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

After line 47974, insert:

"**Sec. 4731.153.** (A) The state medical board shall issue, without examination, an expedited license to practice a limited branch of medicine by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The

applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice a limited branch of medicine issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4731.171 and 4731.19 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

In line 48719, strike through "At" and insert "(1) Except as provided in division (E)(2) of this section, at"

After line 48722, insert:

"(2) The board shall waive the application fee required by division (E)(1) of this section if the applicant presents adequate proof to the board of both of the following:

(a) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(b) The applicant moved or will move to this state from the state or jurisdiction in which the applicant holds a current license."

After line 48759, insert:

"**Sec. 4731.57.** (A) The state medical board shall issue, without examination, an expedited license to practice podiatric medicine and surgery by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice podiatric medicine and surgery issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4731.52 and 4731.531 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

In line 48856, strike through "section 4762.04" and insert "Chapter 4762."

After line 48861, insert:

"**Sec. 4734.285.** A chiropractor who holds a certificate to practice acupuncture issued under this chapter may represent or advertise the chiropractor to be a "chiropractor certified by the state chiropractic board to practice acupuncture." Unless the chiropractor holds a license issued under ~~section 4762.04~~ Chapter 4762. of the Revised Code, the chiropractor shall not represent or

advertise the chiropractor as holding any of the titles listed in section 4762.08 of the Revised Code.

This section does not prohibit a chiropractor from using any of the titles listed in division (C) of section 4734.15 of the Revised Code.

Sec. 4734.49. (A) The attorney general, the prosecuting attorney of the county in which a violation of this chapter is committed or is threatened to be committed or in which the offender resides, the state chiropractic board, or any other person having knowledge of a person committing or threatening to commit a violation of this chapter may, in accordance with the provisions of the Revised Code governing injunctions, maintain an action in the name of this state to enjoin the person from committing the violation by applying for an injunction in any court of competent jurisdiction. Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. If the court grants a final or permanent injunction that is a final appealable order, the court may award to the person or entity that maintained the action an amount not exceeding five thousand dollars to cover reasonable attorney's fees, investigative costs, and other costs related to the investigation or prosecution of the case. Injunction proceedings brought under this section shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

(B)(1) The practice of chiropractic by any person not at that time holding a valid and current license issued under this chapter

is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

(2) Except for the practice of acupuncture by persons described in section 4762.02 of the Revised Code and persons who hold certificates issued under ~~section 4762.04~~ Chapter 4762. of the Revised Code, the practice of acupuncture by any person not at that time holding a valid and current certificate to practice acupuncture issued under this chapter is hereby declared to be inimical to the public welfare and to constitute a public nuisance."

After line 50285, insert:

"**Sec. 4743.04.** (A) The renewal of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.10 of the Revised Code relating to service in the armed forces.

(B) Continuing education requirements applicable to the licensees under Title XLVII of the Revised Code are subject to the provisions of section 5903.12 of the Revised Code relating to active duty military service.

(C) A department, agency, or office ~~of this state or~~ of any political subdivision of this state that issues a license or certificate to practice a trade or profession may, pursuant to rules adopted by the department, agency, or office, issue a temporary license or certificate to practice the trade or profession to a person whose spouse is on active military duty in this state.

(D) A department, agency, or office of this state that issues a license or certificate to practice a trade or profession shall

issue a temporary license or certificate to practice the trade or profession as provided in section 4743.041 of the Revised Code. This division does not apply to the state medical board with respect to a license issued by the board under Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code.

(E) The issuance of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.03 of the Revised Code relating to service in the armed forces.

Sec. 4743.041. (A) As used in this section:

(1) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(2) An individual or an individual's license or certificate issued by another state or jurisdiction is in "good standing" if all of the following apply:

(a) The individual is in compliance with all applicable federal, state, and local regulations.

(b) The individual is not the subject of an investigation or disciplinary action by any agency of federal, state, or local government.

(c) The individual has not been denied a license or certificate, or had a license or certificate limited, suspended, or revoked by any public agency or licensing agency.

(B) Pursuant to division (D) of section 4743.04 of the Revised Code, a department, agency, or office of this state, excluding the state medical board as described in that division, shall issue a temporary license or certificate to practice a trade

or profession to an individual for not more than six years, provided that all of the following qualifications are met:

(1) The individual holds a valid license or certificate to practice the trade or profession issued by any other state or jurisdiction.

(2) The license or certificate is current, and the individual is in good standing in the state or jurisdiction of licensure or certification.

(3) The individual presents adequate proof to the department, agency, or office of any of the following circumstances:

(a) The individual or the individual's spouse is a member of the uniformed services and is on active military duty in this state.

(b) The individual or the individual's spouse is a military technician dual status under 10 U.S.C. 10216 and was transferred to duty in this state.

(c) A circumstance described in division (B)(3)(a) or (b) of this section will occur within three months after the date of application.

(4) The individual presents adequate proof to the department, agency, or office that the individual moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual complies with sections 4776.01 to 4776.04 of the Revised Code.

(C) A department, agency, or office of this state may, in accordance with Chapter 119. of the Revised Code, deny an individual a temporary license or certificate issued under this

section or revoke an individual's temporary license or certificate issued under this section if any of the following circumstances occur:

(1) The individual has a criminal record according to a criminal records check.

(2) The individual is unable to practice the trade or profession according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills.

(3) The individual is unable to practice the trade or profession according to acceptable and prevailing standards of care because of the habitual or excessive use or abuse of alcohol or other substances that impair the ability to practice.

(4) An adverse action has been taken against the individual by a health care institution.

(5) The individual's license or certificate issued by another state or jurisdiction expires, is revoked, or is not in good standing or the individual, with respect to that license or certificate, is placed on disciplinary probation.

(6) With respect to an individual who was eligible for a temporary license or certificate under this section as the spouse of a member of the uniformed services or of a military technician dual status, six months have elapsed since the divorce, dissolution, or annulment of the marriage.

(7) The individual is dishonorably discharged from the military.

(8) The individual is required to register under Chapter 2950. of the Revised Code or a substantially similar law of

another state, the United States, or another country.

(9) The individual is required to register under section 2909.15 of the Revised Code or a substantially similar law of another state, the United States, or another country.

(10) The individual has been convicted of, pleaded guilty to, or had a judicial finding of guilt for any criminal violation set forth in the Revised Code mandating that the individual is ineligible for licensure or certification in the trade or profession.

(11) An individual issued a temporary license or certificate under this section fails to obtain a full license or certificate within six years after the temporary license or certificate was issued.

(D) A department, agency, or office of this state shall waive all fees associated with the issuance of a temporary license or certificate under this section.

(E) An individual with a temporary license or certificate issued under this section may practice the trade or profession in this state only within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training.

(F) Each department, agency, or office subject to this section that issues a license or certificate to practice a trade or profession shall adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

(G) The director of administrative services shall, on the conclusion of the state fiscal year, prepare a report on the number and type of temporary licenses or certificates that were issued during the fiscal year under section 4743.041 of the Revised Code. The director of administrative services shall

provide the report to the director of veterans services not later than thirty days after the end of the fiscal year. The director of veterans services shall compile the reports and make them available to the public."

After line 50694, insert:

"**Sec. 4759.02.** (A) Except as otherwise provided in this section or in section 4759.10 of the Revised Code, no person shall practice, offer to practice, or hold self forth to practice dietetics unless the person has been licensed under ~~section 4759.06 of the Revised Code~~ this chapter.

(B) Except for a person licensed under ~~section 4759.06 of the Revised Code~~ this chapter, or as otherwise provided in this section or in section 4759.10 of the Revised Code:

(1) No person shall use the title "dietitian";

(2) No person except for a person licensed under Title XLVII of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics.

(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the abbreviation "R.D."

(D) Division (A) of this section does not apply to:

(1) A student enrolled in an academic program that is in compliance with division (A)(4) of section 4759.06 of the Revised

Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under ~~section 4759.06 of the Revised Code~~ this chapter or a dietitian registered by the commission on dietetic registration, as part of the academic program;

(2) A person participating in the pre-professional experience required by division (A)(5) of section 4759.06 of the Revised Code;

(3) A person holding a limited permit under division (E) of section 4759.06 of the Revised Code.

(E) The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person who either directly or by complicity is in violation of this section, may, in accordance with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in the unlawful activity by applying for an injunction in the Franklin county court of common pleas or any other court of competent jurisdiction.

Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that the person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney

of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section.

Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided under this chapter."

After line 51007, insert:

"**Sec. 4759.064.** (A) The state medical board shall issue, without examination, an expedited license to practice dietetics by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice dietetics issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or

certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4759.06 and 4759.061 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.

Sec. 4759.10. Sections 4759.01 to 4759.08 of the Revised Code do not apply to any of the following:

(A) A person licensed under Title XLVII of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section 4759.02 of the Revised Code;

(B) A person who is a graduate of an associate degree program approved by the academy of nutrition and dietetics or the state medical board who is working as a dietetic technician under the supervision of a dietitian licensed under ~~section 4759.06 of the Revised Code~~ this chapter or registered by the commission on

dietetic registration, except that the person is subject to division (B) of section 4759.02 of the Revised Code if the person uses a title other than "dietetic technician";

(C) A person who practices dietetics related to employment in the armed forces, veteran's administration, or the public health service of the United States;

(D) Persons employed by a nonprofit agency approved by the board or by a federal, state, municipal or county government, or by any other political subdivision, elementary or secondary school, or an institution of higher education approved by the state medical board or by a regional agency recognized by the council on postsecondary accreditation, who performs only nutritional education activities and such other nutritional activities as the board, by rule, permits, provided the person does not violate division (B) of section 4759.02 of the Revised Code;

(E) A person who has completed a program meeting the academic standards set for dietitians by the academy of nutrition and dietetics, received a baccalaureate or higher degree from a school, college, or university approved by a regional accreditation agency recognized by the council on postsecondary accreditation, works under the supervision of a licensed dietitian or registered dietitian, and does not violate division (B) of section 4759.02 of the Revised Code;

(F) A person when acting, under the direction and supervision of a person licensed under Title XLVII of the Revised Code, in the execution of a plan of treatment authorized by the licensed person, provided the person complies with division (B) of section 4759.02 of the Revised Code;

(G) The free dissemination of literature in the state;

(H) Provided that the persons involved in the sale, promotion, or explanation of the sale of food, food materials, or dietary supplements do not violate division (B) of section 4759.02 of the Revised Code, the sale of food, food materials, or dietary supplements and the marketing and distribution of food, food materials, or dietary supplements and the promotion or explanation of the use of food, food materials, or dietary supplements provided that the promotion or explanation does not violate Chapter 1345. of the Revised Code;

(I) A person who offers dietary supplements for sale and who makes the following statements about the product if the statements are consistent with the dietary supplement's label or labeling:

(1) Claim a benefit related to a classical nutrient deficiency disease and disclose the prevalence of the disease in the United States;

(2) Describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the human body;

(3) Characterize the documented mechanism by which a nutrient or dietary ingredient acts to maintain the structure or function of the human body;

(4) Describe general well-being from the consumption of a nutrient or dietary ingredient.

(J) Provided that the persons involved in presenting a general program of instruction for weight control do not violate division (B) of section 4759.02 of the Revised Code, a general program of instruction for weight control approved in writing by a licensed dietitian, a physician licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state that the

board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian;

(K) The continued practice of dietetics at a hospital by a person employed at that same hospital to practice dietetics for the twenty years immediately prior to July 1, 1987, so long as the person works under the supervision of a dietitian licensed under ~~section 4759.06 of the Revised Code~~ this chapter and does not violate division (B) of section 4759.02 of the Revised Code. This division does not apply to any person who has held a license issued under this chapter to practice dietetics. As used in this division, "hospital" has the same meaning as in section 3727.01 of the Revised Code."

After line 51164, insert:

"**Sec. 4760.041.** (A) The state medical board shall issue an expedited license to practice as an anesthesiologist assistant by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as an anesthesiologist assistant issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4760.03, 4760.031, and 4760.032 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

After line 51921, insert:

"**Sec. 4761.03.** (A) The state medical board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter. Rules adopted under this chapter that deal with the provision of respiratory care in a hospital, other than rules regulating the issuance of licenses or limited permits, shall be consistent with the conditions for participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395,

as amended, and with the respiratory care accreditation standards of the joint commission or the American osteopathic association.

(B) The board shall adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing the following:

(1) The form and manner for filing applications under sections 4761.05 and 4761.06 of the Revised Code;

(2) Standards for the approval of examinations and reexaminations administered by national organizations for licensure, license renewal, and license reinstatement;

(3) Standards for the approval of educational programs required to qualify for licensure and approval of continuing education programs required for license renewal;

(4) Continuing education courses and the number of hour requirements necessary for license renewal under section 4761.06 of the Revised Code, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country;

(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;

(6) Procedures for the limitation, suspension, and revocation of licenses and limited permits, the refusal to issue, renew, or reinstate licenses and limited permits, and the imposition of a reprimand or probation under section 4761.09 of the Revised Code;

(7) Standards of ethical conduct for the practice of respiratory care;

(8) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B)(3) of section 4761.10 of the Revised Code;

(9) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.

(C) The board shall determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit.

(D) The board shall determine the respiratory care educational programs that are acceptable for fulfilling the requirements of division (A) of section 4761.04 of the Revised Code.

(E)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising

member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4761.012 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under it, the board may issue subpoenas, administer oaths, question witnesses, conduct interviews, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff,

the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or limited permit issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or limited permit, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the

complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(F) The board shall keep records of its proceedings and do other things as are necessary and proper to carry out and enforce the provisions of this chapter.

(G) The board shall maintain and publish on its internet web site all of the following:

(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;

(2) A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care."

After line 51987, insert:

"**Sec. 4761.052.** (A) The state medical board shall issue, without examination, an expedited license to practice respiratory care by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by

endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice respiratory care issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4761.04 and 4761.051 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

In line 52217, strike through "section 4762.04 of the Revised Code" and insert "this chapter"

After line 52250, insert:

"**Sec. 4762.041.** (A) The state medical board shall issue an expedited license to practice as an oriental medicine practitioner or acupuncturist by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as an oriental medicine practitioner or acupuncturist issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4762.03 and 4762.031 of the Revised Code.

(D) The board shall waive all fees associated with the

application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

After line 53578, insert:

"**Sec. 4774.041.** (A) The state medical board shall issue an expedited license to practice as a radiologist assistant by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as a radiologist assistant issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of

section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4774.03 and 4774.031 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

After line 54487, insert:

"**Sec. 4778.051.** (A) The state medical board shall issue an expedited license to practice as a genetic counselor by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following

requirements:

(1) The applicant holds a valid license or certificate to practice as a genetic counselor issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4778.03 and 4778.04 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

In line 54538, strike through "section 4778.05 of the Revised Code" and insert "this chapter"

After line 54604, insert:

"**Sec. 4778.08.** (A) The state medical board may issue to an

applicant under section 4778.03 of the Revised Code a license to practice as a genetic counselor, designated as a supervised practice license, if both of the following apply:

(1) The applicant meets the requirements specified in section 4778.03 of the Revised Code other than being a certified genetic counselor;

(2) The applicant is in active candidate status with the American board of genetic counseling.

(B) A supervised practice license authorizes the holder to engage in the activities authorized by section 4778.11 of the Revised Code while the holder is under the general supervision of a genetic counselor licensed under ~~section 4778.05 of the Revised Code~~ this chapter or a physician. General supervision does not require the supervising licensed genetic counselor or physician to be present while the holder engages in such activities, but does require the licensed genetic counselor or physician to have professional responsibility for the holder and be readily accessible to the holder for professional consultation and assistance.

A supervised practice license is valid from the date of issuance until the earlier of one year from that date or the date a license is issued under section 4778.05 or 4778.051 of the Revised Code. A supervised practice license may not be renewed.

Sec. 4778.081. (A) The state medical board shall issue an expedited genetic counselor supervised practice license by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by

endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice as a genetic counselor under supervision issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in section 4778.08 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.

(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant."

After line 73116, insert:

"**Sec. 5903.04.** Each licensing agency shall adopt rules under Chapter 119. of the Revised Code to establish and implement all of the following:

(A) A process to obtain from each applicant documentation and additional information necessary to determine if the applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran;

(B) A process to record, track, and monitor applications that have been received from a service member, veteran, or the spouse or surviving spouse of a service member or veteran; and

(C) A process to prioritize and expedite certification or licensing for each applicant who is a service member, veteran, or the spouse or a surviving spouse of a service member or veteran.

In establishing these processes, the licensing agency shall include any special accommodations that may be appropriate for applicants facing imminent deployment<u>, and for applicants for a temporary license or certificate under division (D) of section 4743.04 of the Revised Code</u>."

In line 74478, after "4734.281," insert "4734.285, 4734.49,"

In line 74480, after "4737.045," insert "4743.04,"

In line 74481, after "4757.32," insert "4759.02,"; after "4759.062," insert "4759.10,"

In line 74483, after "4760.18," insert "4761.03,"

In line 74490, after "4778.07," insert "4778.08,"

In line 74516, after "5751.98," insert "5903.04,"

The motion was _____ agreed to.

SYNOPSIS

Temporary occupational license for military member and spouse

R.C. 4743.04 and 4743.041 (primary); R.C. 4730.121, 4731.153, 4731.299, 4731.57, 4734.281, 4734.285, 4734.49, 4759.02, 4759.064, 4759.10, 4760.041, 4761.03, 4761.052, 4762.03, 4762.041, 4774.041, 4778.051, 4778.07, 4778.08, 4778.081, and 5903.04

Requires state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved or will move to Ohio for duty.

Specifies that temporary licenses or certificates under the bill are to be issued to an individual for a duration of not more than six years.

Allows a state licensing agency to deny or revoke a temporary license or certificate issued under the bill under certain circumstances.

Requires the Director of Administrative Services to prepare a report for each fiscal year on the number and type of temporary licenses or certificates issued during the fiscal year under the bill.

Excludes the State Medical Board from the temporary license requirements and requires the State Medical Board, under certain circumstances, to issue expedited licenses by endorsement to members of the military and spouses who are licensed in another jurisdiction and have moved or will move to Ohio for duty.

Requires the State Medical Board to waive the current law application fee for certain members of the military and spouses who apply for an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 59 of the title, after "3901.3814," insert "3904.13,"

In line 149 of the title, after "3781.40," insert "3901.89,"

In line 243, after "3901.3814," insert "3904.13,"

In line 309, after "3781.40," insert "3901.89,"

After line 41692, insert:

"**Sec. 3901.89.** (A) As used in this section:

(1) "Full-time employee" means an employee working an average of at least thirty hours of service per week during a calendar month, or at least one hundred thirty hours of service during the calendar month.

(2) "Group policyholder" means a policyholder for a health insurance policy covering fifty or more full-time employees. "Group policyholder" includes an authorized representative of a group policyholder.

(3) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.

(B)(1)(a) A health plan issuer shall, upon request, release to each group policyholder monthly claims data and shall provide this data within thirty business days of receipt of the request.

(b) A health plan issuer shall not be required to release claims information as required in division (B)(1)(a) of this section more than once per calendar year per group policyholder.

(2) The data released shall include all of the following with regard to the policy in question for the policy period immediately preceding or the current policy period, as requested by the policyholder:

(a) The net claims paid or incurred by month;

(b)(i) If the group policyholder is an employer, the monthly enrollment data by employee only, employee and spouse, and employee and family;

(ii) If the group policyholder is not an employer, the monthly enrollment data shall be provided and organized in a relevant manner.

(c) Monthly prescription claims information;

(d) Paid claims over thirty thousand dollars, including claim identifier other than name and the date of occurrence, the amount paid toward each claim, and claimant health condition or diagnosis.

(C) A health plan issuer that discloses data or information in compliance with division (B) of this section may condition any such disclosure upon the execution of an agreement with the policyholder absolving the health plan issuer from civil liability related to the use of such data or information.

(D) A health plan issuer that provides data or information in compliance with division (B) of this section shall be immune from civil liability for any acts or omissions of any person's subsequent use of such data or information.

(E) This section shall not be construed as authorizing the disclosure of the identity of a particular individual covered under the group policy, nor the disclosure of any covered individual's particular health insurance claim, condition, or diagnosis, which would violate federal or state law.

(F) A group policyholder is entitled to receive protected health information under this section only after an appropriately authorized representative of the group policyholder makes to the health plan issuer a certification substantially similar to the following:

"I hereby certify and have demonstrated that the plan documents comply with the requirements of 45 C.F.R. 164.504(f)(2) and that the group policyholder will safeguard and limit the use and disclosure of protected health information that the policyholder may receive from the group health plan to perform plan administration functions."

(G) A group policyholder that does not provide the certification required in division (F) of this section is not entitled to receive the protected health information described in division (B)(2)(d) of this section, but is entitled to receive a report of claim information that includes the other information described under division (B) of this section.

(H) Committing a series of violations of this section that, taken together, constitute a practice or pattern shall be considered an unfair or deceptive practice under sections 3901.19 to 3901.26 of the Revised Code.

(I) Nothing in this section shall be construed as prohibiting a health plan issuer from disclosing additional claims information beyond what is required by this section."

After line 41770, insert:

"**Sec. 3904.13.** No insurance institution, agent, or insurance support organization shall disclose any personal or privileged information about an individual collected or received in connection with an insurance transaction, unless the disclosure is made pursuant to any of the following:

(A) With the written authorization of the individual, provided:

(1) If such authorization is submitted by another insurance institution, agent, or insurance support organization, the authorization meets the requirements of section 3904.06 of the Revised Code;

(2) If such authorization is submitted by a person other than an insurance institution, agent, or insurance support organization, the authorization is dated, signed by the individual, and obtained one year or less prior to the date a disclosure is sought under this division.

(B) To a person other than an insurance institution, agent, or insurance support organization, provided such disclosure is reasonably necessary for the following reasons:

(1) To enable such person to perform a business, professional, or insurance function for the disclosing insurance institution, agent, or insurance support organization, and such person agrees not to disclose the information further without the individual's written authorization unless the further disclosure either:

(a) Would otherwise be permitted by this section if made by an insurance institution, agent, or insurance support

organization;

(b) Is reasonably necessary for such person to perform ~~its~~ the person's function for the disclosing insurance institution, agent, or insurance support organization.

(2) To enable such person to provide information to the disclosing insurance institution, agent, or insurance support organization for the purpose of either:

(a) Determining an individual's eligibility for an insurance benefit or payment;

(b) Detecting or preventing criminal activity, fraud, material misrepresentation, or material nondisclosure in connection with an insurance transaction.

(C) To an insurance institution, agent, insurance support organization, or self-insurer, provided the information disclosed is limited to that which is reasonably necessary either:

(1) To detect or prevent criminal activity, fraud, material misrepresentation, or material nondisclosure in connection with insurance transactions;

(2) For either the disclosing or receiving insurance institution, agent, or insurance support organization to perform its function in connection with an insurance transaction involving the individual.

(D) To a medical care institution or medical professional for the purpose of verifying insurance coverage or benefits, informing an individual of a medical problem of which the individual may not be aware, or conducting an operations or services audit to verify the individuals treated by the medical professional or at the medical care institution. However, only such information may be disclosed as is reasonably necessary to accomplish any of the

purposes set forth in this division.

(E) To an insurance regulatory authority;

(F) To a law enforcement or other governmental authority to protect the interests of the insurance institution, agent, or insurance support organization in preventing or prosecuting the perpetration of fraud upon it; or if the insurance institution, agent or insurance support organization reasonably believes that illegal activities have been conducted by the individual;

(G) As otherwise permitted or required by law;

(H) In response to a facially valid administrative or judicial order, including a search warrant or subpoena;

(I) Made for the purpose of conducting actuarial or research studies, provided the following conditions are met:

(1) No individual may be identified in any actuarial or research report;

(2) Materials allowing the individual to be identified are returned or destroyed as soon as they are no longer needed;

(3) The actuarial or research organization agrees not to disclose the information unless the disclosure would otherwise be permitted by this section if made by an insurance institution, agent, or insurance support organization.

(J) To a party or representative of a party to a proposed or consummated sale, transfer, merger, or consolidation of all or part of the business of the insurance institution, agent, or insurance support organization, provided the following conditions are met:

(1) Prior to the consummation of the sale, transfer, merger, or consolidation, only such information is disclosed as is

reasonably necessary to enable the recipient to make business decisions about the purchase, transfer, merger, or consolidation;

(2) The recipient agrees not to disclose the information, unless the disclosure would otherwise be permitted by this section if made by an insurance institution, agent, or insurance support organization.

(K) To a person whose only use of such information will be in connection with the marketing of a product or service, provided the following conditions are met:

(1) No medical record information, privileged information, or personal information relating to an individual's character, personal habits, mode of living, or general reputation is disclosed, and no classification derived from such information is disclosed;

(2) The individual has been given an opportunity to indicate that ~~he~~ the individual does not want personal information disclosed for marketing purposes and has given no indication that ~~he~~ the individual does not want the information disclosed;

(3) The person receiving such information agrees not to use it except in connection with the marketing of a product or service.

(L) To an affiliate whose only use of the information will be in connection with an audit of the insurance institution or agent or the marketing of an insurance product or service, provided the affiliate agrees not to disclose the information for any other purpose or to unaffiliated persons;

(M) By a consumer reporting agency, provided the disclosure is to a person other than an insurance institution or agent;

(N) To a group policyholder for the purpose of reporting

claims experience or conducting an audit of the insurance institution's or agent's operations or services, provided the information disclosed is reasonably necessary for the group policyholder to conduct the review or audit;

(O) To a group policy holder as provided in section 3901.89 of the Revised Code;

(P) To a professional peer review organization for the purpose of reviewing the service or conduct of a medical care institution or medical professional;

~~(P)~~(Q) To a governmental authority for the purpose of determining the individual's eligibility for health benefits for which the governmental authority may be liable;

~~(Q)~~(R) To a certificate holder or policyholder for the purpose of providing information regarding the status of an insurance transaction;

~~(R)~~(S) To a lienholder, mortgagee, assignee, lessor, or other person shown on the records of an insurance institution or agent as having a legal or beneficial interest in a policy of insurance, provided the following conditions are met:

(1) No medical record information is disclosed unless the disclosure would otherwise be permitted by this section;

(2) The information disclosed is limited to that which is reasonably necessary to permit such person to protect its interests in such policy."

In line 74468, after "3901.3814," insert "3904.13,"

After line 88626, insert:

"The amendment by this act of section 3904.13 and the enactment of section 3901.89 of the Revised Code takes effect July

1, 2020."

The motion was _____ agreed to.

SYNOPSIS

Release of insurance claims information

R.C. 3901.89 and 3904.13

Requires a health plan issuer, beginning July 2020, to release the following to a requesting group policyholder:

--Net claims paid or incurred by month;

--Monthly enrollment data;

--Monthly prescription claims information;

--The amount paid toward each claim over $30,000 and the claimant's health condition.

Defines "group policyholder" as being a policyholder for a health insurance policy covering 50 or more full-time employees who work an average of at least 30 hours per week during a calendar month, or at least 130 hours during the calendar month.

Applies the disclosure requirement to claims data for the current, or immediately preceding, policy period, as requested by the policyholder.

Provides protections from civil liability to the health plan issuer in relation to the disclosure of the claims data.

Makes a series of violations of the bill's requirements that, taken together, constitute a pattern or practice, an unfair or deceptive practice in the business of insurance.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 24 of the title, after "2317.54," insert "2923.12, 2923.20,"

In line 217, after "2317.54," insert "2923.12, 2923.20,"

After line 18386, insert:

"**Sec. 2923.12.** (A) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

(1) A deadly weapon other than a handgun;

(2) A handgun other than a dangerous ordnance;

(3) A dangerous ordnance.

(B) No person who has been issued a concealed handgun license shall do any of the following:

(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped

and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(C)(1) This section does not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in

compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (C)(1)(b) of this section does not apply to the person;

(c) A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

(d) A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in the actor's own home for any lawful purpose.

(2) Division (A)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.

(D) It is an affirmative defense to a charge under division (A)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the weapon and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily

carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(E) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(F)(1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (F)(2), (6), and (7) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F)(2), (6), and (7) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided in divisions (F)(2) and (6) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony of the third degree.

(2) Except as provided in division (F)(6) of this section, if a person being arrested for a violation of division (A)(2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

(a) The offender shall be guilty of a minor misdemeanor if both of the following apply:

(i) Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.

(ii) At the time of the arrest, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.

(b) The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars if all of the following apply:

(i) The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.

(ii) Within forty-five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of

the violation that is provided in section 2945.71 of the Revised Code.

(iii) At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.

(c) If divisions (F)(2)(a) and (b) and (F)(6) of this section do not apply, the offender shall be punished under division (F)(1) or (7) of this section.

(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (B)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (B)(1) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division (B)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code.

(4) Carrying concealed weapons in violation of division (B)(2) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (B)(2) or (4) of this section, a felony of the fifth degree. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (B)(2) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A)(2) of section 2923.128

of the Revised Code.

(5) Carrying concealed weapons in violation of division (B)(3) of this section is a felony of the fifth degree.

(6) If a person being arrested for a violation of division (A)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code, and if at the time of the violation the person was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code and if the person is not in a place described in division (B) of section 2923.126 of the Revised Code, the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars. The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

(a) Within ten days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

(b) At the time of the citation, the offender was not

knowingly in a place described in division (B) of section 2923.126 of the Revised Code.

(7) If a person being arrested for a violation of division (A)(2) of this section is knowingly in a place described in division (B)(5) of section 2923.126 of the Revised Code and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

(a) Except as otherwise provided in this division, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of division (A)(2) of this section, the person is guilty of a minor misdemeanor;

(b) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to a violation of division (A)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;

(c) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to two violations of division (A)(2) of this section, the person is guilty of a misdemeanor of the third degree;

(d) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to three or more violations of division (A)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(G) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, division (B) of section 2923.163 of the Revised Code applies.

(H) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.

Sec. 2923.20. (A) No person shall do any of the following:

(1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section;

(3) Except as otherwise provided in division (B) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by

state or federal law;

(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;

(5) Except as otherwise provided in division (B) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (A)(3) or (4) of this section;

(6) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, ~~switchblade knife,~~ springblade knife, ~~gravity knife,~~ or similar weapon;

(7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of that record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(8) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(B) Divisions (A)(3), (4), and (5) of this section do not apply to any of the following:

(1) A law enforcement officer who is acting within the scope

of the officer's duties;

(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (B)(1) of this section.

(C) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1) or (2) of this section is a felony of the fourth degree. A violation of division (A)(3), (4), or (5) of this section is a felony of the third degree. A violation of division (A)(6) or (7) of this section is a misdemeanor of the second degree. A violation of division (A)(8) of this section is a misdemeanor of the fourth degree.

(D) As used in this section:

(1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code.

(2) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

(3) "Materially false information" means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal.

(4) "Private seller" means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a federally licensed firearms dealer."

In line 74441, after "2317.54," insert "2923.12, 2923.20,"

The motion was _____ agreed to.

SYNOPSIS

Concealed knives and weapons manufacture

R.C. 2923.12 and 2923.20

Excludes knives, razors, and cutting instruments not used as weapons from the current law prohibition against carrying a concealed deadly weapon and repeals the prohibition against manufacturing, possessing for sale, selling, or furnishing any switchblade knife or gravity knife.

SC5537X1

Sub. H.B. 166
As Pending in S. Finance
INSCD7

_____ moved to amend as follows:

In line 150 of the title, after "3902.30," insert "3902.50, 3902.51, 3902.52, 3902.53, 3902.54,"

In line 310, after "3902.30," insert "3902.50, 3902.51, 3902.52, 3902.53, 3902.54,"

After line 41770, insert:

"**Sec. 3902.50.** As used in sections 3902.50 to 3902.54 of the Revised Code:

(A) "Covered person," "health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.

(B) "Emergency services" means all of the following as described in 42 U.S.C. 1395dd:

(1) Medical screening examinations undertaken to determine whether an emergency medical condition exists;

(2) Treatment necessary to stabilize an emergency medical condition;

(3) Appropriate transfers undertaken prior to an emergency medical condition being stabilized.

(C) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code.

21 (D) "Hospital" has the same meaning as in section 3701.01
22 of the Revised Code.
23 (E) "Unanticipated out-of-network care" means health care
24 services that are covered under a health benefit plan and that
25 are provided by an out-of-network health care practitioner when
26 either of the following conditions applies:
27 (1) The covered person did not have the ability to request
28 such services from an in-network health care practitioner.
29 (2) The services provided were emergency services.
30 (F) "Cost-sharing" means the cost to an individual covered
31 under a health benefit plan according to any coverage limit,
32 copayment, coinsurance, deductible, or other out-of-pocket
33 expense requirements imposed by a health benefit plan.
34 (G) "Usual and customary fee" means the eightieth
35 percentile of all charges for the particular health care service
36 performed by a health care practitioner in the same or similar
37 specialty and provided in the same geographical area as reported
38 in the benchmarking database maintained by a nonprofit
39 organization specified by the superintendent of insurance
40 pursuant to division (A) of section 3902.54 of the Revised Code.
41 **Sec. 3902.51.** (A) For unanticipated out-of-network care,
42 the health care practitioner shall not bill a covered person for
43 the difference between the health plan issuer's reimbursement
44 and the health care practitioner's charge for the services.

45 (B) A health plan issuer shall reimburse an out-of-network
46 health care practitioner for unanticipated out-of-network care
47 when the care is provided to a covered person at a hospital that
48 is in the covered person's health benefit plan provider network.
49 (C) A health care practitioner shall bill a health plan
50 issuer for unanticipated out-of-network care, and the health
51 plan issuer shall, within thirty days, either pay the billed
52 amount or attempt to negotiate reimbursement with the
53 practitioner.
54 (D)(1) If a health care practitioner and a health plan
55 issuer do not agree on a negotiated reimbursement within sixty
56 days of the start of negotiations, the health plan issuer or
57 health care practitioner may initiate binding arbitration to
58 determine the reimbursement amount for unanticipated out-of-
59 network care on a per bill basis if the bill meets the criteria
60 described in division (B) of section 3902.53 of the Revised
61 Code.
62 (2) The party requesting arbitration shall notify the other
63 party that arbitration has been initiated and state its final
64 offer before arbitration. In response to such a notice, the non-
65 requesting party shall inform the requesting party of its final
66 offer before the arbitration occurs.
67 (3) Arbitration shall be initiated by filing a request with
68 the superintendent of insurance.

69 (4) A health plan issuer shall not deny coverage in
70 relation to a bill after arbitration on that bill has been
71 initiated pursuant to division (D)(3) of this section.
72 (E) Sections 3901.38 to 3901.3814 of the Revised Code shall
73 not apply with respect to a claim during a period of negotiation
74 or arbitration under this section.
75 (F) A health plan issuer shall not require cost-sharing for
76 unanticipated out-of-network care at a rate higher than if the
77 care were provided by an in-network health care practitioner.
78 (G) For health care services, other than unanticipated out-
79 of-network care, that are covered under a health benefit plan
80 but are provided by an out-of-network health care practitioner,
81 the practitioner shall not bill a covered person for the
82 difference between the health plan issuer's out-of-network
83 reimbursement and the practitioner's charge for the services
84 unless all of the following conditions are met:
85 (1) The health care practitioner informs the covered person
86 that the practitioner is not in the person's health benefit plan
87 provider network.
88 (2) The health care practitioner provides the covered
89 person a good faith estimate of the cost of the health care
90 services. This estimate shall contain a disclaimer that the
91 covered person is not required to obtain the services at that
92 location or from that practitioner.

93 (3) The covered person affirmatively consents to receive
94 the health care services.
95 (H) Nothing in this section is subject to the provisions of
96 section 3901.71 of the Revised Code.
97 **Sec. 3902.52.** (A) When arbitration is requested under
98 division (D) of section 3902.51 of the Revised Code, the
99 superintendent of insurance shall appoint an arbitrator within
100 ten days of receiving the request.
101 (B) The arbitration shall consist of a review of the
102 written documentation submitted by both parties to the
103 arbitrator. The parties shall submit to the arbitrator all
104 required documentation as soon as is practicable.
105 (C) The arbitrator shall make a decision and provide that
106 decision in writing to both parties and to the superintendent
107 within thirty days after the appointment of the arbitrator.
108 (D) An arbitrator arbitrating a dispute between a health
109 plan issuer and a health care practitioner shall only award
110 either the health plan issuer's reimbursement offer or the
111 health care practitioner's billed amount.
112 (E) In reaching a decision under division (D) of this
113 section, an arbitrator shall consider all of the following
114 factors:
115 (1) Whether there is a gross disparity between the health
116 care practitioner's billed amount and either of the following:

117 (a) Payments made to the practitioner for the same health
118 care services rendered in other recent instances in which the
119 practitioner was out-of-network;
120 (b) Recent fees paid by the health plan issuer to reimburse
121 similarly qualified out-of-network practitioners for the same
122 services in the same geographic region.
123 (2) The level of training, education, and experience of the
124 practitioner;
125 (3) The practitioner's usual charge for comparable services
126 when the practitioner is out-of-network;
127 (4) The circumstances and complexity of the particular
128 case, including the time and place of the service;
129 (5) Individual patient characteristics;
130 (6) Rates, including historical rates, between the fiftieth
131 percentile of contracted rates and the eightieth percentile of
132 billed charges in the practitioner's geographical area using the
133 first three numbers in the practitioner's zip code according to
134 a benchmarking database maintained by a nonprofit organization
135 specified by the superintendent pursuant to division (A) of
136 section 3902.54 of the Revised Code;
137 (7) The history of network contracting between the parties;
138 (8) Any additional criteria as determined by the
139 arbitrator.

140 (F)(1) An arbitrator may direct both parties to attempt a
141 good faith negotiation if the arbitrator determines either of
142 the following to be true:
143 (a) A settlement between the parties is reasonably likely.
144 (b) Both the health care practitioner's charge and the
145 health plan issuer's reimbursement offer are unreasonable.
146 (2) Negotiations undertaken pursuant to division (F)(1) of
147 this section shall take not more than ten days, but in any case
148 shall conclude within the thirty-day time period identified in
149 division (C) of this section.
150 (G) The determination of the arbitrator shall be binding
151 and shall be admissible in any court proceeding between the
152 health care practitioner and health plan issuer, or in any
153 proceeding between the state and the practitioner.
154 (H) An arbitrator's fees shall be paid as follows:
155 (1) By the non-prevailing party;
156 (2) By both parties equally if the parties reach a
157 settlement as a result of negotiations undertaken pursuant to
158 division (F) of this section.
159 **Sec. 3902.53.** (A) Sections 3902.50 to 3902.54 of the
160 Revised Code shall not apply to health care services, including
161 emergency services, for which health care practitioner fees are
162 subject to schedules or other monetary limitations under any
163 other law, including Chapters 4121. and 4123. of the Revised
164 Code, and to Medicaid managed care plans.

165 (B) A bill for unanticipated out-of-network care shall be
166 subject to the arbitration provisions of sections 3902.51 and
167 3902.52 of the Revised Code only if the amount billed exceeds
168 both of the following:
169 (1) One hundred twenty per cent of the usual and customary
170 amount for the service in question;
171 (2) Seven hundred dollars.
172 **Sec. 3902.54.** (A) The superintendent shall specify the
173 benchmarking database described in division (G) of section
174 3902.50 and division (E)(6) of section 3902.52 of the Revised
175 Code. The superintendent shall not select a nonprofit
176 organization that is affiliated with or receives funding from a
177 health plan issuer.
178 (B) The superintendent shall adopt rules as necessary to
179 implement sections 3902.50 to 3902.54 of the Revised Code. The
180 rules shall at minimum address all of the following:
181 (1) The certification of arbitrators to carry out the
182 arbitration process provided under section 3902.52 of the
183 Revised Code;
184 (2) The payment of an arbitrator's fees under division (H)
185 of section 3902.52 of the Revised Code;
186 (3) Any other items the superintendent considers necessary
187 to implement sections 3902.50 to 3902.54 of the Revised Code."
188 After line 87636, insert:

189 "**Section 739.10.** The requirements of sections 3902.50 to
190 3902.53 of the Revised Code apply beginning April 1, 2020, to
191 health benefit plans, as defined in section 3922.01 of the
192 Revised Code, delivered, issued for delivery, modified, or
193 renewed on or after the effective date of those sections."

194 The motion was _____ agreed to.

195 SYNOPSIS

196 **Reimbursement for emergency out-of-network care**

197 **R.C. 3902.50, 3902.51, 3902.52, 3902.53, and 3902.54**

198 Modifies House-added provisions as follows:

199 Requires an insurer to reimburse an out-of-network provider
200 for out-of-network care when that care is provided at an
201 in-network facility.

202 Allows an insurer and provider to request arbitration, and
203 provides rules and procedures governing such arbitration, when
204 they cannot agree on a negotiated reimbursement rate for
205 emergency out-of-network care.

206 Allows an arbitrator to direct that the parties attempt
207 negotiations.

208 Allows a provider to charge a covered person for out-of-
209 network care only if the provider discloses the out-of-network
210 nature of the care and the cost of the care, and the person
211 affirmatively consents to the care.

212 Exempts certain low-cost services from arbitration.

213 Applies to insurance plans beginning April 1, 2020.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 46 of the title, after "3501.05," insert "3501.22,"

In line 234, after "3501.05," insert "3501.22,"

After line 32940, insert:

"**Sec. 3501.22.** (A)(1) ~~On~~ Except as otherwise provided in division (A)(2) of this section, on or before the fifteenth day of September in each year, the board of elections by a majority vote shall, after careful examination and investigation as to their qualifications, appoint for each election precinct four residents of the county in which the precinct is located, as precinct election officials. Except as otherwise provided in division (C) of this section, all precinct election officials shall be qualified electors. The precinct election officials shall constitute the election officers of the precinct. Not more than one-half of the total number of precinct election officials shall be members of the same political party. The term of such precinct officers shall be for one year. The board may, at any time, designate any number of election officers, not more than one-half of whom shall be members of the same political party, to perform their duties at any precinct in any election. The board may appoint additional officials, equally divided between the two major political parties, when necessary to expedite voting. If the

board of elections determines that four precinct election officials are not required in a precinct for a special election, the board of elections may select two of the precinct's election officers, who are not members of the same political party, to serve as the precinct election officials for that precinct in that special election.

Vacancies for unexpired terms shall be filled by the board. When new precincts have been created, the board shall appoint precinct election officials for those precincts for the unexpired term. Any precinct election official may be summarily removed from office at any time by the board for neglect of duty, malfeasance, or misconduct in office or for any other good and sufficient reason.

Precinct election officials shall perform all of the duties provided by law for receiving the ballots and supplies, opening and closing the polls, and overseeing the casting of ballots during the time the polls are open, and any other duties required by section 3501.26 of the Revised Code.

A board of elections may designate two precinct election officials as counting officials to count and tally the votes cast and certify the results of the election at each precinct, and perform other duties as provided by law. To expedite the counting of votes at each precinct, the board may appoint additional officials, not more than one-half of whom shall be members of the same political party.

Except as otherwise provided in division (A)(2) of this section, the board shall designate one of the precinct election officials who is a member of the dominant political party to serve as a voting location manager, whose duty it is to deliver the returns of the election and all supplies to the office of the

board. For these services, the voting location manager shall receive additional compensation in an amount, consistent with section 3501.28 of the Revised Code, determined by the board of elections.

The board shall issue to each precinct election official a certificate of appointment, which the official shall present to the voting location manager at the time the polls are opened.

(2) If the board of elections, by a vote of at least three members of the board, opts to have a single voting location serve more than one precinct, the board may do ~~both~~ any of the following:

(a) Designate a single ~~presiding judge~~ voting location manager for the voting location. The ~~presiding judge~~ voting location manager shall be a member of the political party whose candidate received the highest number of votes for governor at the most recent general election for that office in the precincts whose polling places are located at the applicable voting location, when tallying the combined vote for governor in all such precincts.

(b) Combine the pollbooks for those precincts to create a single pollbook for the voting location;

(c) If electronic pollbooks are being used in the voting location, as described in section 3506.021 of the Revised Code, appoint not less than two precinct election officials for each precinct, so long as the board approves the decision to reduce the number of precinct election officials by the affirmative vote of at least three of its members.

(B) If the board of elections determines that not enough qualified electors in a precinct are available to serve as

precinct officers, it may appoint persons to serve as precinct officers at a primary, special, or general election who are at least seventeen years of age and are registered to vote in accordance with section 3503.07 of the Revised Code.

(C)(1) A board of elections, in conjunction with the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the chief administrator of a nonpublic school may establish a program permitting certain high school students to apply and, if appointed by the board of elections, to serve as precinct officers at a primary, special, or general election.

In addition to the requirements established by division (C)(2) of this section, a board of education, governing authority, or chief administrator that establishes a program under this division in conjunction with a board of elections may establish additional criteria that students shall meet to be eligible to participate in that program.

(2)(a) To be eligible to participate in a program established under division (C)(1) of this section, a student shall be a United States citizen, a resident of the county, at least seventeen years of age, and enrolled in the senior year of high school.

(b) Any student applying to participate in a program established under division (C)(1) of this section, as part of the student's application process, shall declare the student's political party affiliation with the board of elections.

(3) No student appointed as a precinct officer pursuant to a program established under division (C)(1) of this section shall be designated as a voting location manager.

(4) Any student participating in a program established under division (C)(1) of this section shall be excused for that student's absence from school on the day of an election at which the student is serving as a precinct officer.

(D) In any precinct with six or more precinct officers, up to two students participating in a program established under division (C)(1) of this section who are under eighteen years of age may serve as precinct officers. Not more than one precinct officer in any given precinct with fewer than six precinct officers shall be under eighteen years of age."

In line 74458, after "3501.05," insert "3501.22,"

After line 88713, insert:

"Section 3501.22 of the Revised Code as amended by both Am. Sub. S.B. 109 and Sub. S.B. 216 of the 130th General Assembly."

The motion was _____ agreed to.

SYNOPSIS

Precinct election officials

R.C. 3501.22

Reduces from four to two the minimum number of precinct election officials per precinct in a multi-precinct voting location in which electronic pollbooks are used.

Requires a board of elections that chooses to make that reduction to approve the change by a vote of at least three of its members.

SC5555

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 78153, after "agreement" insert "pursuant to division (A)(2) of section 3313.90 of the Revised Code"

In line 78163, delete "In" and insert "This adjustment shall be equal to the following amount:

(The aggregate amount paid to the city, local, or exempted village school district under divisions (A)(8) and (9) of section 3317.022 of the Revised Code as of the second payment in June 2019 + the aggregate amount paid to the city, local, or exempted village school district under division (C) of Section 265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly as of the second payment in June 2019) - (the aggregate amount deducted from the district under division (C)(1)(g) of section 3314.08 of the Revised Code and division (G) of section 3326.33 of the Revised Code as of the June 2019 payment)

In"

The motion was _____ agreed to.

SYNOPSIS

Funding adjustment for career-technical education students

Section 265.227

Requires the Department of Education to adjust the amounts paid to a city, local, and exempted village school district that provided a career-technical education program in fiscal year 2019 but enters into an agreement with a joint vocational school district (JVSD) to provide that program beginning in fiscal year 2020 in an amount equal to the amount of career-technical education funds paid to the city, local, or exempted village school district as of the second payment in June. (The substitute bill does not specify the amount of this adjustment; instead, it requires the Department to adjust the amounts paid to those districts for fiscal years 2020 and 2021 to account for the decrease in students served by the city, local, or exempted village school district and the increase in students served by the JVSD.)

Maintains a provision of the substitute bill that prohibits the Department from increasing the aggregate amount of foundation aid paid to city, local, and exempted village school districts and JVSDs when making this adjustment.

SC5557

Sub. H.B. 166
As Pending in S. Finance
DRCCD18

_____ moved to amend as follows:

Delete lines 84812 through 84815

The motion was _____ agreed to.

SYNOPSIS

Department of Rehabilitation and Correction

Section 383.10

Removes an earmark for $192,490 in each fiscal year from GRF appropriation item 506321, Institution Education Services, to be used to pay for the costs associated with increasing tuition for postsecondary education programming by 5%.

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 29 of the title, delete "3302.021,"

In line 36 of the title, delete "3314.034,"

In line 142 of the title, delete "3302.038,"

In line 221, delete "3302.021,"

In line 226, delete "3314.034,"

In line 304, delete "3302.038,"

In line 21910, reinsert "and"; delete "or"

Delete lines 22058 through 22108

In line 22161, strike through "two" and insert "one"; strike through "errors" and insert "error"

In line 22163, strike through "at least" and insert "less than"

In line 22164, strike through "less" and insert "not greater"; strike through "two" and insert "one"; strike through "errors" and insert "error"; strike through "above"; insert "below"

In line 22166, after "than" insert "or equal to"

In line 22167, strike through "above" and insert "below"; strike through "or equal to one" and insert "two"

In line 22168, strike through "error" and insert "errors"

In line 22170, strike through "not greater" and insert "less"; strike through "one" and insert "or equal to two"; strike through "error" and insert "errors"

In line 22171, strike through "or equal to two" and insert "three"

In line 22174, strike through "not greater" and insert "less"; strike through "two" and insert "or equal to three"

In line 22355, reinsert "up to three years"; delete "not more than one"

In line 22356, delete "academic year"; delete "growth"; reinsert "as available"

In line 22363, strike through ""B"" and insert ""C""

In line 22496, after "shall" reinsert the balance of the line

In line 22497, reinsert everything before "use"; delete "use either the"

Delete lines 22498 through 22511

In line 22512, delete "building"

Delete lines 22758 through 22774

In line 22780, delete "This section does"

Delete lines 22781 through 22783

In line 22784, delete "buildings statewide for three or more consecutive years."

Delete lines 27308 through 27379

Delete lines 28150 through 28285 and insert:

"**Sec. 3314.35.** (A)(1) ~~Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:~~

~~(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.~~

~~(b) The school satisfies all of the following conditions:~~

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~

~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.~~

~~(2) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013:~~

~~(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under~~

~~section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(b) The school satisfies all of the following conditions:~~

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~

~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(3)~~ Except as provided in division (A)~~(4)~~(2) of this section, this section applies to any community school that meets one of the following criteria ~~on or after July 1, 2013~~:

(a) The school does not offer a grade level higher than three and, for ~~two of~~ the three most recent school years, satisfies any of the following criteria:

(i) ~~The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;~~

~~(ii)~~ The school has received a grade of "F" in improving literacy in grades kindergarten through three under division

(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;

~~(iii)~~(ii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code.

(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for ~~two of~~ the three most recent school years, ~~satisfies any of the following criteria:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013, and the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code;~~

~~(ii) The~~ the school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and a grade of "F" for the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code~~;~~

~~(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code~~.

(c) The school offers any of grade levels ten to twelve and, for ~~two of~~ the three most recent school years, ~~satisfies any of the following criteria:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;~~

~~(ii) The~~ the school has received a grade of "F" for the

performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and has not met annual measurable objectives under division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of the Revised Code~~;~~

~~(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code~~.

~~For purposes of division (A)(3) of this section only, the department of education shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-added data from only the most recent school year.~~

~~(4)~~(2) This section does not apply to either of the following:

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a dropout prevention and recovery program shall be exempt from this section only if it has been granted a waiver under section 3314.36 of the Revised Code.

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies shall

permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(C) In accordance with division (B) of section 3314.012 of the Revised Code, the department shall not consider the performance ratings assigned to a community school for its first two years of operation when determining whether the school meets the criteria prescribed by division (A)(1) ~~or (2)~~ of this section.

(D) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code."

In line 74445, delete "3302.021,"

In line 74450, delete "3314.034,"

The motion was _____ agreed to.

SYNOPSIS

State report cards – overall grade calculation

R.C. 3302.03; Conforming changes in R.C. 3301.52, 3302.042, and 3314.35; Removes from the bill R.C. 3302.021, 3314.034, and 3302.038

Changes the grading scale used to determine letter grades assigned for the value-added progress dimension of the report card as follows:

1) A score of one or greater is designated as an "A";

2) A score that is less than one but not greater than negative one is designated as a "B";

3) A score that is less than or equal to negative one but greater than negative two is designated as a "C";

4) A score that is less than or equal to negative two but greater than negative three is designated as a "D";

5) A score that is less than negative three or below is designated as an "F".

Removes provisions of the House version of the bill that do all of the following:

(1) Specify that for the overall grade on the state report card and for any sanction or penalty based on the measures, only the performance index score measure or the value-added progress dimension measure be used, whichever is higher and prohibits the use of both measures for those purposes.

(2) Make conforming changes to sanctions, penalties, and other qualifications in certain provisions of law affected by the performance index score and the value-added progress dimension measures, including the Columbus parent trigger pilot project, eligibility for community schools to change sponsors, and community school closure.

(3) Specify that the calculation of the value-added progress dimension must use not more than one academic year's worth of growth data.

SC5560

Sub. H.B. 166
As Pending in S. Finance
MCDCD50

_____ moved to amend as follows:

In line 46971, after "shall" insert "collaborate with the office of innovateOhio established under section 107.71 of the Revised Code to"

In line 46972, after "organization" insert "by direct data transfer or"

In line 74676, delete the first "$21,500,000" and insert "$21,850,000"

In line 74679, add $350,000 to fiscal year 2020

In line 74686, add $350,000 to fiscal year 2020

After line 74945, insert:

"CASH TRANSFER FROM THE OCCUPATIONAL LICENSING AND REGULATORY FUND TO THE INFORMATION TECHNOLOGY DEVELOPMENT FUND

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer $350,000 cash from the Occupational Licensing and Regulatory Fund (Fund 4K90) to the Information Technology Development Fund (Fund 5LJ0)."

After line 88668d, insert:

18 **"Section 812.__.** The amendment of division (A)(8) of
19 section 4729.80 of the Revised Code and the enactment of section
20 4729.801 of the Revised Code shall take effect March 1, 2020."

21 The motion was _____ agreed to.

22 SYNOPSIS

23 **Medicaid managed care and access to OARRS information**

24 **R.C. 4729.801 (primary) and 4729.80; Section 747.___**

25 Adds to provisions included by the House that (1) permit a
26 Medicaid MCO to submit a bulk request to the State Board of
27 Pharmacy for information in OARRS about all Medicaid recipients
28 enrolled in the MCO plan and (2) require the Board to provide
29 the requested information in a single electronic file or format
30 new provisions that require the Board to collaborate with the
31 Office of InnovateOhio to provide the information and allow the
32 Board to meet its requirement by providing the requested
33 information by direct data transfer.

34 Specifies that the provisions governing Medicaid MCO access
35 to OARRS, including bulk requests for information, do not take
36 effect until March 1, 2020.

37 **Department of Administrative Services**

38 **Sections 207.10 and 207.45**

39 Increases the appropriation to Fund 5LJ0 line item 100661,
40 IT Development, by $350,000 in FY 2020, from $21,500,000 to
41 $21,850,000.

42 Requires the Director of Budget and Management to transfer
43 $350,000 from the Occupational Licensing and Regulatory Fund
44 (Fund 4K90) to the Information Technology Development Fund (Fund
45 5LJ0) on July 1, 2019, or as soon as possible thereafter.

SC5563

Sub. H.B. 166
As Pending in S. Finance
TAXCD49

_____ moved to amend as follows:

In line 71667, strike through "combined"

In line 71668, strike through "and business income"

In line 71683, strike through "combined"

In line 71684, strike through "and business income"

In line 71690, strike through "combined"

In line 71691, strike through "and business income"

In line 71697, strike through "combined"

In line 71698, strike through "and business income"

In line 88488, delete "and" and insert a comma; after "5747.02" insert ", and divisions (A) and (B) of section 5747.05"

The motion was _____ agreed to.

SYNOPSIS

Elimination of 3% business income tax rate

R.C. 5747.05; Section 757.150

Makes technical corrections to a provision of the Senate-pending bill that eliminates the 3% flat tax on business income in excess of the business income deduction.

SC5564

Sub. H.B. 166
As Pending in S. Finance
TAX043
TAXCD49

_____ moved to amend as follows:

In line 71313, delete "four"

In line 71314, delete "hundred twenty-seven thousandths" and insert "forty-two thousand seven hundred forty-four hundred-thousandths"

The motion was _____ agreed to.

SYNOPSIS

Income tax rates: trusts and estates

R.C. 5747.02(A)(2)

Modifies the income tax rate on the first $21,750 of trusts' and estates' taxable income for taxable year 2019 from 1.427% (resulting in a tax of $310.37) to 1.42744% (a tax of $310.47). The bill exempts individuals earning $21,750 or less from income tax, but does not extend that exemption to trusts and estates with taxable income below that threshold. The tax on individuals earning over $21,750 equals $310.47 plus a percentage of any excess. Essentially, the amendment more accurately reflects for trusts and estates the tax amount that would apply to individual taxpayers if the under-$21,750 exemption did not exist.

SC5565

Sub. H.B. 166
As Pending in S. Finance
TAXCD49

_____ moved to amend as follows:

In line 71475, strike through "For taxable years beginning in 2014 or"

In line 71476, strike through "2015, the" and insert "The"

In line 71478, strike through the second "two" and insert "three"; after "hundred" insert "fifty"

In line 71482, strike through "One" and insert "Two"; strike through "nine" and insert "one"; strike through "fifty"

In line 71487, strike through "seven" and insert "eight"; after "hundred" insert "fifty"

In line 71491, strike through "2016" and insert "2021"

The motion was _____ agreed to.

SYNOPSIS

Income tax: personal exemption amounts

R.C. 5747.025

Freezes the income tax personal exemption amounts for 2019 and 2020, and resumes inflation-indexing of those amounts in 2021. Also, updates the exemption amounts listed in the Revised Code to reflect inflation indexing adjustments made for 2018.

SC5566

Sub. H.B. 166
As Pending in S. Finance
OBM TAX044

_____ moved to amend as follows:

In line 85233, delete "$0" and insert "$90,000"

In line 85234, add $90,000 to fiscal year 2021

In line 85239, add $90,000 to fiscal year 2021

The motion was _____ agreed to.

SYNOPSIS

Department of Taxation – Political Party Distribution Fund

Section 409.10

Increases the amount in FID appropriation line item 110613, Ohio Political Party Distributions, by $90,000 in FY 2021

SC5568

Sub. H.B. 166
As Pending in S. Finance
TAX046
TAXCD36

_____ moved to amend as follows:

After line 88607, insert:

"Section 757.___. The amendment by this act of sections 5739.021, 5739.023, and 5739.026 of the Revised Code applies on and after October 1, 2019."

The motion was _____ agreed to.

SYNOPSIS

Local sales and use tax rate changes

Section 757.___

Makes effective October 1, 2019 the amendment, added by the House, that allows a county or transit authority to levy a sales and use tax in increments of 0.05% and the amendment, added by the Senate, that allows for an additional 0.5% of sales and use tax to be levied by counties (other than charter counties) specifically for detention facilities (with commensurate reduction in any overlapping transit authority's unused tax rate).

SC5571

Sub. H.B. 166
As Pending in S. Finance
LOCCD36

_____ moved to amend as follows:

In line 11508, strike through everything after "district"

Strike through line 11509

In line 11510, strike through "authority"

In line 11516, strike through everything after "property"

In line 11517, strike through everything before the comma and insert "in a new community district"

The motion was _____ agreed to.

SYNOPSIS

New community authorities

R.C. 349.01

Modifies the definition of "community development charge" to conform to a change in the bill.

SC5572

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

After line 79331, insert:

"GRF 4405XX Lead-Safe Home Fund Pilot Program $1,000,000 $1,000,000"

In line 79333, add $1,000,000 to each fiscal year

In line 79382, add $1,000,000 to each fiscal year

After line 79468, insert:

"LEAD-SAFE HOME FUND PILOT PROGRAM

The foregoing appropriation item 4405XX, Lead-Safe Home Fund Pilot Program, shall be used by the Department of Health to make distributions on a quarterly basis to the Lead Safe Cleveland Coalition for the Lead-Safe Home Fund Pilot Program, in accordance with Section 737.___ of this act. Before any funds are distributed, the Coalition shall provide the Department with documentation showing the amount of private sector dollars the Coalition has collected. The amount of each distribution provided by the Department shall be equal to the amount documented, but shall not exceed $1,000,000 in total in each fiscal year."

Delete lines 79929 through 79941

20 After line 87590, insert:

21 **"Section 737.___.** (A) The Director of Health shall
22 establish a two-year Lead-Safe Home Fund Pilot Program for
23 fiscal years 2020 and 2021 to improve housing conditions for
24 children by providing grants to eligible property owners for
25 lead-safe remediation actions.

26 (B) The Director shall enter into a cooperative agreement
27 with the Lead Safe Cleveland Coalition whereby the Coalition may
28 make decisions and determinations regarding the Program in
29 accordance with the Program requirements established under
30 division (C) of this section.

31 (C) The Director shall establish all of the following for
32 the purposes of the Program:

33 (1) A means to solicit applicants;

34 (2) An application process;

35 (3) A process for distributing and administering the
36 grants;

37 (4) A methodology for evaluating the eligibility of the
38 applicants;

39 (5) Any other procedures and requirements necessary to
40 implement and administer the Program.

41 (D) Not later than June 30, 2021, the Director, in
42 consultation with the Coalition, shall issue a report of the

43 Program's findings and outcomes to the Governor and the members
44 of the General Assembly."
45 Delete lines 87665 through 87687

46 The motion was _____ agreed to.

47 SYNOPSIS

48 **Lead-Safe Home Fund Pilot Program**

49 **Section 737.20**

50 Requires the Director of Health instead of the Director of
51 Job and Family services (as in the sub bill) to establish a
52 Lead-Safe Home Fund Pilot Program to improve housing conditions
53 for children by providing grants to eligible property owners for
54 lead-safe remediation actions.

55 Requires the Director of Health to enter into a cooperative
56 agreement with the Lead Safe Cleveland Coalition whereby the
57 Coalition may make decisions and determinations regarding the
58 Program.

59 Requires the Director to submit a report of the Program's
60 findings and outcomes to the Governor and the members of the
61 General Assembly by June 30, 2021.

62 **Departments of Health and Job and Family Services**

63 **Sections 291.10, 291.20, and 307.81**

64 Eliminates an earmark of $1.0 million in each fiscal year
65 for the Lead-Safe Home Fund Pilot Program and corresponding
66 language, which is currently under the Department of Job and
67 Family Services' FED Fund 3V60 appropriation item 600689, TANF
68 Block Grant. Creates new GRF appropriation item 4405XX, Lead-
69 Safe Home Fund Pilot Program, under the Department of Health
70 instead, appropriates $1.0 million in each fiscal year for the
71 program, and places corresponding language regarding the
72 distribution of funds under the Department of Health.

SC5574

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 80935, delete "$4,000,000 $6,000,000" and insert "$6,000,000 $12,000,000"

In line 80943, add $2,000,000 to fiscal year 2020 and $6,000,000 to fiscal year 2021

In line 80954, add $2,000,000 to fiscal year 2020 and $6,000,000 to fiscal year 2021

The motion was _____ agreed to.

SYNOPSIS

Department of Medicaid

Section 333.10

Increases DPF Fund 5DL0 appropriation item 651690, Multi-system Youth Custody Relinquishment, by $2.0 million in FY 2020, and $6.0 million in FY 2021.

Sub. H.B. 166
As Pending in S. Finance
TAXCD74

_____ moved to amend as follows:

In line 121 of the title, after "5743.63," insert "5743.64, 5743.66,"

In line 124 of the title, after "5748.01," insert "5751.01,"

In line 288, after "5743.63," insert "5743.64, 5743.66,"

In line 291, after "5748.01," insert "5751.01,"

In line 69543, strike through "or" and insert an underlined comma

In line 69544, after "products" insert "<u>, or vapor products</u>"

In line 69622, strike through "or" and insert an underlined comma; after "products" insert "<u>, or vapor products</u>"

Delete lines 69658 through 69667 and insert:

"<u>(T) "Vapor product" means any liquid solution or other substance that (1) contains nicotine and (2) is depleted as it is used in an electronic smoking product. "Vapor product" does not include any solution or substance regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.</u>

<u>(U) "Electronic smoking product" means any noncombustible</u>

product, other than a cigarette or tobacco product, that (1) contains or is designed to use vapor products and (2) employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from the vapor product. "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, vaporizer, or similar product or device, but does not include any product regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq."

In line 69668, delete "(U)" and insert "(V)"

In line 69672, delete "or"

In line 69673, after "manufacturer" insert "; or

(4) Is a wholesale dealer located in this state that receives vapor products from a manufacturer, or receives vapor products on which the tax imposed by this chapter has not been paid"

Delete lines 69674 through 69676 and insert:

"(V) "Vapor volume" means one of the following, as applicable:

(1) If a vapor product is sold in liquid form, one-tenth of one milliliter of vapor product;

(2) If the vapor product is sold in a nonliquid form, one-tenth of one gram of vapor product."

In line 69715, strike through "or" and insert an underlined comma; after "products" insert ", or vapor products"

In line 69718, strike through "or" and insert an underlined comma

In line 69719, after "products" insert "<u>, or vapor products</u>"

In line 69741, after "products" insert "<u>or vapor products</u>"

In line 69743, after "products" insert "<u>or vapor products</u>"

In line 69744, after "products" insert "<u>or vapor products</u>"

In line 69745, after "products" insert "<u>or vapor products</u>"

In line 69747, after "products" insert "<u>or vapor products</u>"

In line 69748, after "products" insert "<u>or vapor products, as applicable</u>"

In line 69750, after "products" insert "<u>or vapor products</u>"

In line 69759, delete the second underlined comma

In line 69765, after "products" insert "<u>or vapor products</u>"

Delete lines 69827 through 69829 and insert:

"<u>(4) For vapor products, one cent multiplied by the vapor volume of vapor products the first time the products are received by a vapor distributor in this state.</u>"

In line 69840, delete "<u>is not</u>" and insert "<u>shall be</u>"

In line 69908, after the second underlined comma insert "<u>or</u>"

In line 69909, delete "<u>, or secondary manufacturers</u>"

In line 69958, after "(B)" insert "<u>(1)</u>"

After line 69964, insert:

"<u>(2) Each vapor distributor subject to the tax imposed by section 5743.51 of the Revised Code shall mark on all invoices the total weight of the vapor product, rounded to the nearest one-tenth of one gram, if the vapor product is not sold in liquid form. If the vapor product is sold in liquid form, the invoice shall instead indicate the total volume of the vapor product,</u>

rounded to the nearest one-tenth of one milliliter."

After line 70012, insert:

"As used in this section, "first invoice price" means the invoice price of the vapor product, excluding any discount based on the method of payment of the invoice or on the time of payment of the invoice."

In line 70035, reinsert "or"; delete ", or secondary manufacturers"

In line 70039, strike through "license"; after "application" insert "for a license to engage either in the business of distributing tobacco products or in the business of distributing both tobacco products and vapor products"

In line 70042, after the period insert "The application fee for a license to engage solely in the business of distributing vapor products shall be one hundred twenty-five dollars for each place listed on the application where the applicant proposes to carry on that business."

In line 70065, delete "and" and insert "or"

In line 70118, delete "seventeen per cent of the first"

In line 70119, delete "invoice price" and insert "one cent multiplied by the vapor volume of vapor products"

In line 70137, strike through "last" and insert "twenty-third"

In line 70144, strike through "last" and insert "twenty-third"

In line 70171, delete "seventeen per cent of the first"

In line 70172, delete "invoice price" and insert "one cent multiplied by the vapor volume of the vapor products"

In line 70179, strike through "last" and insert "twenty-third"

In line 70186, strike through "last" and insert "twenty-third"

After line 70191, insert:

"**Sec. 5743.64.** No person shall transport within this state, tobacco products or vapor products that have a wholesale value in excess of three hundred dollars, unless ~~he~~ the person has obtained consent to transport the tobacco products or vapor products from the tax commissioner prior to transportation. The consent is not required if the applicable tax levied under section 5743.51, 5743.62, or 5743.63 of the Revised Code has been paid or will be paid by the distributor, vapor distributor, or seller. Application for the consent shall be in the form prescribed by the commissioner.

Every person transporting tobacco products or vapor products with the department's consent shall have the consent with ~~him~~ the person while transporting or possessing the tobacco products or vapor products within this state and shall produce the consent upon request of any law enforcement officer or authorized agent of the tax commissioner.

Any person transporting tobacco products or vapor products without the consent required by this section shall be subject to the provisions of sections 5743.51 to 5743.66 of the Revised Code, including the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

Sec. 5743.66. (A) Each manufacturer or importer of tobacco products or vapor products shall register with the tax

commissioner before it sells or distributes tobacco products or vapor products to distributors in this state, and, upon the request of the commissioner, shall provide complete information on sales made to distributors in this state and a current list of prices charged for tobacco products or vapor products sold to distributors in this state.

(B) On or before the ~~last~~ twenty-third day of each month, every manufacturer or importer of tobacco products or vapor products shall file a report with the commissioner listing all sales of tobacco products or vapor products to distributors located in this state during the preceding month and any other information the commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code."

After line 72931, insert:

"**Sec. 5751.01.** As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis

method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other

unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls,

directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;

(c) Receipts from the sale, exchange, or other disposition of

an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered

to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;

(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by

entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes ~~or~~, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes ~~or~~, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;

(s) In the case of receipts from the sale of beer or

intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code,

except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes all dealers, brokers, processors, sellers, vendors, cosigners, and distributors of qualified property.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere or, in the case of gold, silver, platinum, or

palladium delivered to a refining facility solely for refining to a grade and fineness acceptable for delivery to a registered commodities exchange. "Further shipping" includes storing and repackaging property into smaller or larger bundles, so long as the property is not subject to further manufacturing or processing. "Refining" is limited to extracting impurities from gold, silver, platinum, or palladium through smelting or some other process at a refining facility.

(III) "Qualified distribution center" means a warehouse, a facility similar to a warehouse, or a refining facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner. The application and annual fee shall be filed and paid for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the

distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be sitused outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.) The commissioner may require the applicant to have an independent certified public accountant certify that the calculation of the minimum thresholds required for a qualified distribution center by the operator of a distribution center has been made in accordance with generally accepted accounting principles. The commissioner shall issue or deny the issuance of a certificate within sixty days after the receipt of the application. A denial is subject to appeal under section 5717.02 of the Revised Code. If the operator files a timely appeal under section 5717.02 of the Revised Code, the operator shall be granted a qualifying certificate effective for the remainder of the qualifying year or until the appeal is finalized, whichever is earlier. If the operator does not prevail in the appeal, the operator shall pay the ineligible operator's supplier tax liability.

(VII) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period

compared with total deliveries from such distribution center everywhere during the qualifying period.

(VIII) "Refining facility" means one or more buildings located in a county in the Appalachian region of this state as defined by section 107.21 of the Revised Code and utilized for refining or smelting gold, silver, platinum, or palladium to a grade and fineness acceptable for delivery to a registered commodities exchange.

(IX) "Registered commodities exchange" means a board of trade, such as New York mercantile exchange, inc. or commodity exchange, inc., designated as a contract market by the commodity futures trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended.

(X) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties. The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.

(ii)(I) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property

during that year was not shipped to a location such that it would be sitused outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(II) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business operations of the distribution center have changed or will change such that the distribution center will qualify as a qualified distribution center within thirty-six months after the date the operator first applies for a certificate. If, at the end of that thirty-six-month period, the business operations of the distribution center have not changed such that the distribution center qualifies as a qualified distribution center, the operator of the distribution center shall pay the ineligible operator's supplier tax liability for each year that the distribution center received a certificate but did not qualify as a qualified distribution center. For each year the distribution center receives a certificate under division (F)(2)(z)(ii)(II) of this section, the distribution center shall pay all applicable fees required under division (F)(2)(z) of this section and shall submit an updated business plan showing the progress the distribution center made toward qualifying as a qualified distribution center

during the preceding year.

(III) An operator may appeal a determination under division (F)(2)(z)(ii)(I) or (II) of this section that the ineligible operator is liable for the operator's supplier tax liability as a result of not qualifying as a qualified distribution center, as provided in section 5717.02 of the Revised Code.

(iii) When filing an application for a qualifying certificate under division (F)(2)(z)(i)(VI) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (F)(2)(z)(i)(VI) of this section.

(iv)(I) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (F)(2)(z)(iii) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from

the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed.

(II) The operator of a distribution center that receives a qualifying certificate under division (F)(2)(z)(ii)(II) of this section shall make a good faith estimate of the Ohio delivery percentage that the operator estimates will apply to the distribution center at the end of the thirty-six-month period after the operator first applied for a qualifying certificate under that division. The result of the estimate shall be multiplied by a factor of one and seventy-five one-hundredths. The product of that calculation shall be the Ohio delivery percentage used by suppliers in their reports of taxable gross receipts for each qualifying year that the distribution center receives a qualifying certificate under division (F)(2)(z)(ii)(II) of this section, except that, if the product is less than five per cent, the Ohio delivery percentage used shall be five per cent and that, if the product exceeds forty-nine per cent, the Ohio delivery percentage used shall be forty-nine per cent.

(v) Qualifying certificates and Ohio delivery percentages issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner. A supplier relying in good faith on a certificate issued under this division shall not be subject to tax on the qualifying distribution center receipts under division (F)(2)(z) of this section. An operator receiving a qualifying certificate is liable for the ineligible operator's supplier tax liability for each year the operator received a certificate but did not qualify as a qualified

distribution center.

(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this section. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in division (F)(2)(z) of this section.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed

as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg)(i) As used in this division:

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.

(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.

(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a

uranium enrichment zone may apply to the tax commissioner to have the uranium enrichment zone certified for the purpose of excluding qualified uranium receipts under division (F)(2)(gg) of this section. The application shall include such information that the tax commissioner prescribes. Within sixty days after receiving the application, the tax commissioner shall certify the zone for that purpose if the commissioner determines that the property qualifies as a uranium enrichment zone as defined in division (F)(2)(gg) of this section, or, if the tax commissioner determines that the property does not qualify, the commissioner shall deny the application or request additional information from the applicant. If the tax commissioner denies an application, the commissioner shall state the reasons for the denial. The applicant may appeal the denial of an application to the board of tax appeals pursuant to section 5717.02 of the Revised Code. If the applicant files a timely appeal, the tax commissioner shall conditionally certify the applicant's property. The conditional certification shall expire when all of the applicant's appeals are exhausted. Until final resolution of the appeal, the applicant shall retain the applicant's records in accordance with section 5751.12 of the Revised Code, notwithstanding any time limit on the preservation of records under that section.

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the

director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts.

As used in division (F)(2)(jj) of this section:

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from the sale of qualified property delivered to, or integrated supply chain services provided to, another qualified integrated supply chain vendor or to a retailer that is a member of the integrated supply chain. "Qualifying integrated supply chain receipts" does not include receipts of a person that is not a qualified integrated supply chain vendor from the sale of raw materials to a member of an integrated supply chain, or receipts of a member of an integrated supply chain from the sale of qualified property or integrated supply chain services to a person that is not a member of the integrated supply chain.

(ii) "Qualified property" means any of the following:

(I) Component parts used to hold, contain, package, or dispense qualified products, excluding equipment;

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail, excluding equipment, machinery, furniture, and fixtures;

(III) Finished goods inventory that is a qualified product capable of being sold at retail in the inventory's present form.

(iii) "Qualified integrated supply chain vendor" means a person that is a member of an integrated supply chain and that provides integrated supply chain services within a qualified integrated supply chain district to a retailer that is a member of

the integrated supply chain or to another qualified integrated supply chain vendor that is located within the same such district as the person but does not share a common owner with that person.

(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle. "Qualified product" does not include a drug that may be dispensed only pursuant to a prescription, durable medical equipment, mobility enhancing equipment, or a prosthetic device, as those terms are defined in section 5739.01 of the Revised Code.

(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors certified on the most recent list certified to the tax commissioner under this division that systematically collaborate and coordinate business operations with a retailer on the flow of tangible personal property from material sourcing through manufacturing, assembly, packaging, and delivery to the retailer to improve long-term financial performance of each vendor and the supply chain that includes the retailer.

For the purpose of the certification required under this division, the reporting person for each retailer, on or before the first day of October of each year, shall certify to the tax commissioner a list of the qualified integrated supply chain vendors providing or receiving integrated supply chain services within a qualified integrated supply chain district for the ensuing calendar year. On or before the following first day of November, the commissioner shall issue a certificate to the retailer and to each vendor certified to the commissioner on that list. The certificate shall include the names of the retailer and of the qualified integrated supply chain vendors.

The retailer shall notify the commissioner of any changes to the list, including additions to or subtractions from the list or

changes in the name or legal entity of vendors certified on the list, within sixty days after the date the retailer becomes aware of the change. Within thirty days after receiving that notification, the commissioner shall issue a revised certificate to the retailer and to each vendor certified on the list. The revised certificate shall include the effective date of the change.

Each recipient of a certificate issued pursuant to this division shall maintain a copy of the certificate for four years from the date the certificate was received.

(vi) "Integrated supply chain services" means procuring raw materials or manufacturing, processing, refining, assembling, packaging, or repackaging tangible personal property that will become finished goods inventory capable of being sold at retail by a retailer that is a member of an integrated supply chain.

(vii) "Retailer" means a person primarily engaged in making retail sales and any member of that person's consolidated elected taxpayer group or combined taxpayer group, whether or not that member is primarily engaged in making retail sales.

(viii) "Qualified integrated supply chain district" means the parcel or parcels of land from which a retailer's integrated supply chain that existed on September 29, 2015, provides or receives integrated supply chain services, and to which all of the following apply:

(I) The parcel or parcels are located wholly in a county having a population of greater than one hundred sixty-five thousand but less than one hundred seventy thousand based on the 2010 federal decennial census.

(II) The parcel or parcels are located wholly in the

corporate limits of a municipal corporation with a population greater than seven thousand five hundred and less than eight thousand based on the 2010 federal decennial census that is partly located in the county described in division (F)(2)(jj)(viii)(I) of this section, as those corporate limits existed on September 29, 2015.

(III) The aggregate acreage of the parcel or parcels equals or exceeds one hundred acres.

(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in ~~this~~ division (F)(2)(ll) <u>of this section</u> have the same meanings as in section 5703.94 of the Revised Code.

(mm) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts sitused to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States

relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual

method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group."

In line 74513, after "5743.63," insert "5743.64, 5743.66,"

In line 74515, after "5748.01," insert "5751.01,"

In line 88595, after "rules" insert ", fees,"

In line 88599, delete "continue to"

In line 88606, delete "and"; after "5743.63" insert ", and 5743.66"

In line 88607, after "applies" insert "to invoices dated"

After line 88607, insert:

"The amendment by this act of section 5743.64 of the Revised Code applies on and after July 1, 2020.

Notwithstanding the first paragraph of this section, manufacturers and importers of vapor products shall register with the Tax Commissioner under section 5743.66 of the Revised Code, as amended by this act, beginning on July 1, 2020."

The motion was _____ agreed to.

SYNOPSIS

Tax on vapor products

R.C. 5743.01, 5743.14, 5743.20, 5743.51, 5743.53, 5743.54, 5743.60, 5743.61, 5743.62, 5743.63, 5743.64, 5743.66, and 5751.01; Sections 757.260 and 757.270

Makes several modifications to a proposed new tax on vapor nicotine products added by the Senate:

(1) Changes the rate from 17% of the vapor products' invoice price to 1¢ per each 0.1 of a milliliter or gram of vapor product.

(2) Specifies that the tax does not apply if a tax-paid vapor product is reprocessed and sold. Under the pending bill, if the product is reprocessed, the first transaction after the reprocessing is also subject to tax, even if the product was taxed before it was reprocessed.

(3) Reduces the application fee for a license to distribute vapor products from $1,000 to $125, but continues to charge $1,000 for a license to distribute both tobacco products other than cigarettes and vapor products.

(4) Clarifies that the tax applies to the sale of a liquid or solid product consumed by use of an electronic smoking device, and not to the smoking device itself.

(5) Requires vapor product importers and manufacturers to register with and file monthly reports with the Tax Commissioner listing sales of such products, beginning in July 2020. (Currently, tobacco product importers and manufacturers are subject to the same requirement.)

(6) Requires a vapor wholesaler to pay the tax after receiving vapor products in this state from a manufacturer or, if the tax has not already been paid, from another person.

(7) Specifies that retailers may purchase vapor products only from licensed distributors.

(8) Sets the due date of monthly tobacco product and vapor product use tax returns and importer/manufacturer reports at the 23rd day instead of the last day of the next month. (Currently, tobacco product and vapor product excise tax returns are due by the 23rd day of the next month.)

(9) Allows a law enforcement officer to stop and inspect a vehicle if the officer reasonably believes the vehicle is transporting vapor products in violation of state tax law (analogous to exisiting law regarding transporting tobacco products).

(10) Excludes gross receipts used to pay the new vapor product excise tax from those gross receipts taxable under the commercial activity tax (CAT).

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 55 of the title, after "3711.02," insert "3715.021,"

In line 240, after "3711.02," insert "3715.021,"

Delete lines 38121 through 38290 and insert:

"**Sec. 3715.021.** (A) As used in this section, "food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. "Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a processor of ~~maple~~ tree syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce the syrup is collected directly from trees by that processor; a processor of sorghum who processes sorghum juice when a minimum of seventy-five per cent of the sorghum juice used to produce the sorghum is extracted directly from sorghum plants by that processor; a beekeeper who jars honey when a minimum of seventy-five per cent of the honey is from that beekeeper's own hives; or a processor of apple syrup or apple butter who directly

harvests from trees a minimum of seventy-five per cent of the apples used to produce the apple syrup or apple butter.

(B) The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish, when otherwise not established by the Revised Code, standards and good manufacturing practices for food processing establishments, including the facilities of food processing establishments and their sanitation. The rules shall conform with or be equivalent to the standards for foods established by the United States food and drug administration in Title 21 of the Code of Federal Regulations.

A business or that portion of a business that is regulated by the department of agriculture under Chapter 917. or 918. of the Revised Code is not subject to regulation under this section as a food processing establishment.

Sec. 3717.22. (A) The following are not retail food establishments:

(1) A food service operation licensed under this chapter, including a food service operation that provides the services of a retail food establishment pursuant to an endorsement issued under section 3717.44 of the Revised Code;

(2) An entity exempt under divisions (B)(1) to (9) or (11) to (13) of section 3717.42 of the Revised Code from the requirement to be licensed as a food service operation and an entity exempt under division (B)(10) of that section if the entity is regulated by the department of agriculture as a food processing establishment under section 3715.021 of the Revised Code;

(3) A business or that portion of a business that is regulated by the federal government or the department of

agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code.

(B) All of the following are exempt from the requirement to be licensed as a retail food establishment:

(1) An establishment with commercially prepackaged foods that are not potentially hazardous and contained in displays, the total space of which equals less than two hundred cubic feet;

(2) A person at a farmers market that is registered with the director of agriculture pursuant to section 3717.221 of the Revised Code that offers for sale only one or more of the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) ~~Maple~~ Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a ~~maple~~ tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;

(d) Wine as authorized under section 4303.2010 of the Revised Code;

(e) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market.

(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;

(4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, if the sales occur inside a building and are for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same conditions.

(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;

(7) A ~~maple~~ tree syrup and sorghum processor, beekeeper, or apple syrup and apple butter processor described in division (A) of section 3715.021 of the Revised Code, on the condition that the processor or beekeeper offers only ~~maple~~ tree syrup, sorghum, honey, apple syrup, or apple butter directly to the consumer from the site where those products are processed;

(8) A person who annually maintains five hundred or fewer

birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division (B)(11) of this section applies;

(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the location where the chickens are raised and slaughtered or at a farm product auction to which division (B)(11) of this section applies;

(10) A person who raises, slaughters, and processes the meat of nonamenable species described in divisions (A) and (B) of section 918.12 of the Revised Code, on the condition that the person offers the meat directly to the consumer from the location where the meat is processed or at a farm product auction to which division (B)(11) of this section applies;

(11) A farm product auction, on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm product auction only one or more of the following:

(a) The products described in divisions (B)(8) to (10) of this section that are produced, raised, slaughtered, or processed, as appropriate, by persons described in divisions (B)(8) to (10) of this section;

(b) Fresh unprocessed fruits or vegetables;

(c) Products of a cottage food production operation;

(d) ~~Maple~~ Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a ~~maple~~ tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code.

(12) An establishment that, with respect to offering food for sale, offers only alcoholic beverages or prepackaged beverages that are not potentially hazardous;

(13) An establishment that, with respect to offering food for sale, offers only alcoholic beverages, prepackaged beverages that are not potentially hazardous, or commercially prepackaged food that is not potentially hazardous, on the condition that the commercially prepackaged food is contained in displays, the total space of which equals less than two hundred cubic feet on the premises of the establishment;

(14) An establishment that, with respect to offering food for sale, offers only fountain beverages that are not potentially hazardous;

(15) A person who offers for sale only one or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) ~~Maple~~ Tree syrup, sorghum, honey, apple syrup, or apple butter if produced by a ~~maple~~ tree syrup or sorghum processor, beekeeper, or apple syrup or apple butter processor as described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;

(e) Fruit butter produced at the festival or celebration and

sold from the production site.

(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) ~~Maple~~ Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a ~~maple~~ tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;

(e) Cider and other juices manufactured on site at the farm market;

(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.

(17)(a) An establishment to which all of the following apply:

(i) The establishment serves commercially prepackaged food in a form that prevents direct human contact prior to and during

service;

(ii) Sales of the prepackaged food do not exceed more than five per cent of the total gross receipts of the establishment;

(iii) The establishment has been issued an A-2 permit under section 4303.03 or an A-2f permit under section 4303.031 of the Revised Code and annually produces ten thousand gallons or less of wine;

(b) The owner or operator of the establishment shall notify the director that it is exempt from licensure because it qualifies under division (B)(17)(a) of this section. The owner or operator also shall disclose to customers that the establishment is exempt from licensure."

In line 74465, after "3711.02," insert "3715.021,"

The motion was _____ agreed to.

SYNOPSIS

Tree syrup exemption from specified food laws

R.C. 3715.021 and 3717.22

Exempts a processor of any kind of tree syrup, rather than only maple syrup as in current law, from specified laws governing retail food establishments and food processing establishments.

SC5581

Sub. H.B. 166
As Pending in S. Finance
TAX053
TAXCD51

_____ moved to amend as follows:

In line 88475, delete "2019" and insert "2020"

In line 88476, delete "2020" and insert "2021"

The motion was _____ agreed to.

SYNOPSIS

Property tax homestead exemption

Section 757.150

Delays by one year a provision added by the House, and retained by the Senate, that requires deducted business income to be included in the income calculation to determine eligibility for the homestead exemption.

SC5583

Sub. H.B. 166
As Pending in S. Finance
OBMCD84

_____ moved to amend as follows:

In line 71928, after "commissioner" insert "in consultation with the director of budget and management"

In line 71934, delete "to take"

Delete lines 71935 through 71937

In line 71938, delete "commissioner estimates is" and insert "because of the amount of surplus revenue described in division (B)(1) of section 131.44 of the Revised Code, the commissioner shall consult with the director and certify, on or before the date identified in that division, the amount estimated to be"

In line 71941, after the underlined period insert "This section does not prohibit the commissioner from making adjustments to the method of determining the amount to be withheld after the date identified in division (B)(1) of section 131.44 of the Revised Code."

The motion was _____ agreed to.

17 SYNOPSIS

18 **Disposition of surplus revenue**

19 **R.C. 5747.06**

20 Modifies a provision added by the Senate that establishes
21 the Income Tax Withholding Fund in the state treasury and
22 requires surplus end-of-year revenue, before it is credited to
23 the Income Tax Reduction Fund (ITRF), to be credited to the new
24 fund to offset costs to the GRF, the Local Government Fund
25 (LGF), and the Public Library Fund (PLF) resulting from the Tax
26 Commissioner lowering the income tax withholding tables, as the
27 Commissioner is authorized to do under continuing law. (Thus,
28 any net surplus from the preceding fiscal year left over after
29 supplementing the rainy day fund can be reserved to cover
30 revenue reductions in the current year that result from reducing
31 income tax withholding.)

32 The amendment requires the Commissioner to consult with the
33 Director of Budget and Management in making adjustments to the
34 income tax withholding tables, and specifies that the
35 Commissioner is not prohibited from adjusting the income tax
36 withholding tables after July 31 (the date on which the Director
37 determines the amount of surplus GRF revenue for the preceding
38 fiscal year).

SC5584

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 79073, delete "$330,000 $330,000" and insert "$355,000 $355,000"

In line 79077, add $25,000 to each fiscal year

In line 79086, add $25,000 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Broadcast Educational Media Commission

Section 281.10

Increases GRF appropriation item 935401, Statehouse News Bureau, by $25,000 in each fiscal year.

SC5586

Sub. H.B. 166
As Pending in S. Finance
TAXCD47

_____ moved to amend as follows:

1 In line 65581, strike through everything after "(TT)"

2 Strike through lines 65582 through 65601

3 After line 65601, insert:

4 ""Transportation network company" and "transportation

5 network company services" have the same meanings as in section

6 3942.01 of the Revised Code."

7 Delete lines 65866 through 65868

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Sales tax exemption: professional racing**

11 **R.C. 5739.01(TT)**

12 Removes several definitions related to the professional
13 racing sales tax exemption, since the exemption is being
14 stricken by both the House bill and the pending bill.

SC5587

Sub. H.B. 166
As Pending in S. Finance
TAXCD31

_____ moved to amend as follows:

In line 69367, after "of" insert "at least"

The motion was _____ agreed to.

SYNOPSIS

Waiver of marketplace facilitator requirements

R.C. 5741.071

Clarifies one of the eligibility criteria for sellers seeking a waiver of the pending bill's requirement that a marketplace facilitator collect and remit the tax due on sales facilitated on behalf of the seller by stipulating that the seller must have annual gross receipts of *at least* $1 billion within the United States (as opposed to gross receipts *of* $1 billion).

SC5589

Sub. H.B. 166
As Pending in S. Finance
OBMCD84

_____ moved to amend as follows:

In line 7212, delete "aggregate"; after "of" insert "general revenue fund"

In line 7243, delete ", the local" and insert an underlined period

Delete lines 7244 through 7248

In line 71939, delete ", the"

In line 71940, delete "local government fund, and the public library fund"

In line 71941, delete ", arranged according to each such fund"

The motion was _____ agreed to.

SYNOPSIS

Disposition of surplus revenue

R.C. 131.44 and 5747.06

Modifies a provision added by the Senate requiring surplus end-of-year revenue, before it is credited to the Income Tax Reduction Fund (ITRF), to be used to offset income tax revenue reductions resulting from the Tax Commissioner lowering the income tax withholding tables. The modification offsets only the revenue effect on the GRF, whereas the pending bill also offsets revenue effects on the Local Government Fund and Public Library Fund.

SC5597X1

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 80921, delete "$4,083,664,309 $4,665,434,631" and insert "$4,093,664,309 $4,685,734,631"

In line 80922, delete "$9,727,365,025 $10,558,772,650" and insert "$9,751,183,084 $10,604,725,914"

In line 80923, delete "$13,811,029,334 $15,224,207,281" and insert "$13,844,847,393 $15,290,460,545"

In line 80927, add $10,000,000 to fiscal year 2020 and $20,300,000 to fiscal year 2021

In line 80928, add $23,818,059 to fiscal year 2020 and $45,953,264 to fiscal year 2021

In line 80929, add $33,818,059 to fiscal year 2020 and $66,253,264 to fiscal year 2021

In line 80954, add $33,818,059 to fiscal year 2020 and $66,253,264 to fiscal year 2021

After line 81573, insert:

"**Section 333.___.** PHARMACY SUPPLEMENTAL DISPENSING FEE

By January 1, 2020, the Department of Medicaid shall adopt rules under section 5167.02 of the Revised Code to provide a supplemental dispensing fee under the care management system to

20 retail pharmacies. The supplemental dispensing fee shall have at
21 least three different payment levels based on the number of
22 Medicaid prescriptions a pharmacy location fills each month. The
23 supplemental dispensing fee shall not cause a reduction in other
24 payments made to the pharmacy for providing prescribed drugs
25 under the care management system."

26 The motion was _____ agreed to.

27 SYNOPSIS

28 **Retail pharmacy supplemental dispensing fee**

29 **Section 333.___**

30 Requires, by January 1, 2020, the Department of Medicaid to
31 adopt rules to provide to pharmacies a supplemental dispensing
32 fee under the care management system.

33 Provides that the dispensing fee must include at least
34 three different payment levels based on the number of Medicaid
35 prescriptions a pharmacy location fills each month.

36 **Department of Medicaid**

37 **Section 333.10**

38 Increases GRF appropriation item 651525, Medicaid Health
39 Care Services, by $33.8 million ($10.0 million state share) in
40 FY 2020 and $66.3 million ($20.3 million state share) in FY
41 2021.

SC5598

Sub. H.B. 166
As Pending in S. Finance

_____ moved to amend as follows:

In line 157 of the title, after "5167.123," insert "5167.124,"

In line 316, after "5167.123," insert "5167.124,"

After line 62706, insert:

"**Sec. 5167.124.** (A) A pharmacy benefit manager under contract with a medicaid managed care organization for the administration of pharmacy services under the care management system shall do both of the following:

(1) Upon request from the department of medicaid, disclose to the department all sources of payment it receives for prescribed drugs, including any financial benefits such as drug rebates, discounts, credits, clawbacks, fees, grants, chargebacks, reimbursements, or other payments related to services provided for the medicaid managed care organization.

(2) At least annually, contract with an independent third party to complete a service organization controls report (commonly known as an SOC-1) audit of the pharmacy benefit manager's services and activities. The pharmacy benefit manager shall provide the report to the contracting medicaid managed care organization and, upon request, to the department.

21 (B) In addition to audits conducted under division (A)(2)
22 of this section, a medicaid managed care organization and its
23 contracted pharmacy benefit manager shall cooperate with and
24 grant full access to any independent entity retained by the
25 department to perform periodic compliance audits of the pharmacy
26 benefit manager to measure the pharmacy benefit manager's
27 compliance with its obligations under its contract with the
28 medicaid managed care organization and with federal and state
29 requirements.
30 (C) If a pharmacy benefit manager fails to comply with this
31 section or an audit conducted under this section reveals that
32 the pharmacy benefit manager has failed to comply with its
33 contract obligations or federal and state requirements, the
34 medicaid director may do either or both of the following:
35 (1) Assess against the medicaid managed care organization
36 any financial penalty permitted under the medicaid managed care
37 organization's contract with the department;
38 (2) Make a recommendation to the superintendent of
39 insurance that the pharmacy benefit manager's administrator
40 license under Chapter 3959. of the Revised Code be suspended in
41 accordance with that chapter."

42 The motion was _____ agreed to.

43 SYNOPSIS

44 **Medicaid managed care pharmacy benefit managers**

45 **R.C. 5167.124**

46 Requires a pharmacy benefit manager (PBM) under contract
47 with a Medicaid managed care organization (MCO) to administer
48 pharmacy services under the care management system to:

49 -Upon request of the Department of Medicaid, disclose all
50 of its received payment streams, including drug rebates,
51 discounts, credits, clawbacks, fees, grants, chargebacks,
52 reimbursements, or other payments;

53 -At least annually, contract with an independent third
54 party to conduct a Service Organization Controls Report (SOC-1)
55 audit and disclose that report to the Medicaid MCO, and upon
56 request, to the Department.

57 Requires the Medicaid MCO and its PBM to cooperate with any
58 other compliance audits of the PBM.

59 If a PBM fails to comply with these provisions or an audit
60 reveals a PBM has violated its contract with the Medicaid MCO or
61 state and federal requirements, permits the Medicaid Director to
62 (1) impose a financial penalty against the Medicaid MCO as
63 permitted under the Medicaid MCO contract with the Department
64 and (2) recommend to the Superintendent of Insurance that the
65 Superintendent suspend the PBM's administrator license.

SC5599

Sub. H.B. 166
As Pending in S. Finance
OBMCD81

_____ moved to amend as follows:

Delete lines 87406 through 87413

The motion was _____ agreed to.

SYNOPSIS

Use of settlement funds from opioid-related legal proceedings

Section 701.53

Removes a provision from the Senate substitute bill that states that money received by the state from a legal proceeding against a drug manufacturer or joined party related to the manufacture, distribution, or promotion of opioid analgesics, and that is not designated for a specific purpose, may be spent by an appropriation of the General Assembly only.