SC5096

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

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

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10 The motion was _____ agreed to.

Sub. H.B. 64

As Passed by the House

_____ moved to amend as follows:

In line 41, after "3311.19," insert "3313.375,"

In line 268, after "3311.19," insert "3313.375,"

Between lines 27693 and 27694, insert:

"**Sec. 3313.375.** The board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, or the governing authority of a community school may enter into a lease-purchase agreement providing for construction; enlarging or other improvement, furnishing, and equipping; lease; and eventual acquisition of ~~a building~~ facilities or improvements to ~~a building~~ facilities, including but not limited to buildings, playgrounds, parking lots, athletic facilities, and safety enhancements for any school district, educational service center, or community school purpose. The agreement shall provide for a lease for a series of one-year renewable lease terms totaling not more than the number of years equivalent to the useful life of the asset and in no event more than thirty years. The agreement shall provide that at the end of the series of lease terms provided for in the agreement the title to the leased property shall be vested in the school district or educational service center, if all obligations of the school district, educational service center, or community school

provided for in the agreement have been satisfied. The agreement may, in addition to the rental payments, require the school district, educational service center, or community school to pay the lessor a lump-sum amount as a condition of obtaining title to the leased property. In conjunction with the agreement, a school district board of education, an educational service center governing board, or a governing authority of a community school may grant leases, easements, or licenses for underlying land or facilities under the board's control for terms not exceeding five years beyond the final renewal term of the lease-purchase agreement entered into pursuant to this section. Payments under the agreement may be deemed to be, and paid as, current operating expenses.

The obligations under a lease-purchase agreement entered into pursuant to this section shall not be considered to be net indebtedness of a school district under section 133.06 of the Revised Code."

In line 84077, after "3311.19," insert "3313.375,"

The motion was _____ agreed to.

SYNOPSIS

Lease purchase agreements for school facilities

R.C. 3313.375

Specifies that a school district, educational service center, or community school may enter into a lease-purchase agreement providing for the construction or improvement and eventual acquisition of facilities or improvements to facilities, including

but not limited to buildings, playgrounds, parking lots, athletic facilities, and safety enhancements. (Current law specifies that these entities may enter into a lease-purchase agreement for the acquisition of buildings or improvements to buildings, rather than facilities.)

Requires that a lease-purchase agreement must not provide for a lease for a series of one-year renewable lease terms totaling not more than the number of years equivalent to the useful life of the asset and in no event more than 30 years. (Current law requires that the agreement may not be more than a series of one-year renewable lease terms totaling more than 30 years.)

Sub. H.B. 64

As Passed by the House

_____ moved to amend as follows:

In line 89 of the title, after "3772.99," insert "3773.33, 3773.41, 3773.42,"

In line 303, after "3772.99," insert "3773.33, 3773.41, 3773.42,"

Between lines 47729 and 47730, insert:

"**Sec. 3773.33.** (A) There is hereby created the Ohio athletic commission. The commission shall consist of five voting members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be of the same political party, and two nonvoting members, one of whom shall be a member of the senate appointed by and to serve at the pleasure of the president of the senate and one of whom shall be a member of the house of representatives appointed by and to serve at the pleasure of the speaker of the house of representatives. To be eligible for appointment as a voting member, a person shall be a qualified elector and a resident of the state for not less than five years immediately preceding the person's appointment. Two voting members shall be knowledgeable in boxing~~, at least one voting member shall be knowledgeable and experienced in high school athletics, one voting member shall be knowledgeable and experienced in professional athletics, and at least one voting member shall be~~

~~knowledgeable and experienced in collegiate athletics~~ and mixed martial arts. One commission member shall hold the degree of doctor of medicine or doctor of osteopathy.

(B) No person shall be appointed to the commission or be an employee of the commission who is licensed, registered, or regulated by the commission. No member shall have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in any person who is licensed, registered, or regulated by the commission or who participates in prize fights or public boxing or wrestling matches or exhibitions. No member shall participate in any fight, match, or exhibition other than in the member's official capacity as a member of the commission, or as an inspector as authorized in section 3773.52 of the Revised Code.

(C) The governor shall appoint the voting members to the commission. Of the initial appointments, two shall be for terms ending one year after September 3, 1996, two shall be for terms ending two years after September 3, 1996, and one shall be for a term ending three years after September 3, 1996. Thereafter, terms of office shall be for three years, each term ending the same day of the same month of the year as did the term which it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office~~, or until a period of sixty days has elapsed, whichever occurs first~~.

The governor shall name one voting member as chairperson of the commission at the time of making the appointment of any member

for a full term. Three voting members shall constitute a quorum, and the affirmative vote of ~~three~~ the majority of voting members shall be necessary for any action taken by the commission. No vacancy on the commission impairs the authority of the remaining members to exercise all powers of the commission.

Voting members, when engaged in commission duties, shall receive a per diem compensation determined in accordance with division (J) of section 124.15 of the Revised Code, and all members shall receive their actual and necessary expenses incurred in the performance of their official duties.

Each voting member, before entering upon the discharge of the member's duties, shall file a surety bond payable to the treasurer of state in the sum of ten thousand dollars. Each surety bond shall be conditioned upon the faithful performance of the duties of the office, executed by a surety company authorized to transact business in this state, and filed in the office of the secretary of state.

The governor may remove any voting member for malfeasance, misfeasance, or nonfeasance in office after giving the member a copy of the charges against the member and affording the member an opportunity for a public hearing, at which the member may be represented by counsel, upon not less than ten days' notice. If the member is removed, the governor shall file a complete statement of all charges made against the member and the governor's finding on the charges in the office of the secretary of state, together with a complete report of the proceedings. The governor's decision shall be final.

Sec. 3773.41. Any person who desires to participate in a public boxing match ~~or exhibition~~, mixed martial arts event, or

any other unarmed combat sport regulated by the Ohio athletic commission as a referee, judge, matchmaker, timekeeper, or contestant, or as a manager, trainer, or second of a contestant, shall apply for a license from the Ohio athletic commission. The application shall be on forms provided by the commission. Each application shall be accompanied by the application fee prescribed in section 3773.43 of the Revised Code. The applicant shall verify the application under oath.

The commission shall prescribe the form of the application for a participant's license. The application shall include the correct and ring or assumed name, if any, of the applicant, the applicant's address, the applicant's date and place of birth, the applicant's occupation, and a copy of the applicant's win and loss record as a contestant, if applicable.

~~An application for a contestant's license shall also include a certified copy of the results of a physical examination of the applicant that a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife conducted not more than sixty days prior to the filing of the application.~~

Sec. 3773.42. Upon the proper filing of an application for a referee's, judge's, matchmaker's, timekeeper's, manager's, trainer's, contestant's, or second's license and payment of the applicable application fee, the Ohio athletic commission shall issue the license to the applicant if it determines that the applicant is of good moral character, is not likely to engage in acts detrimental to the fair and honest conduct of public boxing matches ~~or exhibitions~~, mixed martial arts events, or any other unarmed combat sports regulated by the commission, and is qualified to hold such a license by reason of the applicant's

knowledge and experience.

A person shall not be determined to possess the knowledge and experience necessary to qualify that person to hold a referee's license unless all of the following conditions are met:

(A) The person has completed such referee training requirements as the commission prescribes by rule;

(B) The person possesses such experience requirements as the commission prescribes by rule~~;~~.

(C) ~~The person has obtained a passing grade on an examination administered by the commission and designed to test the examinee's knowledge of the rules of the particular sport that the person seeks to referee, the commission's rules applicable to the conduct of matches and exhibitions in the particular sport that the person seeks to referee, and such other aspects of officiating as the commission determines appropriate to its determination as to whether the applicant possesses the qualifications and capabilities to act as a referee~~.

The commission shall issue a referee's license to each person who meets the requirements of divisions (A) ~~to (C)~~ and (B) of this section.

If upon the proper filing of an application for a contestant's license the commission determines that the applicant is of good moral character, is not likely to engage in acts detrimental to the conduct of public boxing matches ~~or exhibitions~~, mixed martial arts events, or any other unarmed combat sports regulated by the commission, and possesses sufficient knowledge and experience ~~and, in the opinion of the licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified~~

~~nurse-midwife who examined the applicant pursuant to section 3773.41 of the Revised Code, is physically fit to engage in public boxing matches or exhibitions~~, the commission shall issue the license to the applicant.

Each license issued pursuant to this section shall bear the correct name ~~and ring,~~ or assumed name, if any, of the licensee, the address of the licensee, the date of issue, and a ~~serial~~ number designated by the commission~~, the seal of the commission, and the signature of the commission chairperson~~.

A license issued pursuant to this section shall expire twelve months after its date of issue unless renewed. Upon application for renewal and payment of the renewal fee prescribed in section 3773.43 of the Revised Code, the commission shall renew the license unless it denies the application for one or more reasons stated in section 3123.47 or 3773.53 of the Revised Code. ~~If the application is for renewal of a contestant's license, the commission shall also require the applicant to submit the results of a physical examination that a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife conducted not more than sixty days prior to the date of the application.~~"

In line 84112, after "3772.99," insert "3773.33, 3773.41, 3773.42,"

The motion was _____ agreed to.

SYNOPSIS

Athletic Commission Membership

R.C. 3773.33, 3773.41, and 3773.42

Alters the membership of the Ohio Athletic Commission by removing the requirement that one member be knowledgeable in high school athletics, one member be knowledgeable in professional athletics, and one member be knowledgeable in collegiate athletics, leaving those appointments up to the discretion of the Governor.

Replaces the requirement that two members of the Commission be knowledgeable in boxing with a requirement that two members be knowledgeable in boxing and mixed martial arts.

Enables a Commission member whose term has ended to continue to serve as a commissioner until a replacement has been appointed for an indefinite period, as opposed to a current maximum of 60 days.

Specifies that a majority of voting members is needed for any action to be taken by the Commission, as opposed to three of the five voting members current law (does not appear to be a substantive change).

Specifies that individuals participating in mixed martial arts events or other unarmed combat sports overseen by the Commission are subject to licensing requirements.

Removes the requirement that a person wishing to participate as a contestant in an event overseen by the Commission submit with the license application a certified copy of a physical examination.

Removes the requirement that a person seeking a referee's license pass an examination administered by the Commission.

Sub. H.B. 64

As Passed by the House

_____ moved to amend as follows:

In line 19 of the title, after "340.15," insert "349.01, 349.03, 349.04, 349.06, 349.07, 349.14,"

In line 252, after "340.15," insert "349.01, 349.03, 349.04, 349.06, 349.07, 349.14,"

Between lines 12110 and 12111, insert:

"**Sec. 349.01.** As used in this chapter:

(A) "New community" means a community or ~~an addition~~ development of property in relation to an existing community planned ~~pursuant to this chapter~~ so that ~~it~~ the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

~~In the case of a new community authority established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, "new community" may mean a community or development of property planned under this chapter in relation to an existing community so that the community includes facilities for the conduct of community activities, and is~~

~~designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities for the community.~~

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

~~In the case of a new community authority established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, a~~ A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to

acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof. ~~In the case of a new community authority established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, "developer~~ "Developer" may also mean a person, municipal corporation, county, or port authority that controls land within a new community district through leases of at least ~~forty~~ seventy-five years' duration.

(F) "Organizational board of commissioners" means the following:

(1) For a new community district that is located in only one county, the board of county commissioners of that county;

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; or

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and

grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I)~~(1)~~ "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities, or other community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and steam, gas, or electric lines or installation.

~~(2) In the case of a new community authority established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, "community facilities" may mean, in addition to the facilities authorized in division (I)(1) of this section, any community facilities that are owned,~~

~~operated, financed, constructed, or maintained for, relating to, or in furtherance of community activities, including, but not limited to, town buildings or other facilities, health care facilities including, but limited to, hospital facilities, and off-street parking facilities.~~

(J) "Cost" as applied to a new community development program means all costs related to land acquisition and land development, the acquisition, construction, maintenance, and operation of community facilities and offices of the community authority, and of providing furnishings and equipment therefor, financing charges including interest prior to and during construction and for the duration of the new community development program, planning expenses, engineering expenses, administrative expenses including working capital, and all other expenses necessary and incident to the carrying forward of the new community development program.

(K) "Income source" means any and all sources of income to the community authority, including community development charges of which the new community authority is the beneficiary as provided in section 349.07 of the Revised Code, rentals, user fees and other charges received by the new community authority, any gift or grant received, any moneys received from any funds invested by or on behalf of the new community authority, and proceeds from the sale or lease of land and community facilities.

(L) "Community development charge" means:

(1) A dollar amount which shall be determined on the basis of the assessed valuation of real property or interests in real property in a new community district <u>owned,</u> sold, leased, or otherwise conveyed by the developer or the new community authority, the income of the residents of such property subject to such charge under section 349.07 of the Revised Code, if such

property is devoted to residential uses or to the profits, gross receipts, or other revenues of any business including, but not limited to, rentals received from leases of real property located in the district, a uniform or other fee on each parcel of such real property ~~originally~~ owned, sold, leased, or otherwise conveyed by the developer or new community authority, or any combination of the foregoing bases.

(2) ~~For a new community authority that is established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, "community development charge" includes, in addition to the charges authorized in division (L)(1) of this section, a charge determined on the basis of all or a part of the income of the residents of real property within the new community district if such property is devoted to residential uses, or all or a part of the profits, gross receipts, or other revenues of any business operating in the new community district, including, but not limited to, rentals received from leases of real property located in the district.~~ If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code.

(M) "Proximate city" means the following:

(1) For a new community district other than a new community district described in division (M)(2) or (3) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new community district is located, is the city with the greatest

population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district.

~~In the case of a new community authority that is established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, "proximate city" may mean a~~ (2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located~~, or~~.

(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of ~~that~~ filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities.

Sec. 349.03. (A) Proceedings for the organization of a new community authority shall be initiated by a petition filed by the developer in the office of the clerk of the organizational board of ~~county~~ commissioners ~~of one of the counties in which all or part of the proposed new community district is located~~. Such petition shall be signed by the developer and may be signed by each proximate city. The legislative authorities of each such

proximate city shall act in behalf of such city. Such petition shall contain:

(1) The name of the proposed new community authority;

(2) The address where the principal office of the authority will be located or the manner in which the location will be selected;

(3) A map and a full and accurate description of the boundaries of the new community district together with a description of the properties within such boundaries, if any, which will not be included in the new community district.

The total acreage included in such district shall not be less than one thousand acres, all of which acreage shall be owned by, or under the control through leases of at least seventy-five years' duration, options, or contracts to purchase, of the developer, if the developer is a private entity unless one of the following applies:

(a) The district is wholly contained within municipal corporations.

(b) ~~In the case of a new community authority that is established within three years after the effective date of H.B. 225 of the 129th general assembly, more~~ More than one-half of the proposed district is, at the time of filing the petition under this section ~~349.03 of the Revised Code~~, contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code.

~~The acreage included in a proposed district shall be developable as one functionally interrelated community. In the case of a new community authority established on or after July 7, 2010, and before January 1, 2012, such leases may be of not less~~

~~than forty years' duration, and the acreage may be developable so that the community is one functionally interrelated community.~~

(4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor;

(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community;

(6) A suggested number of members, consistent with section 349.04 of the Revised Code, for the board of trustees;

(7) A preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed new community district size, present and future socio-economic conditions, public services provision, financial plan, and the developer's management capability;

(8) A statement that the development will comply with all applicable environmental laws and regulations.

Upon the filing of such petition, the organizational board of commissioners shall determine whether such petition complies with the requirements of this section as to form and substance. The board in subsequent proceedings may at any time permit the

petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the proposed new community district or in any other particular.

Upon the determination of the organizational board of commissioners that a sufficient petition has been filed in accordance with this section, the board shall fix the time and place of a hearing on the petition for the establishment of the proposed new community authority. Such hearing shall be held not less than ninety-five nor more than one hundred fifteen days after the petition filing date, except that if the petition has been signed by all proximate cities or if the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, such hearing shall be held not less than thirty nor more than forty-five days after the petition filing date. The clerk of the organizational board of ~~county~~ commissioners with which the petition was filed shall give notice thereof by publication once each week for three consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in any county of which a portion is within the proposed new community district. ~~Such~~ Except where the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, such clerk shall also give written notice of the date, time, and place of the hearing and furnish a certified copy of the petition to the clerk of the legislative authority of each proximate city which has not signed such petition. ~~In~~ Except where the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, in the event that the legislative authority of a proximate city which did not sign the petition does not approve by ordinance, resolution, or motion the establishment of the

proposed new community authority and does not deliver such ordinance, resolution, or motion to the clerk of the organizational board of ~~county~~ commissioners with which the petition was filed within ninety days following the date of the first publication of the notice of the public hearing, the organizational board of commissioners shall cancel such public hearing and terminate the proceedings for the establishment of the new community authority.

Upon the hearing, if the organizational board of commissioners determines by resolution that the proposed new community district will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community, the board shall by its resolution, ~~entered of record in its journal and the journal of the board of county commissioners with which the petition was filed,~~ declare the new community authority to be organized and a body politic and corporate with the corporate name designated in the resolution, and define the boundary of the new community district. In addition, the resolution shall provide the method of selecting the board of trustees of the new community authority and fix the surety for their bonds in accordance with section 349.04 of the Revised Code.

If the organizational board of commissioners finds that the establishment of the district will not be conducive to the public health, safety, convenience, or welfare, or is not intended to result in the development of a new community, it shall reject the petition thereby terminating the proceedings for the establishment of the new community authority.

(B) At any time after the creation of a new community authority, the developer may file an application with the clerk of the organizational board of ~~county~~ commissioners ~~of the county in~~

with which the original petition was filed, setting forth a general description of territory it desires to add or to delete from such district, that such change will be conducive to the public health, safety, convenience, and welfare, and will be consistent with the development of a new community and will not jeopardize the plan of the new community. If the developer is not a municipal corporation, port authority, or county, all of such an addition to such a district shall be owned by, or under the control through leases of at least seventy-five years' duration, options, or contracts to purchase, of the developer. ~~In the case of a new community authority established on or after July 7, 2010, and before January 1, 2012, such leases may be of not less than forty years' duration.~~ Upon the filing of the application, the organizational board of commissioners shall follow the same procedure as required by this section in relation to the petition for the establishment of the proposed new community.

(C) If all or any part of the new community district is annexed to one or more existing municipal corporations, their legislative authorities may appoint persons to replace any appointed citizen member of the board of trustees. The number of such trustees to be replaced by the municipal corporation shall be the number, rounded to the lowest integer, bearing the proportionate relationship to the number of existing appointed citizen members as the acreage of the new community district within such municipal corporation bears to the total acreage of the new community district. If any such municipal corporation chooses to replace an appointed citizen member, it shall do so by ordinance, the term of the trustee being replaced shall terminate thirty days from the date of passage of such ordinance, and the trustee to be replaced shall be determined by lot. Each newly appointed member shall assume the term of the member's

predecessor.

Sec. 349.04. The following method of selecting a board of trustees is deemed to be a compelling state interest. Within ten days after the new community authority has been established, as provided in section 349.03 of the Revised Code, an initial board of trustees shall be appointed as follows: the organizational board of commissioners shall appoint by resolution at least three, but not more than six, citizen members of the board of trustees to represent the interests of present and future residents and employers of the new community district and one member to serve as a representative of local government, and the developer shall appoint a number of members equal to the number of citizen members to serve as representatives of the developer. ~~In the case of a new community authority established within three years after March 22, 2012, the citizen members may represent present and future employers within the new community district and any present or future residents of the district.~~

Members shall serve two-year overlapping terms, with two of each of the initial citizen and developer members appointed to serve initial one-year terms. The organizational board of commissioners shall adopt, by further resolution adopted within one year of such resolution establishing such initial board of trustees, a method for selection of successor members thereof which determines the projected total population of the projected new community and meets the following criteria:

(A) The appointed citizen members shall be replaced by elected citizen members according to a schedule established by the organizational board of commissioners calculated to achieve one such replacement each time the new community district gains a proportion, having a numerator of one and a denominator of twice

the number of citizen members, of its projected total population until such time as all of the appointed citizen members are replaced.

(B) Representatives of the developer shall be replaced by elected citizen members according to a schedule established by the organizational board of commissioners calculated to achieve one such replacement each time the new community district gains a proportion, having a numerator of one and a denominator equal to the number of developer members, of its projected total population until such time as all of the developer's representatives are replaced.

(C) The representative of local government shall be replaced by an elected citizen member at the time the new community district gains three-quarters of its projected total population.

Elected citizen members of the board of trustees shall be elected by a majority of the residents of the new community district voting at elections held at the times and in the manner provided in a resolution of the organizational board of commissioners. Each citizen member except an appointed citizen member shall be a qualified elector who resides within the new community district. The organizational board of commissioners, by resolution, may adopt an alternative method of selecting or electing successor members of the board of trustees provided that if an alternative method of selection is adopted for a new community authority organized prior to March 22, 2012, the board of trustees of that authority shall be limited in the collection of a community development charge, collected pursuant to division (Q) of section 349.06 of the Revised Code, and the issuance of bonds or notes, issued pursuant to section 349.08 of the Revised Code, to the amount or to the extent otherwise permitted for a

board of trustees whose members are not elected by residents of the new community district. If the alternative method provides for the election of citizen members, the elections may be held at the times and in the manner provided in the petition or in a resolution of the organizational board of commissioners, and the elected citizen members shall be qualified electors who reside in the new community district.

Citizen members shall not be employees of or have financial interest in the developer. If a vacancy occurs in the office of a member other than a member appointed by the developer, the organizational board of commissioners may appoint a successor member for the remainder of the unexpired term. Any appointed member of the board of trustees may at any time be removed by the organizational board of commissioners for misfeasance, nonfeasance, or malfeasance in office. Members appointed by the developer may also at any time be removed by the developer without a showing of cause.

Each member of the board of trustees, before entering upon official duties, shall take and subscribe to an oath before an officer authorized to administer oaths in Ohio that the member will honestly and faithfully perform the duties of the member's office. Such oath shall be filed in the office of the clerk of the organizational board of ~~county~~ commissioners ~~in~~ with which the petition was filed. Upon taking the oath, the board of trustees shall elect one of its number as chairperson and another as vice-chairperson, and shall appoint suitable persons as secretary and treasurer who need not be members of the board. The treasurer shall be the fiscal officer of the authority. The board shall adopt by-laws governing the administration of the affairs of the new community authority. Each member of the board shall post a bond for the faithful performance of official duties and give

surety therefor in such amount, but not less than ten thousand dollars, as the resolution creating such board shall prescribe.

All of the powers of the new community authority shall be exercised by its board of trustees, but without relief of such responsibility, such powers may be delegated to committees of the board or its officers and employees in accordance with its by-laws. A majority of the board shall constitute a quorum, and a concurrence of a majority of a quorum in any matter within the board's duties is sufficient for its determination, provided a quorum is present when such concurrence is had and a majority of those members constituting such quorum are trustees not appointed by the developer. All trustees shall be empowered to vote on all matters within the authority of the board of trustees, and no vote by a member appointed by the developer shall be construed to give rise to civil or criminal liability for conflict of interest on the part of public officials.

Sec. 349.06. In furtherance of the purposes of this chapter, a new community authority may:

(A) Acquire by purchase, lease, gift, or otherwise, on such terms and in such manner as it considers proper, real and personal property or any estate, interest, or right therein, within or without the new community district;

(B) Improve, maintain, sell, lease or otherwise dispose of real and personal property and community facilities, on such terms and in such manner as it considers proper;

(C) Landscape and otherwise aesthetically improve areas within the new community district, including but not limited to maintenance, landscaping and other community improvement services;

(D) Provide, engage in, or otherwise sponsor recreational,

educational, health, social, vocational, cultural, beautification, and amusement activities and related services primarily for residents of ~~the district. In the case of a new community authority established within three years after the effective date of H.B. 225 of the 129th general assembly, such activities and services may be for residents of~~, visitors to, employees working within, or employers operating businesses in the district, or any combination thereof.

(E) Fix, alter, impose, collect and receive service and user fees, rentals, and other charges to cover all costs in carrying out the new community development program;

(F) Adopt, modify, and enforce reasonable rules and regulations governing the use of community facilities;

(G) Employ such managers, administrative officers, agents, engineers, architects, attorneys, contractors, sub-contractors, and employees as may be appropriate in the exercise of the rights, powers and duties conferred upon it, prescribe the duties and compensation for such persons, require bonds to be given by any such persons and by officers of the authority for the faithful performance of their duties, and fix the amount and surety therefor; and pay the same;

(H) Sue and be sued in its corporate name;

(I) Make and enter into all contracts and agreements and execute all instruments relating to a new community development program, including contracts with the developer and other persons or entities related thereto for land acquisition and land development; acquisition, construction, and maintenance of community facilities; the provision of community services and management and coordinating services; with federal, state, interstate, regional, and local agencies and political

subdivisions or combinations thereof in connection with the financing of such program, and with any municipal corporation or other public body, or combination thereof, providing for the acquisition, construction, improvement, extension, maintenance or operation of joint lands or facilities or for the provision of any services or activities relating to and in furtherance of a new community development program, including the creation of or participation in a regional transit authority created pursuant to the Revised Code;

(J) Apply for and accept grants, loans or commitments of guarantee or insurance including any guarantees of community authority bonds and notes, from the United States, the state, or other public body or other sources, and provide any consideration which may be required in order to obtain such grants, loans or contracts of guarantee or insurance. Such loans or contracts of guarantee or insurance may be evidenced by the issuance of bonds as provided in section 349.08 of the Revised Code;

(K) Procure insurance against loss to it by reason of damage to its properties resulting from fire, theft, accident, or other casualties, or by reason of its liability for any damages to persons or property occurring in the construction or operation of facilities or areas under its jurisdiction or the conduct of its activities;

(L) Maintain such funds or reserves as it considers necessary for the efficient performance of its duties;

(M) Enter agreements with the boards of education of any school districts in which all or part of the new community district lies, whereby the community authority may acquire property for, may construct and equip, and may sell, lease, dedicate, with or without consideration, or otherwise transfer

lands, schools, classrooms, or other facilities, whether or not within the new community district, from the authority to the school district for school and related purposes;

(N) Prepare plans for acquisition and development of lands and facilities, and enter into agreements with city, county, or regional planning commissions to perform or obtain all or any part of planning services for the new community district;

(O) Engage in planning for the new community district, which may be predominantly residential and open space, and prepare or approve a development plan or plans therefor, and engage in land acquisitions and land development in accordance with such plan or plans;

(P) Issue new community authority bonds and notes and community authority refunding bonds, payable solely from the income source provided in section 349.08 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of paying any part of the cost as applied to the new community development program or parts thereof;

(Q) Enforce any covenants running with the land of which the new community authority is the beneficiary, including but not limited to the collection by any and all appropriate means of any community development charge deemed to be a covenant running with the land and enforceable by the new community authority pursuant to section 349.07 of the Revised Code; and to waive, reduce, or terminate any community development charge of which it is the beneficiary to the extent not needed for any of the purposes provided in section 349.07 of the Revised Code, the procedure for which shall be provided in such covenants, and if new community authority bonds have been issued pledging any such community development charge, to the extent not prohibited in the resolution

authorizing the issuance of such new community authority bonds or the trust agreement or indenture of mortgage securing the bonds;

(R) Appropriate for its use, under sections 163.01 to 163.22 of the Revised Code, any land, easement, rights, rights-of-way, franchises, or other property in the new community district required by the authority for community facilities. The authority may not so appropriate any land, easement, rights, rights-of-way, franchises, or other property that is not included in the new community district.

(S) ~~In the case of a new community authority established within three years after the effective date of H.B. 225 of the 129th general assembly, enter~~ Enter into any agreements as may be necessary, appropriate, or useful to support a new community development program, including, but not limited to, cooperative agreements or other agreements with political subdivisions for services, materials, or products; for the administration, calculation, or collection of community development charges; or for sharing of revenue derived from community development charges, community facilities, or other sources. The agreements may be made with or without consideration as the parties determine.

Sec. 349.07. Notwithstanding any other rule of law, any covenant or agreement in deeds, land contracts, leases and any other instruments or conveyance by which real estate or any interest in real estate is conveyed by or to the developer or by the new community authority to any person or entity, including the developer, whereby such person or entity agrees, by acceptance of any such instrument of conveyance containing said covenant of agreement, to pay annually or semiannually a community development charge for the benefit and use of the new community authority to cover all or part of the cost of the acquisition, construction,

operation and maintenance of land, land development and community facilities, the debt service thereof and any other cost incurred by the authority in the exercise of the powers granted by Chapter 349. of the Revised Code shall be deemed to be a covenant running with the land and shall, in any event and without regard to technical classification, after such instrument has been duly recorded in the land records of the county, be fully binding on behalf of and enforceable by the new community authority against each such person or entity and all successors and assigns of the property conveyed by such instrument of conveyance.

No purchase agreement for any real estate or interest in real estate upon which a community development charge exists by reason of a covenant running with the land shall be enforceable by the seller or binding upon the purchaser unless such purchase agreement specifically refers to such community development charge and identifies the volume and page number of the deed records of the county in which the covenant running with the land establishing such community development charge is recorded, provided that in the event a conveyance of such real estate or interest in real estate is made pursuant to a purchase agreement which does not make such reference and identification, the covenant shall continue to be deemed to be a covenant running with the land fully binding on behalf of and enforceable by the community authority against such person or entity accepting the conveyance pursuant to such purchase agreement.

~~When any community development charge is not paid when due, the~~ The new community authority may certify the community development charge to the county auditor, who shall enter the unpaid charge on the tax list and duplicates of real property opposite the parcel against which it is charged, and certify the charge to the county treasurer. An unpaid community development

charge is a lien on property against which it is charged from the date the charge is entered on the tax list, and shall be collected in the manner provided for the collection of real property taxes. Once the charge is collected, it shall be paid immediately to the new community district.

No community development charge established pursuant to this chapter shall be construed as prohibiting or limiting the taxing power of municipal corporations.

Sec. 349.14. Except as provided in section 349.03 of the Revised Code, or as otherwise provided in a resolution adopted by the organizational board of commissioners of a new community authority ~~established within three years after the effective date of H.B. 225 of the 129th general assembly~~, a new community authority organized under this chapter may be dissolved only on the vote of a majority of the voters of the new community district at a special election called by the board of trustees on the question of dissolution. Such an election may be called only after the board has determined that the new community development program has been completed, when no community authority bonds or notes are outstanding, and other legal indebtedness of the authority has been discharged or provided for, and only after there has been filed with the board of trustees a petition requesting such election, signed by a number of qualified electors residing in the new community district equal to not less than eight per cent of the total vote cast for all candidates for governor in the new community district at the most recent general election at which a governor was elected. If a majority of the votes cast favor dissolution, the board of trustees shall, by resolution, declare the authority dissolved and thereupon the community authority shall be dissolved. A certified copy of the

resolution shall, within fifteen days after its adoption, be filed with the clerk of the organizational board of ~~county~~ commissioners of the county ~~in~~ with which the petition for the organization of the new community authority was filed.

Upon dissolution of a new community authority, the powers thereof shall cease to exist. Any property of the new community authority shall vest with a municipal corporation, county, or township in which that property is located ~~within the corporate limits of a municipality shall vest in that municipal corporation and all other property of the community authority shall vest in the county in which said property is located. In the case of a new community authority established within three years after the effective date of H.B. 225 of the 129th general assembly, such property not vested in a municipal corporation may also be vested in the township where the property is located,~~ or with the developer of the new community authority or the developer's designee, all as provided in a resolution adopted by the organizational board of commissioners. Any vesting of property in a municipal corporation, township, or county shall be subject to acceptance of the property by resolution of the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners, as applicable. If the legislative authority of a municipal corporation, board of township trustees, or board of county commissioners declines to accept the property, the property vests with the developer or the developer's designee. Any funds of the community authority at the time of dissolution shall be transferred to the municipal corporation and county or township, as provided in a resolution, in which the new community district is located in the proportion to the assessed valuation of taxable real property of the new community authority within such municipal corporation and township

or county ~~or township~~ as said valuation appears on the current assessment rolls."

In line 84061, after "340.15," insert "349.01, 349.03, 349.04, 349.06, 349.07, 349.14,"

Between lines 97571 and 97572, insert:

"**Section 703.____.** The amendments to sections 349.01, 349.03, 349.04, 349.06, 349.07, and 349.14 of the Revised Code enacted by this act apply to any proceedings commenced after the amendments' effective date, and, so far as their provisions support the actions taken, also apply to proceedings that on their effective date are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, ordinance, order, advertisement, notice, or other proceeding. Any proceedings pending or in progress on the effective date of those amendments shall be deemed to have been taken in conformity with the amendment."

The motion was _____ agreed to.

SYNOPSIS

New community authorities

R.C. 349.01, 349.03, 349.04, 349.06, 349.07, and 349.14; Section 703.____

Eliminates or makes permanent provisions that applied only to new community authorities established between March 22, 2012, and March 22, 2015.

Includes telecommunications facilities in the definition of "community facility."

Requires that proceedings for the organization of a new community authority be initiated by the developer filing a petition in the office of the clerk of the organizational board of commissioners, instead of with the clerk of the board of county commissioners of one of the counties in which all or part of the proposed new community district is located, as under current law. Similarly shifts various roles from the former to the latter.

Eliminates the requirement that the acreage included in a proposed district be developable as one functionally interrelated community.

Specifies that, if the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, then: (1) the required hearing on the petition for the establishment of the proposed new community authority must be held not less than 30 nor more than 45 days after the petition filing date, and (2) the clerk of the board is not required to provide written notice of the date, time, and place of the hearing or to furnish a certified copy of the petition to the clerk of the legislative authority of each proximate city which has not signed the petition.

Requires the clerk of the organizational board of commissioners with which the petition was filed, rather than of the board of county commissioners as under current law, to give notice of a public hearing on the petition for the establishment of the proposed new community authority.

Eliminates the requirement that the organizational board of commissioners' resolution be entered of record in its journal and the journal of the board of county commissioners with which a petition was filed.

Removes the requirement that, in order to certify a community

development charge for inclusion on the tax list, the charge was not paid when due.

Specifies that the property of a new community authority, upon dissolution, may be vested in a municipal corporation only upon acceptance of the property by resolution of the legislative authority of the municipal corporation.

Specifies that the amendments apply to any proceedings commenced after the effective date of the amendments and, so far as their provisions support the actions taken, also apply to proceedings that on their effective date are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, ordinance, order, advertisement, notice, or other proceeding.

Specifies that any proceedings pending or in progress on the effective date of the amendments are to be deemed to have been taken in conformity with the amendments.

SC2888X1

Sub. H.B. 64
LSC 131 0001-4

_____ moved to amend as follows:

In line 93595, delete "$5,400,000 $4,650,000" and insert "$5,650,000 $4,900,000"

In lines 93614 and 93640, add $250,000 to each fiscal year

Between lines 94581 and 94582, insert:

"Of the foregoing appropriation item 235533, Higher Education Program Support, $250,000 in each fiscal year shall be used by The Ohio State University to support its hosting of the annual Special Olympics Ohio Summer Games."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 369.10 and 369.313

Increases GRF appropriation item 235533, Higher Education Program Support, by $250,000 in each fiscal year and earmarks the same amount to be used by The Ohio State University to support its hosting of the annual Special Olympics Ohio Summer Games.

SC2983

Sub. H.B. 64
As Passed by the House

_____ moved to amend as follows:

Between lines 90457 and 90458, insert:

"Of the foregoing appropriation item 440477, Emergency Preparation and Response, $900,000 in each fiscal year shall be used for local public health emergency response and training activities. Local board of health emergency declarations and requests for local public health emergency response reimbursement and training shall be submitted to the Ohio Public Health Advisory Board and reviewed at their next regularly scheduled meeting. A majority of Board members present at the following meeting will decide by a majority vote the funding amounts for local activities. The Department shall prepare payment to the local health department in the amount prescribed by the Board."

In line 90459, after "shall" insert "also"

The motion was _____ agreed to.

SYNOPSIS

Department of Health

Section 289.20

Requires that $900,000 from GRF appropriation item 440477, Emergency Preparation and Response, be used for local public health emergency response and training activities in each fiscal year.

Requires local board of health emergency declarations and requests for local public health emergency response reimbursement and training to be submitted to the Ohio Public Health Advisory Board and reviewed at their next regularly scheduled meeting. Requires that a majority of Board members present at the following meeting will decide by a majority vote the funding amounts for local activities. Requires the Department to prepare payment to the local health department in the amount prescribed by the Board.

SC3492

Sub. H.B. 64
As Passed by the House

_____ moved to amend as follows:

In line 169 of the title, after "3313.721," insert "3314.39,"

In line 361, after "3313.721," insert "3314.39,"

Between lines 31088 and 31089, insert:

"**Sec. 3314.39.** (A) A five-year parental engagement pilot project is hereby established at the community school known as DECA prep. The pilot project is a research and development initiative to study the impact of required parental engagement for low-performing students and shall provide additional educational opportunities to students and coaching for parents. The pilot project shall begin with the 2016-2017 school year and shall operate through the 2020-2021 school year.

(B) Under the pilot project, DECA prep shall work together with an institution of higher education in the state to design and perform a five-year study on the pilot project.

(C) Any funds appropriated by the general assembly for the pilot project established under this section shall be used to pay for additional teaching resources to provide additional educational opportunities to students and coaching for parents on Saturdays and nonschool hours throughout the week.

The auditor of state shall administer program and certify to the director of budget and management the amounts to be paid to DECA prep for purposes of this section. The auditor of state shall certify amounts based on conditions that the auditor of state develops jointly with the department of education and DECA prep.

(D) Notwithstanding anything to the contrary in this chapter, DECA prep may require parents of students identified as low-performing, to agree to attend coaching classes and ensure that their children complete the additional requirements under the pilot project as a condition of enrollment. A student whose parent fails to comply with the agreement shall not be offered admission to the school for the following school year.

(E) Any additional resources and academic support provided under this section shall supplement and not replace academic interventions or accommodations otherwise required and provided under other provisions of law, including, but not limited to, an individualized education program under Chapter 3323. of the Revised Code.

(F) As used in this section:

(1) "DECA prep" means Dayton early college academy preparatory, incorporated.

(2) The governing authority of DECA prep shall determine if a student is "low-performing" for purposes of this section using special assessments.

(3) "Parent" has the same meaning as in section 3313.98 of the Revised Code."

Between lines 85660 and 85662, insert:

"DAYTON EARLY COLLEGE ACADEMY PREP, INC. PILOT PROJECT

Of the foregoing appropriation item 070602, Public Audit Expense – Local Government, up to $100,000 in each fiscal year shall be used to fund a pilot project for the Dayton Early College Academy Prep, Inc. (DECA Prep, Inc.). The pilot project shall examine the effect of mandated parental engagement for lower performing students. The Auditor of State, in conjunction with the Superintendent of Public Instruction and DECA Prep, Inc., shall develop the parameters of the pilot project and conditions necessary for the disbursement of funds."

The motion was _____ agreed to.

SYNOPSIS

Parental Engagement Pilot Program

R.C. 3314.39

Establishes the five-year Parental Engagement Pilot Program with the Dayton Early College Academy Prep, Inc. (DECA Prep) community school to provide and study the effects of parent engagement on the performance of low-performing students.

Requires the Auditor of State to administer the pilot program and certify the additional amounts of funding to be paid to the community school.

Requires DECA Prep to enter into an agreement with an institution of higher education in the state to design and perform a five-year study on the pilot project.

Authorizes DECA Prep to require parents of students identified as low-performing to agree to attend coaching classes and ensure that their children complete the additional requirements under the pilot project as a condition of enrollment.

Specifies that a parent's failure to comply with the requirements of the agreement will result in the school's denial of the student's enrollment for the following school year.

Auditor of State

Section 223.10

Earmarks up to $100,000 in each fiscal year from appropriation item 070602, Public Audit Expense – Local Government, to be used to develop and fund a pilot project for the Dayton Early College Academy Prep, Inc. (DECA Prep, Inc.) that examines the effects of mandated parental engagement for lower performing students. Requires the Auditor of State, in conjunction with the Superintendent of Public Instruction and DECA Prep, to develop the parameters of the project and guidelines for the disbursement of the money.

Sub. H.B. 64

As Passed by the House

_____ moved to amend as follows:

In line 139 of the title, after "5725.22," insert "5725.33,"; after "5726.50," insert "5726.54,"

In line 141 of the title, after "5727.86," insert "5729.16,"; after "5733.0610," insert "5733.58,"

In line 339, after "5725.22," insert "5725.33,"; after "5726.50," insert "5726.54,"

In line 341, after "5727.86," insert "5729.16,"; after "5733.0610," insert "5733.58,"

Between lines 70774 and 70775, insert:

"**Sec. 5725.33.** (A) Except as otherwise provided in this section, terms used in this section have the same meaning as section 45D of the Internal Revenue Code, any related proposed, temporary or final regulations promulgated under the Internal Revenue Code, any rules or guidance of the internal revenue service or the United States department of the treasury, and any related rules or guidance issued by the community development financial institutions fund of the United States department of the treasury, as such law, regulations, rules, and guidance exist on October 16, 2009.

As used in this section:

(1) "Adjusted purchase price" means the amount paid for the portion of a qualified equity ~~investments multiplied by the qualified low-income community investments made by the issuer in projects located in this state as a percentage of the total amount of qualified low-income community investments made by the issuer in projects located in all states on the credit allowance date during the applicable tax year, subject to divisions (B)(1) and (2)~~ investment approved or certified by the director of development services for a qualified community development entity in accordance with rules adopted under division (E) of this section.

(2) "Applicable percentage" means zero per cent for each of the first two credit allowance dates, seven per cent for the third credit allowance date, and eight per cent for the four following credit allowance dates.

(3) "Credit allowance date" means the date, on or after January 1, 2010, a qualified equity investment is made and each of the six anniversary dates thereafter. For qualified equity investments made after October 16, 2009, but before January 1, 2010, the initial credit allowance date is January 1, 2010, and each of the six anniversary dates thereafter is on the first day of January of each year.

(4) "Qualified active low-income community business" excludes any business that derives or projects to derive fifteen per cent or more of annual revenue from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its

gross annual revenue from the rental or sale of real property.

(5) "Qualified community development entity" includes only entities:

(a) That have entered into an allocation agreement with the community development financial institutions fund of the United States department of the treasury with respect to credits authorized by section 45D of the Internal Revenue Code;

(b) Whose service area includes any portion of this state; and

(c) That will designate an equity investment in such entities as a qualified equity investment for purposes of both section 45D of the Internal Revenue Code and this section.

(6) "Qualified equity investment" is limited to an equity investment in a qualified community development entity that:

(a) Is acquired after October 16, 2009, at its original issuance solely in exchange for cash;

(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments <u>in qualified active low-income community businesses in this state</u>, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments <u>in those businesses</u>; and

(c) Is designated by the issuer as a qualified equity investment.

"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a

qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price ~~of qualified low-income community investments~~, subject to divisions (B)(1) and (2) of this section:

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income community investment in this state within twelve months of the receipt of such capital. If the qualified low-income community investment is sold or repaid after the sixth anniversary of the issuance of the qualified equity investment, the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance.

(2) The qualified low-income community investment made in this state shall equal the sum of the qualified low-income

community investments in each qualified active low-income community business in this state, not to exceed two million five hundred sixty-four thousand dollars, in which the qualified community development entity invests, including such investments in any such businesses in this state related to that qualified active low-income community business through majority ownership or control.

The credit shall be claimed in the order prescribed by section 5725.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing years.

By claiming a tax credit under this section, an insurance company waives its rights under section 5725.222 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (E) of this section.

(C) The amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed the amount, estimated by the director of development, that would cause the total amount of credits allowed each fiscal year to exceed ten million dollars, computed without regard to the potential for taxpayers to carry tax credits forward to later years.

(D) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development services determines that an investment for which a tax credit is claimed

under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community investments other than in a qualified active low-income community business in this state, all or a portion of the credit received on account of that investment shall be paid by the insurance company that received the credit to the superintendent of insurance. The amount to be recovered shall be determined by the director of development services pursuant to rules adopted under division (E) of this section. The director shall certify any amount due under this division to the superintendent of insurance, and the superintendent shall notify the treasurer of state of the amount due. Upon notification, the treasurer shall invoice the insurance company for the amount due. The amount due is payable not later than thirty days after the date the treasurer invoices the insurance company. The amount due shall be considered to be tax due under section 5725.18 of the Revised Code, and may be collected by assessment without regard to the time limitations imposed under section 5725.222 of the Revised Code for the assessment of taxes by the superintendent. All amounts collected under this division shall be credited as revenue from the tax levied under section 5725.18 of the Revised Code.

(E) The tax credits authorized under this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall be administered by the department of development services. The director of development services, in consultation with the tax commissioner and the superintendent of insurance, pursuant to Chapter 119. of the Revised Code, shall adopt rules for the administration of this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code. The rules shall provide for determining the recovery of credits under division (D) of this

section and under sections 5726.54, 5729.16, and 5733.58 of the Revised Code, including prorating the amount of the credit to be recovered on any reasonable basis, the manner in which credits may be allocated among claimants, and the amount of any application or other fees to be charged in connection with a recovery.

(F) There is hereby created in the state treasury the new markets tax credit operating fund. The director of development services is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code. Any such fees collected shall be credited to the fund. The director of development services shall use money in the fund to pay expenses related to the administration of tax credits authorized under sections 5725.33, 5726.54, 5729.16, and 5733.58 of the Revised Code.

(G) Tax credits earned or allocated to a pass-through entity, as that term is defined in section 5733.04 of the Revised Code, under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised Code may be allocated to persons having a direct or indirect ownership interest in the pass-through entity for such persons' direct use in accordance with the provisions of any mutual agreement between such persons."

Between lines 70840 and 70841, insert:

"**Sec. 5726.54.** (A) Any term used in this section has the same meaning as in section 5725.33 of the Revised Code.

(B) A taxpayer may claim a nonrefundable credit against the tax imposed by this chapter for each person included in the annual report of the taxpayer that holds a qualified equity investment on a credit allowance date occurring in the calendar year immediately preceding the tax year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code.

By claiming a tax credit under this section, a taxpayer waives its rights under section 5726.20 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed under this section that later become subject to recapture under division (D) of this section.

A taxpayer may claim against the tax imposed by this chapter any unused portion of the credits authorized under sections 5725.33 and 5733.58 of the Revised Code, but only to the extent of the remaining carry forward period authorized by those sections.

The credit shall be claimed in the order prescribed by section 5726.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess may be carried forward for not more than four ensuing tax years.

(C) The total amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5725.33, 5729.16, and 5733.58 of the Revised Code is subject to the limitation of division (C) of section 5725.33 of

the Revised Code.

(D) If any amount of a federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development services determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community investments other than in a qualified active low-income community business in this state, all or a portion of the credit received on account of that investment shall be paid by the taxpayer that received the credit to the tax commissioner. The amount to be recovered shall be determined by the director pursuant to rules adopted under section 5725.33 of the Revised Code. The director shall certify any amount due under this division to the tax commissioner, and the commissioner shall notify the taxpayer of the amount due. The amount due is payable not later than thirty days after the day the commissioner issues the notice. The amount due shall be considered to be tax due under section 5726.02 of the Revised Code, and may be collected by assessment without regard to the limitations imposed under section 5726.20 of the Revised Code for the assessment of taxes by the commissioner. All amounts collected under this division shall be credited as revenue from the tax levied under section 5726.02 of the Revised Code."

Between lines 72139 and 72140, insert:

"**Sec. 5729.16.** (A) Terms used in this section have the same meaning as in section 5725.33 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5729.03 or 5729.06 of the Revised Code for a foreign insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code.

The credit shall be claimed in the order prescribed by section 5729.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing years.

By claiming a tax credit under this section, an insurance company waives its rights under section 5729.102 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (D) of this section.

(C) The total amount of qualified equity investments on the basis of which credits may be claimed under this section, section 5725.33, and section 5733.58 of the Revised Code is subject to the limitation of division (C) of section 5725.33 of the Revised Code.

(D) If any amount of a federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development services determines that an investment for which a tax credit is claimed

under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community investments other than in a qualified active low-income community business in this state, all or a portion of the credit received on account of that investment shall be paid by the insurance company that received the credit to the superintendent of insurance. The amount to be recovered shall be determined by the director of development services pursuant to rules adopted under section 5725.33 of the Revised Code. The director shall certify any amount due under this division to the superintendent of insurance, and the superintendent shall notify the treasurer of state of the amount due. Upon notification, the treasurer shall invoice the insurance company for the amount due. The amount due is payable not later than thirty days after the date the treasurer invoices the insurance company. The amount due shall be considered to be tax due under section 5729.03 or 5729.06 of the Revised Code, as applicable, and may be collected by assessment without regard to the time limitations imposed under section 5729.102 of the Revised Code for the assessment of taxes by the superintendent. All amounts collected under this division shall be credited as revenue from the tax levied under section 5729.03 of the Revised Code."

Between lines 72193 and 72194, insert:

"**Sec. 5733.58.** (A) Terms used in this section have the same meaning as in section 5725.33 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for a financial institution holding a qualified equity investment on the credit allowance date occurring in the calendar year immediately preceding the tax year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code.

By claiming a tax credit under this section, a financial institution waives its rights under section 5733.11 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (D) of this section.

The credit shall be claimed in the order prescribed by section 5733.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing tax years.

(C) The total amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5725.33 and 5729.16 of the Revised Code is subject to the limitation of division (C) of section 5725.33 of the Revised Code.

(D) If any amount of a federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development services determines that an investment for which a tax credit is claimed

under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community investments other than in a qualified active low-income community business in this state, all or a portion of the credit received on account of that investment shall be paid by the financial institution that received the credit to the tax commissioner. The amount to be recovered shall be determined by the director of development services pursuant to rules adopted under section 5725.33 of the Revised Code. The director shall certify any amount due under this division to the tax commissioner, and the commissioner shall notify the financial institution of the amount due. The amount due is payable not later than thirty days after the day the commissioner issues the notice. The amount due shall be considered to be tax due under section 5733.06 of the Revised Code, and may be collected by assessment without regard to the limitations imposed under section 5733.11 of the Revised Code for the assessment of taxes by the commissioner. All amounts collected under this division shall be credited as revenue from the tax levied under section 5733.06 of the Revised Code."

In line 84148, after "5725.22," insert "5725.33,"

In line 84149, after "5726.50," insert "5726.54,"

In line 84150, after "5727.86," insert "5729.16,"; after "5733.0610," insert "5733.58,"

The motion was _____ agreed to.

SYNOPSIS

New Markets Tax Credit

R.C. 5725.33, 5726.54, 5729.16, and 5733.58

Authorizes the Ohio New Markets Tax Credit to be claimed against the retaliatory tax levied on foreign insurance companies based in other states or nations that charge a higher foreign insurance company premiums tax rate than Ohio.

Bases the calculation of an Ohio New Markets Tax Credit on the full amount paid for a qualified equity investment approved as eligible for the credit by the Director of Development Services, but generally requires those investments to be made in low-income businesses in Ohio.

Explicitly authorizes an Ohio New Markets Tax Credit awarded to a pass-through entity to be allocated to the owners or that entity.

Sub. H.B. 64

As Passed by the House

_____ moved to amend as follows:

In line 185 of the title, after "5108.022," insert "5120.035,"

In line 374, after "5108.022," insert "5120.035,"

Between lines 62301 and 62302, insert:

"**Sec. 5120.035.** (A) Not later than June 30, 2016, the department of rehabilitation and correction shall study the feasibility of converting an existing state correctional facility, another existing facility controlled by the department, an existing facility owned by the state or a political subdivision of the state, or an existing facility owned by a private entity into a substance abuse recovery prison. The purpose of the prison would be to help reduce relapses and recidivism while preparing offenders confined in the prison for reentry into the community. In conducting the study, the department shall do all of the following:

(1) Explore all alternatives for providing substance abuse recovery for offenders confined in the prison;

(2) Consider drug treatment and rehabilitation services to be provided in the prison to help to prepare offenders confined in the prison for reentry into the community;

(3) Consider the categories of offenders that should be confined in the prison, including whether the department should be limited to placing an offender sentenced to or serving a prison term in the prison only if the department knows or has reason to believe that drug usage by the offender was a factor leading to the offense for which the offender was sentenced to the prison term.

(B) Upon completion of the study specified in division (A) of this section, the department shall submit copies of the study to the president and minority leader of the senate, the speaker and minority leader of the house of representatives, and the governor."

The motion was _____ agreed to.

SYNOPSIS

Substance Abuse Recovery Program Study

R.C. 5120.035

Requires the Department of Rehabilitation and Correction, by June 30, 2016, to study the feasibility of converting an existing facility into a substance abuse recovery prison.

Sub. H.B. 64

As Passed by the House

_____ moved to amend as follows:

In line 156 of the title, after "6111.027," insert "6111.03,"

In line 352, after "6111.027," insert "6111.03,"

Between lines 83806 and 83807, insert:

"**Sec. 6111.03.** The director of environmental protection may do any of the following:

(A) Develop plans and programs for the prevention, control, and abatement of new or existing pollution of the waters of the state;

(B) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. Before adopting, amending, or rescinding a standard or rule pursuant to division (G) of this section or section 6111.041 or 6111.042 of the Revised Code, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution, and the causes, prevention, control, and abatement thereof, that are advisable and necessary for the discharge of the director's duties under this chapter;

(F) Collect and disseminate information relating to water pollution and prevention, control, and abatement thereof;

(G) Adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code governing the procedure for hearings, the filing of reports, the issuance of permits, the issuance of industrial water pollution control certificates, and

all other matters relating to procedure;

(H) Issue, modify, or revoke orders to prevent, control, or abate water pollution by such means as the following:

(1) Prohibiting or abating discharges of sewage, industrial waste, or other wastes into the waters of the state;

(2) Requiring the construction of new disposal systems or any parts thereof, or the modification, extension, or alteration of existing disposal systems or any parts thereof;

(3) Prohibiting additional connections to or extensions of a sewerage system when the connections or extensions would result in an increase in the polluting properties of the effluent from the system when discharged into any waters of the state;

(4) Requiring compliance with any standard or rule adopted under sections 6111.01 to 6111.05 of the Revised Code or term or condition of a permit.

In the making of those orders, wherever compliance with a rule adopted under section 6111.042 of the Revised Code is not involved, consistent with the Federal Water Pollution Control Act, the director shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of complying with those orders and to evidence relating to conditions calculated to result from compliance with those orders, and their relation to benefits to the people of the state to be derived from such compliance in accomplishing the purposes of this chapter.

(I) Review plans, specifications, or other data relative to disposal systems or any part thereof in connection with the issuance of orders, permits, and industrial water pollution control certificates under this chapter;

(J)(1) Issue, revoke, modify, or deny sludge management permits and permits for the discharge of sewage, industrial waste, or other wastes into the waters of the state, and for the installation or modification of disposal systems or any parts thereof in compliance with all requirements of the Federal Water Pollution Control Act and mandatory regulations adopted thereunder, including regulations adopted under section 405 of the Federal Water Pollution Control Act, and set terms and conditions of permits, including schedules of compliance, where necessary. In issuing permits for sludge management, the director shall not allow the placement of sewage sludge on frozen ground in conflict with rules adopted under this chapter. Any person who discharges, transports, or handles storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or pollutants from a concentrated animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the installation or modification of a disposal system involving pollutants or storm water or any parts of such a system on and after the date on which the director of agriculture has finalized the program required under division (A)(1) of section 903.02 of the Revised Code. In addition, any person who discharges, transports, or handles storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or pollutants from a concentrated animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the discharge of storm water from an animal feeding facility or pollutants from a concentrated animal feeding operation on and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of

the Revised Code.

Any permit terms and conditions set by the director shall be designed to achieve and maintain full compliance with the national effluent limitations, national standards of performance for new sources, and national toxic and pretreatment effluent standards set under that act, and any other mandatory requirements of that act that are imposed by regulation of the administrator of the United States environmental protection agency. If an applicant for a sludge management permit also applies for a related permit for the discharge of sewage, industrial waste, or other wastes into the waters of the state, the director may combine the two permits and issue one permit to the applicant.

A sludge management permit is not required for an entity that treats or transports sewage sludge or for a sanitary landfill when all of the following apply:

(a) The entity or sanitary landfill does not generate the sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has ensured that the sewage sludge meets the requirements established in rules adopted by the director under section 3734.02 of the Revised Code concerning disposal of municipal solid waste in a sanitary landfill.

(c) Disposal of the sewage sludge occurs at a sanitary landfill that complies with rules adopted by the director under section 3734.02 of the Revised Code.

As used in division (J)(1) of this section, "sanitary landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed as a solid waste facility under section 3734.05 of the

Revised Code.

(2) An application for a permit or renewal thereof shall be denied if any of the following applies:

(a) The secretary of the army determines in writing that anchorage or navigation would be substantially impaired thereby;

(b) The director determines that the proposed discharge or source would conflict with an areawide waste treatment management plan adopted in accordance with section 208 of the Federal Water Pollution Control Act;

(c) The administrator of the United States environmental protection agency objects in writing to the issuance or renewal of the permit in accordance with section 402 (d) of the Federal Water Pollution Control Act;

(d) The application is for the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the United States.

(3) To achieve and maintain applicable standards of quality for the waters of the state adopted pursuant to section 6111.041 of the Revised Code, the director shall impose, where necessary and appropriate, as conditions of each permit, water quality related effluent limitations in accordance with sections 301, 302, 306, 307, and 405 of the Federal Water Pollution Control Act and, to the extent consistent with that act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter.

(4) Where a discharge having a thermal component from a source that is constructed or modified on or after October 18, 1972, meets national or state effluent limitations or more stringent permit conditions designed to achieve and maintain compliance with applicable standards of quality for the waters of the state, which limitations or conditions will ensure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the body of water into which the discharge is made, taking into account the interaction of the thermal component with sewage, industrial waste, or other wastes, the director shall not impose any more stringent limitation on the thermal component of the discharge, as a condition of a permit or renewal thereof for the discharge, during a ten-year period beginning on the date of completion of the construction or modification of the source, or during the period of depreciation or amortization of the source for the purpose of section 167 or 169 of the Internal Revenue Code of 1954, whichever period ends first.

(5) The director shall specify in permits for the discharge of sewage, industrial waste, and other wastes, the net volume, net weight, duration, frequency, and, where necessary, concentration of the sewage, industrial waste, and other wastes that may be discharged into the waters of the state. The director shall specify in those permits and in sludge management permits that the permit is conditioned upon payment of applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued for the purpose of determining compliance with this chapter, rules adopted thereunder, or the terms and conditions of a permit, order, or other determination. The director shall issue or deny an

application for a sludge management permit or a permit for a new discharge, for the installation or modification of a disposal system, or for the renewal of a permit, within one hundred eighty days of the date on which a complete application with all plans, specifications, construction schedules, and other pertinent information required by the director is received.

(6) The director may condition permits upon the installation of discharge or water quality monitoring equipment or devices and the filing of periodic reports on the amounts and contents of discharges and the quality of receiving waters that the director prescribes. The director shall condition each permit for a government-owned disposal system or any other "treatment works" as defined in the Federal Water Pollution Control Act upon the reporting of new introductions of industrial waste or other wastes and substantial changes in volume or character thereof being introduced into those systems or works from "industrial users" as defined in section 502 of that act, as necessary to comply with section 402(b)(8) of that act; upon the identification of the character and volume of pollutants subject to pretreatment standards being introduced into the system or works; and upon the existence of a program to ensure compliance with pretreatment standards by "industrial users" of the system or works. In requiring monitoring devices and reports, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance.

(7) A permit may be issued for a period not to exceed five years and may be renewed upon application for renewal. In renewing a permit, the director shall consider the compliance history of the permit holder and may deny the renewal if the director determines that the permit holder has not complied with the terms

and conditions of the existing permit. A permit may be modified, suspended, or revoked for cause, including, but not limited to, violation of any condition of the permit, obtaining a permit by misrepresentation or failure to disclose fully all relevant facts of the permitted discharge or of the sludge use, storage, treatment, or disposal practice, or changes in any condition that requires either a temporary or permanent reduction or elimination of the permitted activity. No application shall be denied or permit revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(K) Institute or cause to be instituted in any court of competent jurisdiction proceedings to compel compliance with this chapter or with the orders of the director issued under this chapter, or to ensure compliance with sections 204(b), 307, 308, and 405 of the Federal Water Pollution Control Act;

(L) Issue, deny, revoke, or modify industrial water pollution control certificates;

(M) Certify to the government of the United States or any agency thereof that an industrial water pollution control facility is in conformity with the state program or requirements for the control of water pollution whenever the certification may be required for a taxpayer under the Internal Revenue Code of the United States, as amended;

(N) Issue, modify, and revoke orders requiring any "industrial user" of any publicly owned "treatment works" as defined in sections 212(2) and 502(18) of the Federal Water Pollution Control Act to comply with pretreatment standards; establish and maintain records; make reports; install, use, and

maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods; sample discharges in accordance with methods, at locations, at intervals, and in a manner that the director determines; and provide other information that is necessary to ascertain whether or not there is compliance with toxic and pretreatment effluent standards. In issuing, modifying, and revoking those orders, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance.

(O) Exercise all incidental powers necessary to carry out the purposes of this chapter;

(P) Certify or deny certification to any applicant for a federal license or permit to conduct any activity that may result in any discharge into the waters of the state that the discharge will comply with the Federal Water Pollution Control Act;

(Q) Administer and enforce the publicly owned treatment works pretreatment program in accordance with the Federal Water Pollution Control Act. In the administration of that program, the director may do any of the following:

(1) Apply and enforce pretreatment standards;

(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions:

(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program;

(b) The director has revoked the publicly owned treatment works pretreatment program;

(c) There is no pretreatment program currently being implemented by the publicly owned treatment works;

(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program.

(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards;

(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of pollutants achieved by publicly owned treatment works;

(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users;

(6) Make determinations on categorization of industrial users;

(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program.

Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter.

(R) Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of

oil and hazardous substances into the waters of the state. The rules shall be consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the Federal Water Pollution Control Act and regulations adopted under it. The director shall not adopt rules under this division relating to discharges of oil from oil production facilities and oil drilling and workover facilities as those terms are defined in that act and regulations adopted under it.

(S)(1) Administer and enforce a program for the regulation of sludge management in this state. In administering the program, the director, in addition to exercising the authority provided in any other applicable sections of this chapter, may do any of the following:

(a) Develop plans and programs for the disposal and utilization of sludge and sludge materials;

(b) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state;

(c) Collect and disseminate information relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state;

(d) Issue, modify, or revoke orders to prevent, control, or abate the use and disposal of sludge and sludge materials or the effects of the use of sludge and sludge materials on land located in the state and on the air and waters of the state;

(e) Adopt and enforce, modify, or rescind rules necessary for

the implementation of division (S) of this section. The rules reasonably shall protect public health and the environment, encourage the beneficial reuse of sludge and sludge materials, and minimize the creation of nuisance odors.

The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the beneficial reuse of sludge and sludge materials.

The director may condition permits on the implementation of treatment, storage, disposal, distribution, or application management methods and the filing of periodic reports on the amounts, composition, and quality of sludge and sludge materials that are disposed of, used, treated, or stored.

An approval of a treatment works sludge disposal program may contain any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter and rules adopted under it.

(2) As a part of the program established under division (S)(1) of this section, the director has exclusive authority to regulate sewage sludge management in this state. For purposes of division (S)(2) of this section, that program shall be consistent with section 405 of the Federal Water Pollution Control Act and

regulations adopted under it and with this section, except that the director may adopt rules under division (S) of this section that establish requirements that are more stringent than section 405 of the Federal Water Pollution Control Act and regulations adopted under it with regard to monitoring sewage sludge and sewage sludge materials and establishing acceptable sewage sludge management practices and pollutant levels in sewage sludge and sewage sludge materials.

(T) Study, examine, and calculate nutrient loading from point and nonpoint sources in order to determine comparative contributions by those sources and to utilize the information derived from those calculations to determine the most environmentally beneficial and cost-effective mechanisms to reduce nutrient loading to watersheds in the Lake Erie basin and the Ohio river basin. In order to evaluate nutrient loading contributions, the director or the director's designee shall conduct a study of the nutrient mass balance for both point and nonpoint sources in watersheds in the Lake Erie basin and the Ohio river basin using available data, including both of the following:

(1) Data on water quality and stream flow;

(2) Data on point source discharges into those watersheds.

The director or the director's designee shall report and update the results of the study to coincide with the release of the Ohio integrated water quality monitoring and assessment report prepared by the director.

This chapter authorizes the state to participate in any national sludge management program and the national pollutant discharge elimination system, to administer and enforce the publicly owned treatment works pretreatment program, and to issue permits for the discharge of dredged or fill materials, in

accordance with the Federal Water Pollution Control Act. This chapter shall be administered, consistent with the laws of this state and federal law, in the same manner that the Federal Water Pollution Control Act is required to be administered.

This section does not apply to residual farm products and manure disposal systems and related management and conservation practices subject to rules adopted pursuant to division (E)(1) of section 1511.02 of the Revised Code. For purposes of this exclusion, "residual farm products" and "manure" have the same meanings as in section 1511.01 of the Revised Code. However, until the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this exclusion does not apply to animal waste treatment works having a controlled direct discharge to the waters of the state or any concentrated animal feeding operation, as defined in 40 C.F.R. 122.23(b)(2). On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this section does not apply to storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or to pollutants discharged from a concentrated animal feeding operation, as both terms are defined in that section. Neither of these exclusions applies to the discharge of animal waste into a publicly owned treatment works.

Not later than December 1, 2016, a publicly owned treatment works with a design flow of one million gallons per day or more, or designated as a major discharger by the director, shall be required to begin monthly monitoring of total and dissolved reactive phosphorus pursuant to a new NPDES permit, an NPDES permit renewal, or a director-initiated modification. The director

shall include in each applicable new NPDES permit, NPDES permit renewal, or director-initiated modification a requirement that such monitoring be conducted. A director-initiated modification for that purpose shall be considered and processed as a minor modification pursuant to ~~O.A.C.~~ Ohio Administrative Code 3745-33-04. In addition, not later than December 1, 2017, a publicly owned treatment works with a design flow of one million gallons per day or more that, on ~~the effective date of this amendment~~ July 3, 2015, is not subject to a phosphorus limit shall complete and submit to the director a study that evaluates the technical and financial capability of the existing treatment facility to reduce the final effluent discharge of phosphorus to one milligram per liter using possible source reduction measures, operational procedures, and unit process configurations."

In line 84161, after "6111.027," insert "6111.03,"

The motion was _____ agreed to.

SYNOPSIS

Study of nutrient loading to Ohio watersheds

R.C. 6111.03

Authorizes the Director of Environmental Protection to study, examine, and calculate nutrient loading to watersheds in the Lake Erie basin and the Ohio River basin from point and nonpoint sources; requires the Director or the Director's designee, in order to evaluate nutrient loading contributions, to use available data, including data on water quality and stream flow and point source discharges into those watersheds; and requires the Director

or the Director's designee to report and update the study's results to coincide with the release of the Ohio Integrated Water Quality Monitoring and Assessment Report.

Sub. H.B. 64

As Passed by the House

_____ moved to amend as follows:

In line 37 of the title, after "3107.0612," insert "3109.13, 3109.14, 3109.16, 3109.17,"

In line 162 of the title, after "sections" insert "3109.171, 3109.172,"

In line 168 of the title, after "1739.141," insert "3109.173, 3109.174, 3109.175, 3109.176, 3109.177, 3109.178, 3109.179,"

In line 200 of the title, after "955.38," insert "3109.171, 3109.172, 3109.18,"

In line 265, after "3107.0612," insert "3109.13, 3109.14, 3109.16, 3109.17,"

In line 356, after "sections" insert "3109.171, 3109.172,"

In line 361, after "1739.141," insert "3109.173, 3109.174, 3109.175, 3109.176, 3109.177, 3109.178, 3109.179,"

Between lines 24948 and 24949, insert:

"**Sec. 3109.13.** As used in sections 3109.13 to ~~3109.18~~ 3109.179 of the Revised Code:

(A) "Child abuse and child neglect prevention programs" means programs that use primary and secondary prevention strategies that are conducted at the local level and activities and projects of

statewide significance designed to strengthen families and prevent child abuse and child neglect.

(B) "Primary prevention strategies" are activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed.

(C) "Secondary prevention strategies" are activities and services that are provided to a specific population identified as having risk factors for child abuse and child neglect and are designed to intervene at the earliest warning signs of child abuse or child neglect, or whenever a child can be identified as being at risk of abuse or neglect.

Sec. 3109.14. (A) As used in this section, "birth record" and "certification of birth" have the meanings given in section 3705.01 of the Revised Code.

(B)(1) The director of health, a person authorized by the director, a local commissioner of health, or a local registrar of vital statistics shall charge and collect a fee for each certified copy of a birth record, for each certification of birth, and for each copy of a death record. The fee shall be three dollars. The fee is in addition to the fee imposed by section 3705.24 or any other section of the Revised Code. A local commissioner of health or a local registrar of vital statistics may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the department of health.

The additional fees collected by the director of health or a person authorized by the director and the additional fees

collected but not retained by a local commissioner of health or a local registrar of vital statistics shall be forwarded to the department of health not later than thirty days following the end of each quarter. Not later than two days after the fees are forwarded to the department each quarter, the department shall pay the collected fees to the treasurer of state in accordance with rules adopted by the treasurer of state under section 113.08 of the Revised Code.

(2) Upon the filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, a court of common pleas shall charge and collect a fee. The fee shall be eleven dollars. The fee is in addition to any other court costs or fees. The county clerk of courts may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state. The additional fees collected, but not retained, under division (B)(2) of this section shall be forwarded to the treasurer of state not later than twenty days following the end of each month.

(C) The treasurer of state shall deposit the fees paid or forwarded under this section in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.

The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs

incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the fund. Moneys credited to the fund shall be used only for the purposes described in sections 3109.13 to ~~3109.18~~ 3109.179 of the Revised Code.

Sec. 3109.16. (A) The children's trust fund board, upon the recommendation of the director of job and family services, shall approve the employment of an executive director who will administer the programs of the board.

(B) The department of job and family services shall provide budgetary, procurement, accounting, and other related management functions for the board and may adopt rules in accordance with Chapter 119. of the Revised Code for these purposes. An amount not to exceed three per cent of the total amount of fees deposited in the children's trust fund in each fiscal year may be used for costs directly related to these administrative functions of the department. Each fiscal year, the board shall approve a budget for administrative expenditures for the next fiscal year.

(C) The board may request that the department adopt rules the board considers necessary for the purpose of carrying out the board's responsibilities under this section, and the department may adopt those rules. The department may, after consultation with the board and the executive director, adopt any other rules to assist the board in carrying out its responsibilities under this section. In either case, the rules shall be adopted under Chapter

119. of the Revised Code.

(D) The board shall meet at least quarterly at the call of the chairperson to conduct its official business. All business transactions of the board shall be conducted in public meetings. Eight members of the board constitute a quorum. ~~A majority of the board members is required to adopt the state plan for the allocation of funds from the children's trust fund.~~ A majority of the quorum is required to make all ~~other~~ decisions of the board.

(E) With respect to funding, all of the following apply:

(1) The board may apply for and accept federal and other funds for the purpose of funding child abuse and child neglect prevention programs.

(2) The board may solicit and accept gifts, money, and other donations from any public or private source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments.

(3) The board may develop private-public partnerships to support the mission of the children's trust fund.

(4) The acceptance and use of federal and other funds shall not entail any commitment or pledge of state funds, nor obligate the general assembly to continue the programs or activities for which the federal and other funds are made available.

(5) All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in section 3109.14 of the Revised Code.

Sec. 3109.17. (A) ~~For each fiscal biennium, the~~ The children's trust fund board shall establish a ~~biennial state~~

strategic plan for ~~comprehensive~~ child abuse and child neglect prevention. The plan shall be transmitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives and shall be made available to the general public. ~~The board may define in the state plan the term "effective public notice." If the board does not define that term in the state plan, the board shall include in the state plan the definition of "effective public notice" specified in rules adopted by the department of job and family services.~~

(B) In developing and carrying out the ~~state~~ strategic plan, the children's trust fund board shall, in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code, do all of the following:

(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

(2) ~~Before the thirtieth day of October of each year, notify each child abuse and child neglect prevention advisory board of the amount estimated to be allocated to that advisory board for the following fiscal year;~~

~~(3) Develop criteria for county or district local allocation plans, including criteria for determining the plans' effectiveness;~~

~~(4) Review, and approve or disapprove, county or district local allocation plans, as described in section 3109.171 of the Revised Code;~~

~~(5) Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. In allocating funds to a county family and children first council that has been designated~~

~~to serve as the child abuse and child neglect prevention advisory board under division (A)(1) of section 3109.18 of the Revised Code, the children's trust fund board may send those funds to the county or district children's trust fund in the county treasury or directly to the administrative agent of the county family and children first council designated pursuant to division (B)(5)(a) of section 121.37 of the Revised Code. Funds shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds and except as provided in section 3109.171 of the Revised Code, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty district, the advisory board shall receive, subject to available funds and except as provided in section 3109.171 of the Revised Code, a minimum of ten thousand dollars per fiscal year for each county in the district. Funds shall be disbursed to the advisory boards twice annually. At least fifty per cent of the funds allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day of September. The remainder of the funds allocated to the advisory board for that fiscal year shall be disbursed before the thirty-first day of March.~~

~~The board shall specify the criteria child abuse and child neglect prevention advisory boards are to use in reviewing applications under division (G)(2) of section 3109.18 of the Revised Code.~~

~~(6)~~ Allocate funds to entities ~~other than child abuse and child neglect prevention advisory boards~~ for the purpose of

funding child abuse and child neglect prevention programs that have statewide significance and that have been approved by the children's trust fund board;

~~(7)~~(3) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

~~(8)~~(4) Establish reporting requirements for ~~advisory boards~~ both of the following:

(a) Regional child abuse and child neglect prevention councils, including deadlines for the submission of the progress and annual reports required under section 3107.172 of the Revised Code;

(b) Children's advocacy centers, including deadlines for the submission of reports required under section 3107.178 of the Revised Code.

~~(9)~~(5) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention;

~~(10)~~(6) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention~~;~~

~~(11) Create and provide to each advisory board a children's trust fund grant application form;~~

~~(12) Specify the information to be included in a semiannual and an annual report completed by a children's advocacy center for which a child abuse and child neglect prevention advisory board uses funds allocated to the advisory board under section 3109.172 of the Revised Code, and each other person or entity that is a~~

~~recipient of a children's trust fund grant under division (L)(1) of section 3109.18 of the Revised Code~~.

(C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of job and family services. The board shall provide the list upon request to any children's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a children's advocacy center.

Sec. 3109.171. For the purpose of administering child abuse and child neglect prevention programming and services approved by the children's trust fund board, there are hereby created the following eight child abuse and child neglect prevention regions in the state:

One region consisting of the following counties: Defiance, Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,

Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.

One region consisting of the following counties: Ashtabula, Cuyahoga, Geauga, and Lake.

One region consisting of the following counties: Ashland, Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, and Wayne.

One region consisting of the following counties: Allen, Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, Miami, Montgomery, Preble, and Shelby.

One region consisting of the following counties: Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, Marion, Morrow, Pickaway, Richland, and Union.

One region consisting of the following counties: Belmont, Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe, Muskingum, Noble, and Tuscarawas.

One region consisting of the following counties: Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, and Warren.

One region consisting of the following counties: Athens, Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, Ross, Scioto, Vinton, and Washington.

Sec. 3109.172. (A) As used in this section, "county prevention specialist" includes the following:

(1) Representatives of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code;

(2) Providers of alcohol or drug addiction services or

representatives of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(3) Providers of mental health services or representatives of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(4) Representatives of county boards of developmental disabilities that serve counties within a region;

(5) Representatives of the educational community appointed by the superintendent of the school district with the largest enrollment in the counties within a region;

(6) Juvenile justice officials serving counties within a region;

(7) Pediatricians, health department nurses, and other representatives of the medical community in the counties within a region;

(8) Counselors and social workers serving counties within a region;

(9) Head start agencies serving counties within a region;

(10) Child care providers serving counties within a region;

(11) Other persons with demonstrated knowledge in programs for children serving counties within a region.

(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of job and family services pursuant to Chapter 119. of the Revised Code.

(C)(1) Each board of county commissioners within a region may

appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of job and family services under Chapter 119. of the Revised Code.

(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion.

(3) A representative of the council's regional prevention coordinator shall serve as a nonvoting member of the council.

(D) Each council member appointed under division (C)(1) of this section shall be appointed for a two-year term. Each council member appointed under division (C)(2) or (3) of this section shall be appointed for a three-year term. A member may be reappointed, but for two consecutive terms only.

(E) A member may be removed from the council by the member's appointing authority for misconduct, incompetence, or neglect of duty.

(F) Council members shall not receive compensation for their service to the council.

(G) The representative of the regional prevention coordinator shall serve as chairperson of the council.

(H) Each council shall meet at least quarterly.

(I) Council members shall do all of the following:

(1) Attend meetings of the council on which they serve;

(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;

(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;

(4) Assist the council's regional prevention coordinator with all of the following:

(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;

(b) Coordinating county data collection;

(c) Ensuring timely and accurate reporting to the children's trust fund board.

(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.

(J) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board.

Sec. 3109.173. (A) Each child abuse and child neglect regional prevention council shall be under the direction of a regional prevention coordinator. The children's trust fund board shall select each region's coordinator through a competitive selection process conducted by the board.

(B) Regional prevention coordinators shall do all of the following:

(1) Select a representative to serve as chairperson of the regional prevention council;

(2) Conduct a needs assessment to ascertain the child abuse and neglect prevention programming and services that are needed in the region;

(3) Work with county prevention specialists in the region to assemble the regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;

(4) Implement the regional prevention plan, including the following:

(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes;

(b) Coordinating county data collection;

(c) Ensuring timely and accurate reporting to the board.

(5) Any additional duties specified by the department in rules adopted pursuant to Chapter 119. of the Revised Code.

Sec. 3109.174. Each child abuse and child neglect regional prevention council shall submit to the children's trust fund board a regional prevention plan for funding child abuse and child neglect prevention programs and activities based on criteria set forth by the children's trust fund.

The plan shall be submitted on the form and in the manner specified in rules adopted by the department of job and family services pursuant to Chapter 119. of the Revised Code.

Sec. 3109.175. On receipt of a regional prevention plan submitted pursuant to section 3109.174 of the Revised Code, the

children's trust fund board may do either of the following:

(A) Approve the plan;

(B) Deny the plan;

(C) Require the submitting council to make changes to the plan and submit an amended plan to the board.

Sec. 3107.176. (A) The children's trust fund board may deny funding or allocate a reduced amount of funds on a pro-rated daily basis to a child abuse and child neglect regional prevention council for the fiscal year for which a regional prevention plan was required to be developed under any of the following circumstances:

(1) If a council fails to submit to the board a regional prevention plan pursuant to section 3109.174 of the Revised Code by the date specified by the board;

(2) If a council fails to submit to the board an amended plan pursuant to division (C) of section 3109.175 of the Revised Code;

(3) If the board fails to approve a plan or an amended plan submitted by a council.

(B) The board may allocate a reduced amount of funds to a council on a pro-rated daily basis for the following fiscal year if the council fails to submit to the board a progress report or annual report as required by section 3109.172 of the Revised Code not later than the due dates specified by the board for those reports.

Sec. 3109.177. (A) As used in this section and section 3107.178 of the Revised Code, "primary prevention strategies" has the same meaning as in section 3109.13 of the Revised Code.

(B) Each children's advocacy center may annually request funds from the children's trust fund board to conduct primary prevention strategies.

Sec. 3109.178. (A) Each child abuse and child neglect regional prevention council may request from the children's trust fund board up to five thousand dollars for each county within the council's region to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve each county in the region or a center to serve two or more contiguous counties within the region.

(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request.

(C) If the board disapproves the request, the board shall send to the requesting council written notice of the disapproval that states the reasons for the disapproval.

(D) No funds allocated to a council under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy.

(E) A council that receives funds under this section in any fiscal year shall not use the funds received in a different fiscal year or for a different center in any fiscal year without the approval of the board.

(F) A children's advocacy center established using funds awarded under this section shall comply with sections 2151.425 to 2151.428 of the Revised Code.

(G) Each children's advocacy center that receives funds under this section shall file with its respective council, by the date specified by the board, an annual report that includes the

information required by the board. The council shall forward a copy of the annual report to the board.

Sec. 3109.179. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code regarding all of the following:

(1) Operation requirements for child abuse and child neglect regional prevention councils;

(2) The manner in which boards of county commissioners are to appoint council members;

(3) The form and manner by which councils are to submit regional prevention plans.

(B) The department may adopt rules in accordance with Chapter 119. of the Revised Code regarding the following:

(1) Duties of council members;

(2) Duties of regional prevention coordinators;

(3) Any other rules necessary to implement sections 3109.13 to 3109.178 of the Revised Code.

(C) The department shall consult with the children's trust fund board and the board's executive director regarding all rules adopted under this section."

In line 84074, after "3107.0612," insert "3109.13, 3109.14, 3109.16, 3109.17,"

In line 84169, after "955.38," insert "3109.171, 3109.172, 3109.18,"

Between lines 97610 and 97611, insert:

"**Section 731.___.** On the effective date of this section, all child abuse and child neglect prevention advisory boards

established under section 3109.18 of the Revised Code are abolished. The board or boards of county commissioners that oversee operation of an advisory board shall provide procedures for the transfer of any advisory board assets and liabilities.

Any business commenced but not completed by the effective date of this section by an advisory board shall be completed by the appropriate board or boards of county commissioners. The board or boards of county commissioners may delegate to a child abuse and child neglect regional prevention council any of the duties described in this section."

The motion was _____ agreed to.

SYNOPSIS

Children's Trust Fund Board

R.C. 3109.16, 3109.17, 3109.171, 3109.172, 3109.173, 3109.174, 3109.175, 3109.176, 3109.177, 3109.178, and 3109.18; Section 731.___

Makes the following changes to the Children's Trust Fund Board Law:

(1) Divides the state into eight regions for the purpose of applying for, receiving, and implementing Board-approved child abuse and child neglect programming and services;

(2) Eliminates child abuse and child neglect prevention advisory boards and creates child abuse and child neglect regional prevention councils for each region and sets forth the membership and duties of the councils;

(3) Removes the requirement that the Board adopt a state plan

for the allocation of child abuse and child neglect prevention funds and instead requires the Board to adopt a strategic plan and allocate funding to child abuse and child prevention regional councils and children's advocacy centers;

(4) Modifies the requirements governing the award of one-time, start-up costs for the establishment of children's advocacy centers;

(5) Grants the Department of Job and Family Services authority to adopt rules to implement the bill's provisions;

(6) Requires a board or boards of county commissioners that oversee a child abuse and child neglect prevention advisory board to oversee the transfer of advisory board assets and liabilities and to complete, or delegate to a regional council, any pending business of the advisory board.

SC4408X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 92781, after "(22)" insert "(a) "Qualifying municipal corporation" means a municipal corporation in the territory of which a qualifying end user is located.

(b) "Qualifying end user" means an end user of at least seven million qualifying kilowatt hours of electricity annually.

(c) "Qualifying kilowatt hours" means kilowatt hours of electricity generated by a renewable energy resource, as defined in section 5727.01 of the Revised Code, using wind energy and the distribution of which is subject to the tax levied under section 5727.81 of the Revised Code for any measurement period beginning after June 30, 2015.

(23)"

In line 92844, after "(E)" insert "For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in the municipal corporation for

measurement periods ending in the preceding calendar year. The payment shall be computed regardless of whether the qualifying municipal corporation qualifies for a payment under any other division of this section for the fiscal year in which the payment is computed under this division. For the purposes of this division, the commissioner may require an electric distribution company distributing qualifying kilowatt hours or, if the end user is a self-assessing purchaser, the end user, to report to the commissioner the number of qualifying kilowatt hours distributed through the meter of the qualifying end user.

(F)(1)"

Between lines 92857 and 92858, insert:

"(2) On or before the last day of August and of February of each fiscal year that follows a calendar year in which taxes are paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in a qualifying municipal corporation, one-half of the payment computed under division (E) of this section shall be paid from the local government tangible personal property tax replacement fund directly to the qualifying municipal corporation. The municipal corporation shall credit the payments to a special fund created for the purpose of providing grants or other financial assistance to the qualifying end user or to compensate the municipal corporation for municipal income tax or other tax

credits or reductions as the legislative authority may grant to the qualifying end user. Such grants or other financial assistance may be provided for by ordinance or resolution of the legislative authority of the qualifying municipal corporation and may continue for as long as is provided by the ordinance or resolution."

In line 92858, delete "(F)" and insert "(G)"

The motion was _____ agreed to.

SYNOPSIS

Kilowatt-hour tax: Payments for users of wind-generated electricity

R.C. 5709.93(A)(22), (E), and (F)(2)

Creates a special payment under the proposed tangible personal property tax reimbursement scheme for municipal corporations where a user of a substantial amount of wind-generated electricity (7,000,000 kwh/year) is located. The payment equals the amount of kilowatt-hour excise tax paid on the basis of wind-generated electricity received by the user. The municipal corporation must use the payments to provide grants, tax reductions, or other financial assistance to the user of the wind-generated electricity.

SC4448X2

Sub. H.B. 64
As Passed by the House

_____ moved to amend as follows:

In line 170 of the title, after "3333.0414," insert "3333.165,"

In line 363, after "3333.0414," insert "3333.165,"

Between lines 35584 and 35585, insert:

"(C) Not later than December 1, 2018, the director shall update and implement the policies and procedures established pursuant to this section to ensure that any associate degree offered at a state institution of higher education may be transferred and applied to a bachelor degree program in an equivalent field at any other state institution of higher education without unnecessary duplication or institutional barriers. The policies and procedures shall ensure that each transferred associate degree applies to the student's degree objective in the same manner as equivalent coursework completed by the student at the receiving institution.

When updating and implementing the policies and procedures pursuant to this division, the director shall seek input from faculty and academic leaders in each academic field or discipline."

Between lines 35687 and 35688, insert:

"**Sec. 3333.165.** (A) At the end of each academic year, the director of higher education shall develop and release a report that includes all of the following information:

(1) The total number of courses that were successfully transferred to state institutions of higher education under sections 3333.16 to 3333.164 of the Revised Code, during the most recent academic year for which data is available;

(2) The total number of courses that were not accepted for transfer at state institutions of higher education under sections 3333.16 to 3333.164 of the Revised Code, during the most recent academic year for which data is available;

(3) The number of students who earned an associate degree at a community college, a state community college, or a university branch that was successfully transferred to a state university under sections 3333.16 to 3333.164 of the Revised Code.

(B) As used in this section, "state institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Transfer of college courses and associate degrees

R.C. 3333.16 and 3333.165

Requires the Director of Higher Education (as the Chancellor of the Board of Regents is renamed under the bill), by December 1, 2018, to update and implement the policies and procedures for the transfer and articulation of college courses and degrees to ensure both of the following:

(1) Any associate degree offered at a state institution of higher education may be transferred to any other state institution of higher education and applied to a bachelor degree program in an equivalent field at that institution.

(2) Each transferred associate degree applies to the student's degree objective in the same manner as equivalent coursework completed by the student at the receiving institution.

Requires the Director, when updating and implementing the policies and procedures, to seek input from faculty and academic leaders in each academic field or discipline.

Requires the Director, at the end of each academic year, to develop and release a report regarding the transfer of college courses and degrees, which must include all of the following information:

(1) The total number of courses transferred to state institutions of higher education during the most recent academic year for which data is available;

(2) The total number of courses that were not accepted for transfer at state institutions of higher education during the most recent academic year for which data is available;

(3) The number of courses and associate degrees earned at a community college, a state community college, or a university branch that were transferred to a state university.

Sub. H.B. 64

As Passed by the House

_____ moved to amend as follows:

In line 14 of the title, after "133.05," insert "133.07,"

In line 17 of the title, after "191.06," insert "305.31,"

In line 248, after "133.05," insert "133.07,"

In line 251, after "191.06," insert "305.31,"

Between lines 9143 and 9144, insert:

"**Sec. 133.07.** (A) A county shall not incur, without a vote of the electors, either of the following:

(1) Net indebtedness for all purposes that exceeds an amount equal to one per cent of its tax valuation;

(2) Net indebtedness for the purpose of paying the county's share of the cost of the construction, improvement, maintenance, or repair of state highways that exceeds an amount equal to one-half of one per cent of its tax valuation.

(B) A county shall not incur total net indebtedness that exceeds an amount equal to one of the following limitations that applies to the county:

(1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;

(2) A county with a tax valuation exceeding one hundred

million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;

(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.

(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:

(1) Securities described in section 307.201 of the Revised Code;

(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:

(a) Water systems or facilities;

(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;

(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;

(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;

(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;

(f) Recreational, sports, convention, auditorium, museum,

trade show, and other public attraction facilities;

(g) Facilities for natural resources exploration, development, recovery, use, and sale;

(h) Correctional and detention facilities and related rehabilitation facilities.

(3) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the county amounts equivalent to debt charges on the securities;

(4) Voted general obligation securities issued for the purpose of permanent improvements for sanitary sewerage or water systems or facilities to the extent that the total principal amount of voted securities outstanding for the purpose does not exceed an amount equal to two per cent of the county's tax valuation;

(5) Securities issued for permanent improvements to house agencies, departments, boards, or commissions of the county or of any municipal corporation located, in whole or in part, in the county, to the extent that the revenues, other than revenues from unvoted county property taxes, derived from leases or other agreements between the county and those agencies, departments, boards, commissions, or municipal corporations relating to the use of the permanent improvements are sufficient to cover the cost of all operating expenses of the permanent improvements paid by the county and debt charges on the securities;

(6) Securities issued pursuant to section 133.08 of the

Revised Code;

(7) Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, for the purpose of acquiring or making other highway permanent improvements, or for the purpose of procuring and maintaining computer systems for the office of the clerk of any county-operated municipal court, for the office of the clerk of the court of common pleas, or for the office of the clerk of the probate, juvenile, or domestic relations division of the court of common pleas to the extent that the legislation authorizing the issuance of the securities includes a covenant to appropriate from moneys distributed to the county pursuant to division (B) of section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or Chapter 4501., 4503., 4504., or 5735. of the Revised Code a sufficient amount to cover debt charges on and financing costs relating to the securities as they become due;

(8) Securities issued for the purpose of acquiring, constructing, improving, and equipping a county, multicounty, or multicounty-municipal jail, workhouse, juvenile detention facility, or correctional facility;

(9) Securities issued for the acquisition, construction, equipping, or repair of any permanent improvement or any class or group of permanent improvements enumerated in a resolution adopted pursuant to division (D) of section 5739.026, or under division (A)(9) of section 5739.09, of the Revised Code to the extent that the legislation authorizing the issuance of the securities includes a covenant to appropriate from moneys received from the taxes authorized under section 5739.023 and division (A)(5) of section 5739.026, or under division (A)(9) of section 5739.09, of the Revised Code, respectively, an amount sufficient to pay debt

charges on the securities, and those moneys shall be pledged for that purpose;

(10) Securities issued for county or joint county solid waste or hazardous waste collection, transfer, or disposal facilities, or resource recovery and solid or hazardous waste recycling facilities, or any combination of those facilities;

(11) Securities issued for the acquisition, construction, and equipping of a port authority educational and cultural facility under section 307.671 of the Revised Code;

(12) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(1) of section 307.672 of the Revised Code;

(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;

(14) Securities issued for the acquisition, construction, equipping, improving, or repair of a sports facility, including obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code;

(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;

(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring,

constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;

(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay the debt charges on the bonds or notes, and the board of county commissioners pledges that revenue for that purpose;

(18) Securities issued under section 3707.55 of the Revised Code for the acquisition of real property by a general health district;

(19) Securities issued under division (A)(3) of section 3313.37 of the Revised Code for the acquisition of real and personal property by an educational service center;

(20) Securities issued for the purpose of paying the costs of acquiring, constructing, reconstructing, renovating, rehabilitating, expanding, adding to, equipping, furnishing, or otherwise improving an arena, convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;

(21) Securities issued for the purpose of paying project costs under section 307.678 of the Revised Code.

(D) In calculating the net indebtedness of a county, no

obligation incurred under division (F) of section 339.06 of the Revised Code shall be considered."

Between lines 11257 and 11258, insert:

"**Sec. 305.31.** The procedure for submitting to a referendum a resolution adopted by a board of county commissioners under division (H) of section 307.695 of the Revised Code that is not submitted to the electors of the county for their approval or disapproval; any resolution adopted by a board of county commissioners pursuant to division (D)(1) of section 307.697, section 322.02, 322.06, or 324.02, sections 1515.22 and 1515.24, division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 5739.026, division (A)(6) or (9) of section 5739.09, section 5741.021 or 5741.023, or division (C)(1) of section 5743.024 of the Revised Code; or a rule adopted pursuant to section 307.79 of the Revised Code shall be as prescribed by this section.

Except as otherwise provided in this paragraph, when a petition, signed by ten per cent of the number of electors who voted for governor at the most recent general election for the office of governor in the county, is filed with the county auditor within thirty days after the date the resolution is passed or rule is adopted by the board of county commissioners, or is filed within forty-five days after the resolution is passed, in the case of a resolution adopted pursuant to section 5739.021 of the Revised Code that is passed within one year after a resolution adopted pursuant to that section has been rejected or repealed by the electors, requesting that the resolution be submitted to the electors of the county for their approval or rejection, the county auditor shall, after ten days following the filing of the petition, and not later than four p.m. of the ninetieth day before the day of election, transmit a certified copy of the text of the

resolution or rule to the board of elections. In the case of a petition requesting that a resolution adopted under division (D)(1) of section 307.697, division (B)(1) of section 4301.421, or division (C)(1) of section 5743.024 of the Revised Code be submitted to electors for their approval or rejection, the petition shall be signed by seven per cent of the number of electors who voted for governor at the most recent election for the office of governor in the county. The county auditor shall transmit the petition to the board together with the certified copy of the resolution or rule. The board shall examine all signatures on the petition to determine the number of electors of the county who signed the petition. The board shall return the petition to the auditor within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition. The board shall submit the resolution or rule to the electors of the county, for their approval or rejection, at the succeeding general election held in the county in any year, or on the day of the succeeding primary election held in the county in even-numbered years, occurring subsequent to ninety days after the auditor certifies the sufficiency and validity of the petition to the board of elections.

No resolution shall go into effect until approved by the majority of those voting upon it. However, a rule shall take effect and remain in effect unless and until a majority of the electors voting on the question of repeal approve the repeal. Sections 305.31 to 305.41 of the Revised Code do not prevent a county, after the passage of any resolution or adoption of any rule, from proceeding at once to give any notice or make any publication required by the resolution or rule.

The board of county commissioners shall make available to any person, upon request, a certified copy of any resolution or rule

subject to the procedure for submitting a referendum under sections 305.31 to 305.42 of the Revised Code beginning on the date the resolution or rule is adopted by the board. The board may charge a fee for the cost of copying the resolution or rule.

As used in this section, "certified copy" means a copy containing a written statement attesting that it is a true and exact reproduction of the original resolution or rule."

In line 76524, delete "and"; after "(8)" insert ", and (9)"

In line 76545, delete "or"; after "(8)" insert ", or (9)"

Between lines 76813 and 76814, insert:

"(9) Division (A)(9) of this section applies only to counties satisfying either of the following:

(a) A county that, on July 1, 2015, does not levy an excise tax under division (A)(1) of this section and that has a population of at least thirty-nine thousand but not more than forty thousand according to the 2010 federal decennial census.

(b) A county that, on July 1, 2015, levies an excise tax under division (A)(1) of this section at a rate of three per cent and that has a population of at least seventy-one thousand but not more than seventy-five thousand according to 2010 federal decennial census.

The board of county commissioners of a county to which division (A)(9) of this section applies, by resolution adopted by a majority of the members of the board, may levy an excise tax at a rate not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of acquiring, constructing, equipping, or repairing permanent improvements, as defined in section 133.01 of the Revised Code. If the board does not levy a tax under division

(A)(1) of this section, the board shall establish regulations necessary to provide for the administration of the tax, which may prescribe the time for payment of the tax and the imposition of penalty or interest subject to the limitations on penalty and interest provided in division (A)(1) of this section. No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (B) of this section or division (A) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code.

The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges."

In line 84057, after "133.05," insert "133.07,"

In line 84060, after "191.06," insert "305.31,"

The motion was _____ agreed to.

SYNOPSIS

County lodging tax for permanent improvements

R.C. 133.07, 305.31, and 5739.09(A)(9)

Authorizes a county with a 2010 population of between 39,000 and 40,000 that does not currently levy a lodging tax and a county with a 2010 population between 71,000 and 75,000 that currently levies a 3% lodging tax for a convention and visitors bureau to levy a lodging tax of up to 3% for the purpose of financing permanent improvements. The tax would apply throughout the county, including in any township, city, or village that levies its own lodging tax. The levy of the tax would be subject to a referendum if 10% of the county's electors sign and file petitions within 30 days after the county commissioners adopt the tax measure.

Currently, most counties do not have authority to levy lodging taxes for permanent improvements; several counties have special authority to levy lodging taxes for specific kinds of improvements such as convention centers and sports facilities. Most counties' lodging tax authority is limited to using the revenue to fund convention and visitors bureaus and sharing with townships, cities, and villages that do not levy their own lodging tax. Most counties are barred from levying a lodging tax within any township, city, or village that levies its own lodging tax, but may levy the tax in the remainder of the county.

Currently, no lodging taxes require prior voter approval, and only one special lodging tax authorization was subject to referendum.

SC4509

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 122735, delete ", by July 1, 2016,"

In line 122736, delete "report and"; delete "provide" and insert "submit"

In line 122737, delete "within 30 days of the"

Delete lines 122738 and 122739

In line 122740, delete "savings measures" and insert "that includes the efficiency review, implementation plan of the task force recommendations authorized by the institution, and the Senate Challenge plan required under Section 369.600 of this act by July 1, 2016"

The motion was _____ agreed to.

SYNOPSIS

Ohio Task Force on Affordability and Efficiency in Higher Education Report

Section 369.560

Specifies that all boards of trustees for state institutions of higher education must, upon submission of the Ohio Task Force on Affordability and Efficiency in Higher Education Report, submit a report to the Chancellor of Higher Education by July 1, 2016, (rather than within 30 days of the

completion of the efficiency review based on the Task Force recommendations that state institutions of higher education are required to complete under the bill's provisions) that includes all of the following:

(1) The efficiency review based on the recommendations of the Task Force;

(2) Implementation plan of the Task Force's recommendations authorized by the institution;

(3) The Senate Challenge plan (the plan to provide all in-state, undergraduate students the opportunity to reduce the student cost of earning a degree by 5% that is required to be developed and implemented by all state institutions of higher education under the bill's provisions).

(The bill currently requires this report to include how each institution will implement the recommendations of the Task Force and any other cost savings measures.)

Removes a requirement that the efficiency review based on the Task Force recommendations that state institutions of higher education are required to complete under the bill's provisions be completed by July 1, 2016.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Delete line 169 of the title

In line 170 of the title, delete "5108.07, 5108.09, 5108.11,"

In line 244 of the title, delete "5108.05 (5108.041),"

In line 245 of the title, delete "5108.03 (5108.05),"

In line 246 of the title, delete "5108.03,"

In line 247 of the title, delete the first comma

In line 270 of the title, delete "5108.021, 5108.022,"

In line 298 of the title, delete "5108.051, 5108.10,"

In line 471, delete "5108.01, 5108.03,"

In line 472, delete "5108.04, 5108.05, 5108.06, 5108.07, 5108.09, 5108.11,"

In line 525, delete "5108.05"

In line 526, delete "(5108.041), 5108.03 (5108.05),"

In line 528, delete "5108.03,"

In line 529, delete the first comma

In line 547, delete "5108.021, 5108.022,"

Delete lines 81913 through 82162

In line 110657, delete "5108.01,"

Delete line 110658

In line 110708, delete "5108.051, 5108.10,"

In line 118477, after the period insert "The Comprehensive Case Management and Employment Program shall do both of the following:

(1)"

In line 118485, after "assessments" insert ";

(2) To the extent funds under the TANF block grant are available, and in accordance with the section of this act titled "PRC Program-Enhanced," the program shall make enhanced services under the Prevention, Retention, and Contingency Program available to the program's participants"

Delete lines 118486 and 118487

Between lines 118487 and 118488, insert:

"(D) Beginning July 1, 2016, individuals who are at least sixteen but not more than twenty-four years of age are required to participate or permitted to volunteer to participate in the Comprehensive Case Management and Employment Program in accordance with the following:"

In line 118488, delete "(a)" and insert "(1)"

In line 118491, delete "(b)" and insert "(2)"

In line 118494, delete "(c)" and insert "(3)"

In line 118498, delete "(d)" and insert "(4)"

Delete lines 118505 through 118512

In line 118533, delete "October 15, 2015" and insert "May 15, 2016"

In line 118562, after "(G)(1)" delete the balance of the line

Delete lines 118563 through 118576

In line 118577, delete "Act," 29 U.S.C. 3141(b)(2)(B)" and insert "The Comprehensive Case Management and Employment Program Advisory Board shall establish an evaluation system in accordance with the section of this act titled "Comprehensive Case Management and Employment Program Advisory Board""

Between lines 118626 and 118627, insert:

"**Section 305.__.** Comprehensive Case Management and Employment Program Advisory Board

(A) There is hereby created the Comprehensive Case Management and Employment Program Advisory Board. The Board shall consist of the following members:

(1) The Executive Director of the Governor's Office of Workforce Transformation, or the Executive Director's designee;

(2) The Director of Job and Family Services, or the Director's designee;

(3) One member of the Senate, appointed by the President of the Senate;

(4) One member of the House of Representatives, appointed by the Speaker of the House of Representatives;

(5) One member representing the County Commissioners' Association of Ohio, appointed by the Governor;

(6) One member representing the Ohio Job and Family Services Directors' Association, appointed by the Governor;

(7) One member of a local workforce investment board established under section 117 of the "Workforce Investment Act of

1998," 29 U.S.C. 2832, as amended, appointed by the Governor.

(B) Initial appointments to the Board shall be made not later than thirty days after the effective date of this section.

(C) A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the Board. Vacancies on the Board shall be filled in the same manner as the original appointments.

(D) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

(E)(1) The Board shall develop an evaluation system for the local participating agencies' administration of the Comprehensive Case Management and Employment Program created under the section of this act titled "Comprehensive Case Management and Employment Program." The evaluation system shall specify data required to be collected, performance metrics, and a performance report card.

(2) The Board shall submit its proposed evaluation system to the Department of Job and Family Services for review. If the Department disapproves the proposal, the Board shall revise the proposal and submit it to the Department for review. This process shall continue until the Department approves a proposal. An evaluation system approved by the Department must be in place not later than July 1, 2016.

Section 305.__. TANF REPORT

(A) As used in this section:

(1) "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.

(2) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.

(B) Not later than October 1, 2016, the Department of Job and Family Services shall submit a report to the General Assembly that provides a comprehensive overview of Ohio's TANF program for fiscal year 2016. The report shall identify the source and allocation of local, state, and federal funds supporting the program, as well as expenditures and program participation by expenditure category, for each Title IV-A program and each other program funded in part by the TANF block grant. The report shall break down that information by county.

(C) With regard to expenditures for the Prevention, Retention, and Contingency Program established in section 5108.02 of the Revised Code, the report shall detail the number of participants served each month by age, with one age group being 16-24 year olds, for each of the following categories:

(1) Training, employment, and work support;

(2) Short-term basic needs;

(3) Help Me Grow;

(4) Child welfare and family support;

(5) Out-of-wedlock pregnancy prevention;

(6) Youth education and support;

(7) Domestic violence;

(8) Community and economic development;

(9) Disaster assistance.

(D) The report shall be submitted in accordance with section 101.68 of the Revised Code.

Section 305. __. PRC Program-Enhanced

(A) As used in this section:

(1) "Additional benefits and services" means the benefits and services that a county department of job and family services may provide under PRC Program-Enhanced. "Additional benefits and services" are in addition to required benefits and services.

(2) "CCMEP" means the Comprehensive Case Management and Employment Program established in accordance with the section of this act titled "Comprehensive Case Management and Employment Program."

(3) "PRC Program" means the Prevention, Retention, and Contingency Program established in section 5108.02 of the Revised Code.

(4) "Required benefits and services" means the benefits and services specified in rules adopted under this section that a county department of job and family services must provide under the PRC Program-Enhanced.

(5) "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.

(B)(1) There is hereby established the PRC Program-Enhanced as part of the CCMEP. The Department of Job and Family Services shall administer PRC Program-Enhanced, as long as funds under the TANF block grant are available, to provide CCMEP participants who are in compliance with CCMEP requirements enhanced services under the county's PRC Program, including the following short-term supportive services that address a specific crisis or episode of need:

(a) Employment assistance;

(b) Housing assistance;

(c) Utility assistance;

(d) Transportation assistance;

(e) Other employment or disaster-related assistance.

(2) PRC Program-Enhanced services may be provided through contracts with not-for-profit, community, and faith-based organizations.

(C) The Director of Job and Family Services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement PRC Program-Enhanced. The rules shall specify and establish all of the following:

(1) Required benefits and services that each county department of job and family services must provide under PRC Program-Enhanced;

(2) Income and other eligibility requirements for required benefits and services and maximum eligibility requirements for additional benefits and services;

(3) The maximum amount of required benefits and services and additional benefits and services an eligible individual may receive in a year;

(4) Other requirements for PRC Program-Enhanced the Director considers appropriate."

The motion was _____ agreed to.

SYNOPSIS

Comprehensive Case Management and Employment Program

Section 305.190

Requires the Comprehensive Case Management and Employment Program (CCMEP), to the extent funds under the TANF block grant are available, to make enhanced PRC Program services available to CCMEP participants who are in compliance with CCMEP requirements.

-- Restricts implementation of CCMEP to 16-24 year olds.

-- Extends to July 1, 2016 (from December 15, 2015) the date on which specified individuals are required to participate or permitted to volunteer to participate in CCMEP.

Extends to May 15, 2016, (from October 15, 2015) the date by which each board of county commissioners must designate one of the local participating agencies as the lead agency for CCMEP.

Removes a provision that required ODJFS, in consultation with the Governor's Office of Workforce Transformation, to establish an evaluation system for administration of CCMEP and instead requires the Comprehensive Case Management and Employment Program Advisory Board to establish the evaluation system.

Comprehensive Case Management and Employment Program Advisory Board

Section 305.___

Creates the Comprehensive Case Management and Employment Program Advisory Board.

Requires the Board to develop an evaluation system for the local participating agencies' administration of CCMEP.

Requires the Board to submit its evaluation system to ODJFS for approval or disapproval.

Requires an evaluation system approved by ODJFS to be in place not later than July 1, 2016.

Prevention, Retention, and Contingency Program

R.C. 5108.01, 5108.021, 5108.022, 5108.03, 5108.04, 5108.041, 5108.05, 5108.051, 5108.06, 5108.07, 5108.09, 5108.10, and 5108.11

Removes Executive and House-added provisions that would have done the following with regard to the Prevention, Retention, and Contingency Program:

Replaced a requirement that each county department of job and family services (CDJFS) adopt a statement of policies governing the Prevention, Retention, and Contingency (PRC) Program with a requirement that each CDJFS adopt a county PRC Program plan.

Required each CDJFS to adopt its initial county PRC Program plan not later than November 15, 2015.

Required each CDJFS to update its county PRC Program plan not later than October 1, 2017, and at least every two years thereafter.

Required each CDJFS to include in its county PRC Program plan all required benefits and services specified in rules the Director of the Ohio Department of Job and Family Services (ODJFS) was required to adopt.

Required that the required benefits and services include, at a minimum, short-term supportive services and disaster assistance that address a specific crisis or episode of need.

Prohibited a CDJFS from suspending required benefits and services unless funds allocated for the PRC Program by the ODJFS Director were exhausted and the CDJFS submitted an amended program plan in accordance with current law requirements.

Required a CDJFS, in amending its PRC Program plan, to comply with existing requirements for comment or review of the plan.

Permitted each CDJFS to include additional benefits and services in its county PRC Program plan.

Prohibited required and additional benefits and services from including work subsidies.

Mandated that required and additional benefits and services have the primary purposes of (1) diverting families from participating in Ohio works first and (2) meeting an emergent need that, if not met, would threaten the safety, health, or well-being of one or more members of a family.

PRC Program-Enhanced

Section 305.___

Establishes the PRC Program-Enhanced, to be administered by ODJFS to provide CCMEP participants in compliance with CCMEP requirements enhanced PRC Program services, including short-term supportive services that address a specific crisis or episode of need.

Requires the ODJFS Director to adopt rules in accordance with the Administrative Procedure Act (Chapter 119. of the Revised Code) to implement PRC Program-Enhanced, including rules to specify (1) required benefits and services CDJFSs must provide, (2) income and eligibility for required benefits and services and maximum eligibility for additional benefits and services, (3) maximum benefits an individual may receive in a year, and (4) other requirements for PRC Program-Enhanced.

TANF Report

Section 305.___

Requires ODJFS, not later than July 1, 2016, to submit a report detailing spending under the TANF block grant for each

county in Ohio.

Requires the report, with regard to PRC Program spending, to detail the number of participants served each month by age, with one age group being 16-24 year olds, for each of several specified categories of PRC Program services.

SC4514X4

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 256 of the title, after "3313.413," insert "3313.619,"

In line 536, after "3313.413," insert "3313.619,"

Between lines 43998 and 43999, insert:

"**Sec. 3313.619.** (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 contain either of the following:

(1) Certification signed by the superintendent of the school district in which the student is entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code that the student and the student's parent have

complied with state law regarding home instruction. The statement of certification shall read as follows:

"I certify that the student named in this diploma and the student's parent have complied with division (A)(2) of section 3321.04 of the Ohio Revised Code regarding instruction at home and the related rules of the Ohio State Board of Education."

A superintendent presented with such diploma for signature shall sign the diploma if the student and the parent have complied with division (A)(2) of section 3321.04 of the Revised Code.

(2) 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."

The motion was _____ agreed to.

SYNOPSIS

Diplomas for home-schooled students and nonchartered nonpublic school students

R.C. 3313.619

Specifies that a person who has completed the final year of instruction at home 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.

Requires that, beginning with diplomas issued on or after July 1, 2015, a home schooled student's diploma must include either: (1) a certification signed by the superintendent of the student's district of residence that the student and student's parent have fully complied with the requirements of state home instruction law or (2) the official letter of excuse issued by the district superintendent for the student's final year of home education.

Requires the district superintendent to sign any diploma presented to the superintendent if the student and parent have complied with the requirements of state home instruction law.

Specifies that 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.

Specifies that a diploma granted under these provisions must serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show proof of graduation.

Specifies that, for the purposes of an application for employment, a diploma granted under these provisions must be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted took any of the state high school achievement assessments.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 153 of the title, after "4729.80," insert "4729.82, 4729.84,"

In line 460, after "4729.80," insert "4729.82, 4729.84,"

Between lines 74859 and 74860, insert:

"**Sec. 4729.82.** If the state board of pharmacy establishes a drug database pursuant to section 4729.75 of the Revised Code, the information collected for the database shall be retained in the database for at least ~~two~~ three years. Any information that identifies a patient shall be destroyed after it has been retained for ~~two~~ three years unless a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs has submitted a written request to the board for retention of the information in accordance with rules adopted by the board under section 4729.84 of the Revised Code.

Sec. 4729.84. For purposes of establishing and maintaining a drug database pursuant to section 4729.75 of the Revised Code, the state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out and enforce sections 4729.75 to 4729.83 of the Revised Code. The rules shall specify

all of the following:

(A) A means of identifying each patient, each terminal distributor of dangerous drugs, and each purchase at wholesale of dangerous drugs about which information is entered into the drug database;

(B) Requirements for the transmission of information from terminal distributors of dangerous drugs, wholesale distributors of dangerous drugs, and prescribers;

(C) An electronic format for the submission of information from terminal distributors, wholesale distributors, and prescribers;

(D) A procedure whereby a terminal distributor-, wholesale distributor, or prescriber unable to submit information electronically may obtain a waiver to submit information in another format;

(E) A procedure whereby the board may grant a request from a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs that information that has been stored for ~~two~~ three years be retained when the information pertains to an open investigation being conducted by the agency or entity;

(F) A procedure whereby a terminal distributor, wholesale distributor, or prescriber may apply for an extension to the time by which information must be transmitted to the board;

(G) A procedure whereby a person or government entity to which the board is authorized to provide information may submit a request to the board for the information and the board may verify the identity of the requestor;

(H) A procedure whereby the board can use the database request records required by division (B) of section 4729.80 of the Revised Code to document and report statistics and law enforcement outcomes;

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code."

In line 110646, after "4729.80," insert "4729.82, 4729.84,"

The motion was _____ agreed to.

SYNOPSIS

Retention of information in OARRS

R.C. 4729.82 and 4729.84

Increases to three years (from two) the amount of time that information collected in the Ohio Automated Rx Reporting System (OARRS) is to be retained.

SC4525

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 105771, after "(kk)" insert "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 purchased directly from such a supplier multiplied by the statewide 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)"

In line 126857, after "act" insert "of division (F)(2)(jj)"

Between lines 126870 and 126871, insert:

"**Section 803.___.** The amendment by this act of section 5751.01 of the Revised Code adding division (F)(2)(kk) to that

section applies to tax periods beginning on or after July 1, 2015."

The motion was _____ agreed to.

SYNOPSIS

Commercial activity tax: Deduct petroleum tax on railroad fuel

R.C. 5751.01(F)(2)(kk); Section 803.___

Authorizes a reduction in the commercial activity tax (CAT) for railways' purchases of dyed diesel fuel. The reduction compensates for the difference between the petroleum activity tax (PAT) payable on account of such fuel and the CAT that would have been owed on account of the fuel if the CAT applied to receipts from selling the fuel. (The PAT is levied at a rate of 0.65% of the receipts that fuel suppliers receive from selling motor fuel, including dyed diesel. The CAT is levied at a rate of 0.26%, and does not apply to receipts from selling motor fuel.) The difference between the PAT payable on account of the fuel and the CAT that would be payable (because of the tax rate difference) is translated into a reduction in a railway's overall CAT taxable gross receipts. The reduction applies only if a railway purchases the dyed diesel fuel directly from a fuel supplier subject to the PAT.

Applies on and after July 1, 2015.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 18 of the title, after "145.114," insert "145.116,"

In line 39 of the title, delete "1511.08,"

In line 41 of the title, after "1515.09," insert "1515.091,"

In line 68 of the title, after "3301.58," insert "3301.922, 3301.923,"

In line 109 of the title, after "3345.86," insert "3354.01,"

In line 290 of the title, after "3301.92," insert "3301.921,"

In line 367, delete "505.11,"

In line 377, delete "1511.08,"

In line 379, after "1515.09," insert "1515.091,"; after "1515.10," insert "1515.11,"

In line 399, after "3301.58," insert "3301.922, 3301.923,"

In line 428, after "3345.86," insert "3354.01,"

In line 466, delete "4911.021," and insert "4911.021,"

In line 2446, strike through "4725.501" and insert "4725.46"

In line 5875, after "development" insert "services"

In line 8155, delete "5502.022" and insert "5502.22"

Between lines 40822 and 40823, insert:

"**Sec. 3301.922.** The department of education shall issue an annual report on the participation by public and chartered nonpublic schools in the option of sections 3313.674, 3314.15, and 3326.26 of the Revised Code to screen students for body mass index and weight status category. The department shall include in the report any data regarding student health and wellness collected in conjunction with those sections. The department shall submit each report to the governor~~,~~ and the general assembly~~, and the healthy choices for healthy children council~~.

Sec. 3301.923. ~~Upon receipt of the initial recommendations of the healthy choices for healthy children council required by division (C) of section 3301.921 of the Revised Code, the~~ The department of education shall establish a clearinghouse of best practices that schools may use to promote student health. The department shall update the clearinghouse as necessary ~~to reflect subsequent recommendations of the council~~."

In line 46883, strike through "statewide"; after "students" insert "in the statewide total ADM"

In line 46884, after the period insert "For purposes of this calculation:

(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined.

(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined."

Delete lines 47211 through 47219

In line 47222, delete "and total"

In line 47231, reinsert "qualifying"; delete "total"

In line 47238, reinsert "qualifying"; delete "total"

Between lines 47498 and 47499, insert:

"If the result of the calculation for a school district under division (B)(2) of this section is less than zero, the district's supplemental targeted assistance shall be zero."

In line 54354, after "each" insert "state"

In line 54358, delete "director" and insert "chancellor"

In line 55408, delete "director" and insert "chancellor"

In line 55418, delete "director" and insert "chancellor"

In line 55433, delete "director" and insert "chancellor"

In line 64774, delete "director" and insert "chancellor"

In line 64782, delete "by the Ohio board of regents"

In line 73894, delete "4725.51" and insert "4725.47"

In line 74124, delete "4725.59" and insert "4725.55"

In line 92725, delete "library"

In line 97006, strike through "February or"

In line 102511, reinsert "thirty-seven"; delete "forty-nine"

In line 110547, after "149.04," insert "149.311,"

In line 110562, delete "1511.08,"

In line 110585, after "3301.58," insert "3301.922, 3301.923,"

In line 110614, after "3345.86," insert "3354.01,"

In line 110702, after "3301.92," insert "3301.921,"

In line 116582, delete "of the Department"

Between lines 118207 and 118208, insert:

"**Section 305.75.** TANF CASELOAD CONTINGENCY FUNDING

Of the foregoing appropriation items 600410, TANF State/Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, not more than a total of $33,750,000 in each fiscal year shall be used by the Department of Job and Family Services for the purposes of TANF caseload contingency funding."

Delete lines 118244 through 118250

In line 119878, delete "the Board of Regents" and insert "Higher Education"

In line 122816, delete "Director" and insert "Chancellor"

In line 123681, after "eligible" insert "high-performing"

In line 125097, delete "the" and insert "each"

In line 125104, delete "the"

In line 125105, delete "municipal corporation or township" and insert "each eligible entity"

In line 126094, delete the second "and"

In line 126228, delete "4725.51" and insert "4725.47"

In line 126449, delete "5751.21" and insert "5751.22"

In line 126560, delete "483" and insert "59"; after "Assembly" insert "as amended by Section 610.20 of Am. Sub. H.B. 483 of the 130th General Assembly"

In line 126769, after "sections" insert "718.01,"; after "718.04" insert a comma

Between lines 126923 and 126924, insert:

"Sections or parts of sections that state that referenced sections in whole or in part are exempt from the referendum."

Delete lines 126999 and 127000

The motion was _____ agreed to.

SYNOPSIS

LSC Technical

R.C. 109.572, 122.85, 125.061, 3301.921, 3301.922, 3301.923, 3317.02, 3317.0212, 3317.0217, 3345.39, 3365.034, 3781.106, 4725.411, (4725.47), 5709.93, 5739.021, and 5743.63

Sections 263.323, 305.75, 305.106, 327.320, 369.610, 501.10, 610.32, 737.10, 747.20, 757.10, 757.120, 803.160, 812.20, and 815.10

Makes conforming amendments required by the repeal of the Healthy Choices for Health Children Council.

Makes changes to the definition of the economically disadvantaged index for a school district, the calculation of school transportation funding, and the calculation of supplemental targeted assistance funding to conform with the bill's changes to the school funding formula.

Corrects references to the Chancellor of Higher Education.

Corrects certain statutory cross-references to correspond with the Senate substitute version's merger of the State Board of Optometry and Ohio Optical Dispensers Board.

Makes technical corrections to tax-related provisions of the bill.

Corrects cross reference errors.

Corrects a typographical error.

Makes language consistent.

Reorders a section of temporary law dealing with the Department of Jobs and Family Services.

Clarifies effective date of effective date sections that declare sections exempt from the referendum.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 64 of the title, after "2925.03, insert "2925.11,"

In line 395, after "2925.03, insert "2925.11,"

In line 35942, after "offender" insert "within ten years of the offense"

In line 36133, after "offender" insert "within ten years of the offense"

In line 36206, after "offender" insert "within ten years of the offense"

Between lines 36650 and 36651, insert:

"**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

(B) This section does not apply to any of the following:

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving

the use of an anabolic steroid if the project has been approved by the United States food and drug administration;

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;

(4) Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, hashish, and controlled substance analogs, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(1)(b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree,

and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b), (c), or (d) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender <u>within ten years of the offense</u> previously has been convicted of a drug abuse offense, a felony of the fifth degree.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount,

possession of drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds one

thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years.

(g) If the amount of the drug involved equals or exceeds forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of possession of cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), or (f) of this section, possession of cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds five

grams but is less than ten grams of cocaine, possession of cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, possession of cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If possession of cocaine is a felony of the third degree under this division and if the offender <u>within ten years of the offense</u> two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree.

(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine, possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one hundred grams of cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(5) If the drug involved in the violation is L.S.D., whoever

violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), or (f) of this section, possession of heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a

prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams, possession of heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years.

(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(8)(b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, possession of a

controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, possession of a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams, possession of a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds fifty grams, possession of a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences

an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail pursuant to division (E)(1)(b) of this section as if it were a mandatory fine imposed under division (E)(1)(a) of this section.

(2) The court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.

(3) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

(F) It is an affirmative defense, as provided in section

2901.05 of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C)(2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C)(2) of this section or a fifth degree felony violation of division (C)(4), (5), or (6) of this section respectively.

(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section 2925.03 of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

(H) It is an affirmative defense to a charge of possession of a controlled substance analog under division (C)(8) of this section that the person charged with violating that offense obtained, possessed, or used an item described in division (HH)(2)(a), (b), or (c) of section 3719.01 of the Revised Code."

In line 38025, strike through "If an" and insert "<u>The court in which a person is charged with a criminal offense may accept the offender's request for intervention in lieu of conviction in the following circumstances:</u>

(a) The offender is charged with a violation of section 2925.03 or 2925.11 of the Revised Code that is a misdemeanor or a felony of the fourth or fifth degree, the offender makes the request at any time prior to trial, and the court determines that the offender has substance abuse problems.

(b) The"

In line 38026, after "offense" insert "other than an offense described in division (A)(1)(a) of this section"

In line 38028, after the comma insert "the offender makes the request prior to the entry of a guilty plea,"

In line 38037, strike through ", the court may accept, prior to the entry of a"

Strike through line 38038

In line 38039, strike through "conviction"; strike through "The" and insert:

"(2) A"; after "request" insert "made under division (A)(1)(b) of this section"

In line 38049, strike through "The" and insert "A"; after "request" insert "made under division (A)(1)(a) or (b) of this section"

In line 38050, strike through "also"

In line 38054, after "request" insert "made under division (A)(1)(a) or (b) of this section"

In line 38056, after "request" insert "made under division (A)(1)(a) or (b) of this section"

In line 38060, strike through the first "the" and insert "an"; after "offender" insert "who made a request under division

(A)(1)(b) of this section and may order an assessment of an offender who made a request under division (A)(1)(a) of this section"

In line 38063, strike through "If the offender" and insert "The court may order that an offender who made a request under division (A)(1)(a) of this section or an offender who made a request under division (A)(1)(b) of this section and who"

In line 38065, strike through ", the court may order that the offender"

In line 38074, strike through "(2)" and insert "(3)"

In line 38075, strike through "2930.08" and insert "2930.06"

In line 38076, after "section" insert "regarding an offender who made a request under division (A)(1)(b) of this section"

In line 38079, strike through "The" and insert "Regarding an offender who makes a request under division (A)(1)(a) or (b) of this section, the"

In line 38086, after "a" insert "violation of section 2925.03 or 2925.11 of the Revised Code or a"

In line 38090, strike through "The" and insert "Regarding an offender who makes a request under division (A)(1)(b) of this section, the"

In line 38100, strike through "The" and insert "Regarding an offender who makes a request under division (A)(1)(b) of this section, the"

In line 38103, after the second comma insert "or"; strike through ", or fourth"

In line 38106, strike through "If an offender" and insert "(a) Regarding an offender who makes a request under division

(A)(1)(b) of this section and who"

Between lines 38118 and 38119, insert:

"(b) Regarding an offender who makes a request under division (A)(1)(a) of this section, if the court has ordered that the offender be assessed by a community addiction services provider or a properly credentialed professional for the purpose described in division (B)(4)(a) of this section, the offender has been assessed and the written assessment has been filed with the court as described in that division."

In line 38119, strike through "If an offender" and insert "Regarding an offender who makes a request under division (A)(1)(b) of this section and who"

In line 38132, strike through "The" and insert "(a) Regarding an offender who makes a request under division (A)(1)(b) of this section, the"

Between lines 38139 and 38140, insert:

"(b) Regarding an offender who makes a request under division (A)(1)(a) of this section, the offender has substance abuse problems and intervention would substantially reduce the likelihood of any future criminal activity."

In line 38140, strike through "The" and insert "Regarding an offender who makes a request under division (A)(1)(b) of this section, the"

In line 38144, strike through "If the offender" and insert "Regarding an offender who makes a request under division (A)(1)(b) of this section and who"

In line 38148, strike through "The" and insert "Regarding an offender who makes a request under division (A)(1)(a) or (b) of this section, the"

In line 38151, strike through "The" and insert "Regarding an offender who makes a request under division (A)(1)(b) of this section, the"

In line 38156, after "(C)" insert "(1)"

In line 38159, strike through ". If" and insert "and shall proceed as follows:

(a) If"

In line 38162, after the comma insert "one of the following applies:

(i) Regarding an offender who made the request under division (A)(1)(b) of this section,"

In line 38170, strike through "If" and insert:

"(ii) Regarding an offender who made the request under division (A)(1)(a) of this section, the court shall accept the offender's waiver of the defendant's right to a speedy trial, the preliminary hearing, the time within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment already has occurred. In addition, the court then shall stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section.

(2) If"; after "finds" insert "under division (B) of this section"

In line 38171, strike through "offender's"; after "request" insert "of an offender made under division (A)(1)(b) of this section"

In line 38192, after the period insert "If the offender's

request was made under division (A)(1)(a) of this section, the terms and conditions also shall require that the offender, for at least three years from the date on which the court grants the order of intervention in lieu of conviction, not be convicted of or plead guilty to any criminal offense other than a misdemeanor traffic offense."

In line 38200, after the comma insert "the requirement if applicable that the offender for a period of at least three years from the date on which the court granted that order not be convicted of or plead guilty to any criminal offense other than a misdemeanor traffic offense,"

In line 38203, strike through "and" and insert ", the"; after "abstinence" insert ", and if applicable the period of no criminal convictions or guilty pleas"

In line 38213, after the comma insert "including the requirements identified in division (E) of this section,"

In line 38218, strike through ", it" and insert "and the offender made the request for intervention in lieu of conviction under division (A)(1)(b) of this section, the court"

In line 38220, after "If" insert "the court determines that the offender has failed to comply with any of those terms and conditions and the offender made the request for intervention in lieu of conviction under division (A)(1)(a) of this section, the court shall notify the prosecutor with authority to prosecute the offender's alleged violation of section 2925.03 or 2925.11 of the Revised Code and the prosecutor shall proceed with criminal proceedings against the offender as if the offender's request for intervention in lieu of conviction had not been made. If, in either case,"

Between lines 38245 and 38246, insert:

"(8) "Misdemeanor traffic offense" means a violation of any prohibition in Title XLV of the Revised Code, or of any municipal ordinance that is substantially equivalent to any such violation, that is a misdemeanor.

(9) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code."

In line 110581, after "2925.03," insert "2925.11,"

The motion was _____ agreed to.

SYNOPSIS

Drug Trafficking and Possession Offenses - Availability of Intervention in Lieu of Conviction and 10-Year Limit on Lookbacks

R.C. 2925.03, 2925.11, and 2951.041

Expands the existing "intervention in lieu of conviction" law so that: (1) it applies to any offender who is charged with a drug trafficking or possession offense under R.C. 2925.03 or 2925.11 that is a misdemeanor or a felony of the fourth or fifth degree if the court determines that the offender has substance abuse problems, (2) if an offender described in clause (1) is granted intervention and complies with all conditions imposed by the court, including abstention from using illegal drugs and alcohol for at least one year from the date of the grant, participation in treatment and recovery services, and not being convicted for a period of at least three years from that date of any criminal offense other than a misdemeanor traffic offense, the court will dismiss the proceedings against the offender, and (3) if the offender described in clause (1) is granted intervention and does

not comply with all conditions imposed by the court, including those identified in clause (2), the prosecutor will proceed with criminal proceedings against the offender as if the offender's request for intervention in lieu of conviction had not been made. Also, corrects a mistaken cross-reference in that law to a provision in the Crime Victims' Rights Law.

Specifies that, in the circumstances in which a drug trafficking or drug possession offense requires a mandatory prison term or an increased penalty for an offender who previously was convicted of a drug abuse offense, the prior conviction counts for purposes of the mandatory term or increased penalty only if it occurred within the preceding 10 years.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 182 of the title, after "5162.12," insert "5162.13,"

In line 261 of the title, after "3365.034," insert "3701.142,"

In line 262 of the title, after "3701.834," insert "3701.95,"

In line 274 of the title, after "5167.041," insert "5167.15, 5167.17,"

In line 482, after "5162.12," insert "5162.13,"

In line 539, after "3365.034," insert "3701.142,"

In line 540, after "3701.834," insert "3701.95,"

In line 549, after "5167.041," insert "5167.15, 5167.17,"

Between lines 56408 and 56409, insert:

"**Sec. 3701.142.** (A) As used in this section:

(1) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Community health worker services" means the services described in section 4723.81 of the Revised Code.

(B) The director of health shall adopt rules specifying healthy behaviors to be promoted and facilitated by certified

community health workers who provide community health worker services and other services covered by medicaid managed care organizations under section 5167.15 of the Revised Code. Before adopting the rules, the director shall consult with members of the Ohio perinatal quality collaborative or a successor organization. The director may consult with other health care organizations as the director determines to be appropriate.

(C) The director of health, in consultation with the medicaid director, shall adopt rules specifying both of the following:

(1) The urban and rural communities, identified by zip code or portions of zip codes that are contiguous, that have the highest infant mortality rates in this state;

(2) The licensed health professionals, in addition to physicians, who may recommend that a medicaid recipient receive the services covered by medicaid managed care organizations under section 5167.15 of the Revised Code.

(D) The rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code."

Between lines 56883 and 56884, insert:

"**Sec. 3701.95.** (A) As used in this section, "government program providing public benefits" has the same meaning as in section 191.01 of the Revised Code.

(B) The director of health shall identify each government program providing benefits, other than the help me grow program established by the department of health pursuant to section 3701.61 of the Revised Code, that has the goal of reducing infant mortality and negative birth outcomes or the goal of reducing disparities among women who are pregnant or capable of becoming

pregnant and who belong to a racial or ethnic minority. A program shall be identified only if it provides education, training, and support services related to those goals to program participants in their homes. The director may consult with the Ohio partnership to build stronger families for assistance with identifying the programs.

(C) An administrator of a program identified under division (B) of this section shall report to the director data on program performance indicators that are used to assess progress toward achieving program goals. The administrator shall report the data in the format and within the time frames specified in rules adopted under division (D) of this section. Using the data reported under this division, the director shall prepare an annual report assessing the performance of each government program identified pursuant to division (B) of this section during the immediately preceding twelve-month period. In addition, the report shall summarize and provide an analysis of the information contained in the "information for medical and health use only" section of the birth records for individuals born during the prior twelve-month period.

The director shall provide a copy of the report to the general assembly and the joint medicaid oversight committee. The copy to the general assembly shall be provided in accordance with section 101.68 of the Revised Code.

(D) The director shall adopt rules specifying program performance indicators on which data must be reported by the administrators described in division (C) of this section as well as the format and time frames in which the data must be reported. To the extent possible, the program performance indicators specified in the rules shall be consistent with federal reporting

requirements for federally funded home visiting services. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

Between lines 87232 and 87233, insert:

"**Sec. 5162.13.** (A) On or before the first day of January of each year, the department of medicaid shall complete a report on the effectiveness of the medicaid program in meeting the health care needs of low-income pregnant women, infants, and children. The report shall include all of the following: ~~the~~

(1) The estimated number of pregnant women, infants, and children eligible for the program; ~~the~~

(2) The actual number of eligible persons enrolled in the program; ~~the~~

(3) The actual number of enrolled pregnant women categorized by estimated gestational age at time of enrollment;

(4) The number of prenatal, postpartum, and child health visits; ~~a~~

(5) The rates at which enrolled pregnant women receive addiction or mental health services, progesterone therapy, and any other service specified by the department;

(6) A report on birth outcomes, including a comparison of low-birthweight births and infant mortality rates of medicaid recipients with the general female child-bearing and infant population in this state; ~~and a~~

(7) A comparison of the prenatal, delivery, and child health costs of the program with such costs of similar programs in other states, where available.

(B) The department shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code and to the joint medicaid oversight committee. The department also shall make the report available to the public."

Between lines 89472 and 89473, insert:

"**Sec. 5167.15.** (A) As used in this section:

(1) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Community health worker services" means the services described in section 4723.81 of the Revised Code.

(3) "Qualified community hub" means a community-based agency that meets both of the following criteria:

(1) Uses the pathways community HUB model developed by the community health access project in this state for the purposes of coordinating two or more care coordination agencies and ensures that the agencies use pathways to connect at-risk individuals to physical health, behavioral health, social, and employment services;

(2) Demonstrates to the medicaid director that it fully or substantially complies with the pathways community HUB certification standards developed by the rockville institute by submitting to the director a copy of a document from that institute stating that the community hub satisfies the standards or has shown substantial progress toward satisfying the standards.

(B)(1) Subject to divisions (B)(3) and (C) of this section, a medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (B)(2) of this section, or arrange for such recipient to receive, both of the

following types of services provided by a certified community health worker:

(a) Community health worker services;

(b) Other services that are not community health worker services but are performed for the purpose of ensuring that the medicaid recipient is linked to employment services, housing, educational services, social services, or medically necessary physical and behavioral health services.

(2) A medicaid recipient qualifies to receive the services specified in division (B)(1) of this section if the medicaid recipient is pregnant or capable of becoming pregnant, resides in a community specified in rules adopted under section 3701.142 of the Revised Code, has been recommended to receive the services by a physician or another licensed health professional specified in rules adopted under that section, and is enrolled in the medicaid managed care organization providing or arranging for the services.

(3) The services described in division (B)(1) of this section must promote and facilitate healthy behaviors specified in rules adopted under section 3701.142 of the Revised Code across the following life course stages: preconception, prenatal, postpartum, and interconception.

(C) A medicaid recipient who is to receive the services described in division (B)(1) of this section and who resides in a region served by a qualified community hub shall receive the services only from that community hub.

Sec. 5167.17. When contracting under section 5167.10 of the Revised Code with a managed care organization that is a health insuring corporation, the department of medicaid shall require the health insuring corporation to provide enhanced care management

services for pregnant women and women capable of becoming pregnant in the communities specified in rules adopted under section 3701.142 of the Revised Code. The contract shall specify that the services are to be provided in a manner intended to decrease the incidence of prematurity, low birth weight, and infant mortality, as well as improve the overall health status of women capable of becoming pregnant for the purpose of ensuring optimal future birth outcomes."

In line 110668, after "5162.12," insert "5162.13,"

Between lines 119695 and 119696, insert:

"**Section 327.___.** COMMUNITY HEALTH WORKER SERVICES

Of the foregoing appropriation item 651525, Medicaid/Health Care Services, $13,400,000 in each fiscal year shall be used to provide community health worker services and other services to certain Medicaid recipients as specified in section 5167.15 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Medicaid managed care - community health worker services

R.C. 5167.15

Requires a Medicaid managed care organization to provide (or arrange for the provision of) community health worker services and similar services to enrollees who are pregnant or capable of becoming pregnant, who live in a community identified by the Ohio Department of Health (ODH) as having a high incidence of infant

mortality, and who meet other criteria.

Specifies that if an enrollee who is to receive community health worker services or similar services covered under the bill resides in a region served by a community hub that is nationally certified or has shown substantial progress toward certification, the enrollee must receive the services from that community hub.

ODH rules

R.C. 3701.142

Requires the ODH Director to specify, in consultation with the Ohio perinatal quality collaborative, healthy behaviors to be promoted and facilitated by certified community workers who provide community health worker and other services covered by Medicaid managed care organizations.

Requires the ODH Director, in consultation with the Director of the Ohio Department of Medicaid, to specify (1) communities with a high incidence of infant mortality and (2) the licensed health professionals (in addition to physicians) who may recommend that a Medicaid recipient receive community health worker services covered by Medicaid managed care organizations.

Medicaid managed care - enhanced care management services

R.C. 5167.17

Requires a Medicaid managed care organization to provide enhanced care management services to pregnant women and women capable of becoming pregnant in ODH-identified communities with high infant mortality.

Data collection on certain state-administered services aimed at reducing infant mortality

R.C. 3701.95

Requires the ODH Director to identify each government program providing benefits (other than the Help Me Grow Program) that has the goal of reducing infant mortality and negative birth outcomes or the goal of reducing disparities among women who are pregnant or capable of becoming pregnant and who belong to a racial or ethnic minority.

Requires an administrator of each identified program to report program performance data to the ODH Director.

Requires the ODH Director to prepare an annual report that does both of the following:

--Assesses the performance of each identified program in the preceding 12 months; and

--Summarizes and provides an analysis of medical and health information contained in birth records for individuals born in the preceding 12 months.

Medicaid annual report

R.C. 5162.13

Requires additional information to be included in an annual report that the Ohio Department of Medicaid must complete under existing law on the effectiveness of the Medicaid program in meeting the health care needs of low-income pregnant women, infants, and children.

Department of Medicaid

Section 327.___

Earmarks $13.4 million in each fiscal year ($5,023,660 in FY 2016 and $5,041,080 in FY 2017 state share) in GRF appropriation item 651525, Medicaid/Health Care Services. Requires these funds to be used to provide community health worker and similar services

to Medicaid recipients who, among other things, live in certain communities with high infant mortality rates (In the Office of Health Transformation's "State Fiscal Years 2016-2017 Budget Initiatives", the Office states that it will direct managed care plans to use community health workers to connect certain women in high-risk neighborhoods to health care. Funding for these services is included in appropriation item 651525.)

SC4529

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 250 of the title, after "135.731," insert "145.364,"

In line 253 of the title, after "517.073," insert "742.391,"

In line 256 of the title, after "3307.662," insert "3309.402,"

In line 274 of the title, after "5502.132," insert "5505.182,"

In line 531, after "135.731," insert "145.364,"

In line 533, after "517.073," insert "742.391,"

In line 535, after "3307.662," insert "3309.402,"

In line 550, after "5502.132," insert "5505.182,"

Between lines 13390 and 13391, insert:

"**Sec. 145.364.** Upon determining that a member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for a disability benefit under section 145.36 or 145.361 of the Revised Code, the public employees retirement board shall notify the administrator of workers' compensation of all of the following:

(A) The name of the member;

(B) That the member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for a disability benefit under section 145.36 or 145.361 of the Revised Code;

(C) The effective date of the member's disability benefit;

(D) The date that payments for the member's disability benefit commence."

Between lines 19993 and 19994, insert:

"**Sec. 742.391.** Upon determining that a member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for a disability benefit under section 742.38 or 742.39 of the Revised Code, the board of trustees of the Ohio police and fire pension fund shall notify the administrator of workers' compensation of all of the following:

(A) The name of the member;

(B) That the member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for a disability benefit under section 742.38 or 742.39 of the Revised Code;

(C) The effective date of the member's disability benefit;

(D) The date that payments for the member's disability benefit commence."

Between lines 41937 and 41938, insert:

"**Sec. 3309.402.** Upon determining that a member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for a disability benefit under section 3309.35, 3309.40, or 3309.401 of the Revised Code, the school employees retirement board shall notify the administrator of workers' compensation of all of the following:

(A) The name of the member;

(B) That the member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for a disability benefit under section 3309.35, 3309.40, or 3309.401 of the Revised Code;

(C) The effective date of the member's disability benefit;

(D) The date that payments for the member's disability benefit commence."

In line 66515, after the underlined period insert "(A)"

In line 66520, delete "(A)" and insert "(1)"

In line 66525, delete "(B)" and insert "(2)"

Between lines 66529 and 66530, insert:

"(B) No claimant shall be entitled to compensation or benefits under this chapter or Chapter 4121., 4127., or 4131., of the Revised Code for an injury described in division (C)(1)(c) of section 4123.01 of the Revised Code for any period of time during which the claimant received a disability benefit

or disability retirement from the public employees retirement system, the Ohio police and fire pension fund, the school employees retirement system, or the state highway patrol retirement system.

(C) If a claimant receives an award of compensation or benefits under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code for an injury described in division (C)(1)(c) of section 4123.01 of the Revised Code for the same time period for which the claimant received a disability benefit or disability retirement from the public employees retirement system, the Ohio police and fire pension fund, the school employees retirement system, or the state highway patrol retirement system, the administrator or any self-insuring employer, by any lawful means, may collect from the employee or the employee's dependents any of the following:

(1) The amount of compensation or benefits paid to the claimant by the administrator or a self-insuring employer pursuant to this chapter or Chapter 4121., 4127., or 4131. of the Revised Code for that time period;

(2) Any interest, attorney's fees, and costs the administrator or the self-insuring employer incurs in collecting that payment."

Between lines 90302 and 90303, insert:

"**Sec. 5505.182.** Upon determining that a member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for disability retirement under section 5505.18 of the Revised Code, the state highway patrol retirement board shall notify the administrator of workers' compensation of all of the following:

(A) The name of the member;

(B) That the member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for disability retirement under section 5505.18 of the Revised Code;

(C) The effective date of the member's disability retirement;

(D) The date that payments for the member's disability retirement commence."

The motion was _____ agreed to.

SYNOPSIS

Concurrent benefits for post-traumatic stress disorder

R.C. 145.364, 742.391, 3309.402, 4121.01, 4123.86, and 5505.182

Prohibits a claimant who receives compensation or benefits under the Workers' Compensation Law for post-traumatic stress disorder (PTSD) with no accompanying physical injury as permitted under the bill from receiving a concurrent disability

benefit or disability retirement from the Public Employees Retirement System, the Ohio Police and Fire Pension Fund, the School Employees Retirement System, or State Highway Patrol Retirement System.

Requires each of the retirement systems listed above to provide notice to the Administrator of Workers' Compensation upon determining that a member's PTSD, without an accompanying physical injury, qualifies that member for a disability benefit or disability retirement.

Allows the Administrator or a self-insuring employer to recover from a claimant who receives such concurrent compensation or benefits the amount of compensation or benefits paid to the claimant pursuant to the Workers' Compensation Law during the period of concurrent payment, along with any attorney's fees and costs incurred in collecting that payment.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 198 of the title, delete "5735.40,"

In line 199 of the title, delete "5739.021, 5739.023,"

In line 200 of the title, delete "5739.025,"; delete "5739.027,"; delete "5739.03,"

Delete line 201 of the title

In line 202 of the title, delete "5739.051, 5739.061,"; delete "5739.10, 5739.12," and insert "5739.101, 5739.102, 5739.103,"

In line 203 of the title, delete everything after "5739.13,"

Delete line 204 of the title

In line 205 of the title, delete everything after "5741.01,"

In line 206 of the title, delete everything after "5741.03,"

In line 207 of the title, delete "5741.08, 5741.11,"; delete "5741.15, 5741.16,"

In line 208 of the title, delete "5741.19, 5741.21, 5741.23,"

In line 252 of the title, after "503.55," insert "503.56, 503.57,"

In line 253 of the title, after "517.073," insert "715.014,"

Delete line 276 of the title

In line 277 of the title, delete "5739.54, 5741.024," and insert "5739.106,"

In line 493, delete "5735.40,"

In line 494, delete "5739.021, 5739.023, 5739.025,"; delete "5739.027,"

Delete line 495

In line 496, delete "5739.061,"; delete "5739.10, 5739.12," and insert "5739.101, 5739.102, 5739.103,"; delete "5739.16, 5739.17,"

Delete line 497

In line 498, delete "5741.02, 5741.021, 5741.022, 5741.023,"; delete "5741.031,"

In line 499, delete "5741.04, 5741.05, 5741.06, 5741.08, 5741.11,"; delete "5741.15,"

In line 500, delete "5741.16,"; delete "5741.19, 5741.21, 5741.23,"

In line 533, after "503.55," insert "503.56, 503.57,"; after "517.073," insert "715.014,"

In line 551, delete everything after "5736.51,"

In line 552, delete "5739.54, 5741.024," and insert "5739.106,"

In line 5526, delete "5739.024,"

In line 5528, reinsert "and"; delete ", and 5741.024"

In line 10427, delete "5739.024, 5739.52,"

In line 10428, delete "or 5741.024" and insert "503.57 or

5739.101"

In line 10429, delete "5739.50" and insert "503.56 or division (C) of section 715.014"; delete everything after the underlined comma

In line 10430, delete everything before "and"

In line 10443, delete "5739.50" and insert "503.56 or 715.014"

In line 10471, delete "5739.024,"

In line 10472, delete "5739.52, or 5741.024" and insert "503.57 or 5739.101"

Between lines 18232 and 18233, insert:

"**Sec. 503.56.** (A) As used in this section:

(1) "Tourism development district" means a district designated by a township under this section.

(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.

(3) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division (A)(2) of section 5739.101 of the Revised Code.

(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S

corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the authority to make decisions legally binding upon a business. The signature of any owner of a business operates as the signature of the business.

(5) "Eligible township" means a township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on the effective date of the enactment of this section.

(B)(1) The board of trustees of an eligible township, by resolution, may declare an unincorporated area of the township to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed two hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting that resolution or ordinance, the board holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the board receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The board adopts the resolution on or before December 31, 2018.

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that

may be levied or imposed in the proposed district.

(3) The board shall certify the resolution to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution.

(4) Subject to the limitations of division (B)(1)(a) and (b) of this section, the board of trustees of an eligible township may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the township fiscal officer of the township that designated the tourism development district. A lessor that imposes such a fee shall remit all collections of the fee to the fiscal officer of the township in which the real property is located.

The board shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may

provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten per cent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The board of trustees of an eligible township that has designated a tourism development district under this section may levy one or both of the taxes authorized under section 503.57 or 5739.101 of the Revised Code.

Sec. 503.57. (A) As used in this section:

(1) "Admission" means the right or privilege to enter into a place.

(2) "Tourism development district" means a district designated by a township under section 503.56 of the Revised Code.

(3) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.

(B) For the purpose of fostering and developing tourism within a tourism development district and paying the costs of administering the tax, the legislative authority of a township may, by resolution, levy a tax upon all of the following:

(1) Amounts paid for admission to any place, including parking lots and facilities, located in the territory of a tourism development district;

(2) Amounts paid for tickets or cards of admission to theaters, operas, and other places of amusement located in the territory of a tourism development district, sold at places other than the ticket offices of such places, over and above the amounts representing the established price therefor at such ticket offices;

(3) Amounts paid for admission to any public performance at any roof garden, cabaret, or other similar entertainment venue located in the territory of a tourism development district, in which the charge for admission is a service or cover charge;

(4) Amounts paid as annual membership dues by every club or organization maintaining a golf course located in the territory of a tourism development district;

(5) Green fees paid to a golf course located in the territory of a tourism development district either under club or private ownership.

(C) The rate of a tax levied under this section shall not exceed five per cent of the admission charge, membership dues, or green fees. Every person receiving any payment on which a tax is levied under this section shall collect the amount of the tax from the person making the admission payment.

(D) The legislative authority of a township levying a tax pursuant to this section shall establish all regulations necessary to provide for the administration of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after

deducting the real and actual costs of administering the tax, that the revenue be used exclusively for fostering and developing tourism within the tourism development district in which the tax is levied."

Between lines 18529 and 18530, insert:

"**Sec. 715.014.** (A) As used in this section:

(1) "Tourism development district" means a district designated by a municipal corporation under this section.

(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.

(3) "Business" and "owner" have the same meanings as in section 503.56 of the Revised Code.

(4) "Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on the effective date of the enactment of this section.

(B)(1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed two hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting the resolution or ordinance, the legislative authority holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The legislative authority adopts the resolution or ordinance on or before December 31, 2018.

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district.

(3) The legislative authority shall certify the resolution or ordinance to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution.

(4) Subject to the limitations of divisions (B)(1)(a) and (b) of this section, the legislative authority of an eligible municipal corporation may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a

tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk. A lessor that imposes such a fee shall remit all collections of the fee to the municipal corporation in which the real property is located.

The legislative authority of that municipal corporation shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten per cent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The legislative authority of an eligible municipal corporation that has designated a tourism development district may levy the tax authorized under section 5739.101 of the Revised Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution."

In line 68900, reinsert "or"; delete ", or 5741.024"

Delete lines 94957 through 94971

In line 95360, delete "5739.024"

In line 95361, reinsert "and"; delete ", and 5741.024"

Delete lines 95639 through 95641

In line 95653, reinsert "and"

In line 95655, delete everything after "commissioners"

Delete line 95656

In line 95657, delete everything before the period

Delete lines 96264 through 96269

In line 96270, delete "(TTT)" and insert "(RRR)"

In line 96932, reinsert "and"; delete the underlined comma

In line 96933, delete everything after "Code"

Delete line 96934

In line 96935, delete everything before the period

In line 96941, delete "5739.024,"

Delete lines 96942 through 98218

In line 98486, reinsert "or"; delete the first underlined comma; delete ", or"

In line 98487, delete "5739.024"

Delete lines 98508 through 98586

In line 98588, delete "5739.024,"

In line 98589, reinsert "and"; delete ", and 5741.024"

In line 98637, delete "5739.024,"

In line 98638, reinsert "and"; delete "<u>, and 5741.024</u>"

Delete lines 98673 through 99461

Delete lines 100313 through 100479 and insert:

"**Sec. 5739.101.** (A) The legislative authority of a municipal corporation, by ordinance <u>or resolution</u>, or of a township, by resolution, may declare the municipal corporation or township to be a resort area for the purposes of this section, if all of the following criteria are met:

(1) According to statistics published by the federal government based on data compiled during the most recent decennial census of the United States, at least sixty-two per cent of total housing units in the municipal corporation or township are classified as "for seasonal, recreational, or occasional use";

(2) Entertainment and recreation facilities are provided within the municipal corporation or township that are primarily intended to provide seasonal leisure time activities for persons other than permanent residents of the municipal corporation or township;

(3) The municipal corporation or township experiences seasonal peaks of employment and demand for government services as a direct result of the seasonal population increase.

(B) For the purpose of providing revenue for its general fund, the legislative authority of a municipal corporation or township, in its ordinance or resolution declaring itself a resort area under this section, may levy a tax on the privilege of engaging in the business of either of the following:

(1) Making sales in the municipal corporation or township, whether wholesale or retail, but including sales of food only to

the extent such sales are subject to the tax levied under section 5739.02 of the Revised Code;

(2) Intrastate transportation of passengers or property primarily to or from the municipal corporation or township by a railroad, watercraft, or motor vehicle subject to regulation by the public utilities commission, except not including transportation of passengers as part of a tour or cruise in which the passengers will stay in the municipal corporation or township for no more than one hour.

The tax is imposed upon and shall be paid by the person making the sales or transporting the passengers or property. The rate of the tax shall be one-half, one, or one and one-half per cent of the person's gross receipts derived from making the sales or transporting the passengers or property to or from the municipal corporation or township.

(C) ~~The tax~~ For the purpose of fostering and developing tourism in a tourism development district designated under section 503.56 or 715.014 of the Revised Code, the legislative authority of a municipal corporation or township, by ordinance or resolution adopted on or before December 31, 2018, may levy a tax on the privilege of engaging in the business of making sales in the tourism development district, whether wholesale or retail, but including sales of food only to the extent such sales are subject to the tax levied under section 5739.02 of the Revised Code.

The tax is imposed upon and shall be paid by the person making the sales. The rate of the tax shall be one-half, one, one and one-half, or two per cent of the person's gross receipts derived from making the sales in the tourism development district.

(D) A tax levied under division (B) or (C) of this section shall take effect on the first day of the month that begins at

least sixty days after the effective date of the ordinance or resolution ~~in~~ by which it is levied. The legislative authority shall certify copies of the ordinance or resolution to the tax commissioner and treasurer of state within five days after its adoption. In addition, one time each week during the two weeks following the adoption of the ordinance or resolution, the legislative authority shall cause to be published in a newspaper of general circulation in the municipal corporation or township, or as provided in section 7.16 of the Revised Code, a notice explaining the tax and stating the rate of the tax, the date it will take effect, and that persons subject to the tax must register with the tax commissioner under section 5739.103 of the Revised Code.

~~(D)~~(E) No more than once a year, and subject to the rates prescribed in division (B) or (C) of this section, the legislative authority of the municipal corporation or township, by ordinance or resolution, may increase or decrease the rate of a tax levied under this section. The legislative authority, by ordinance or resolution, at any time may repeal such a tax. The legislative authority shall certify to the tax commissioner and treasurer of state copies of the ordinance or resolution repealing or changing the rate of the tax within five days after its adoption. In addition, one time each week during the two weeks following the adoption of the ordinance or resolution, the legislative authority shall cause to be published in a newspaper of general circulation in the municipal corporation or township, or as provided in section 7.16 of the Revised Code, notice of the repeal or change.

(F) A person may separately or proportionately bill or invoice a tax levied pursuant to division (B) or (C) of this section to another person.

Sec. 5739.102. A person who is liable for a tax levied under section 5739.101 of the Revised Code shall file a return with the tax commissioner showing the person's taxable gross receipts from sales described under division (B)(1) or (2) or (C) of that section. The tax commissioner shall prescribe the form of the return, and the six- or twelve-month reporting period. The person shall file the return on or before the last day of the month following the end of the reporting period prescribed by the commissioner, and shall include with the return payment of the tax for the period. The remittance shall be made payable to the treasurer of state.

Upon receipt of a return, the tax commissioner shall credit any money included with it to the resort area excise tax fund, which is hereby created. Within forty-five days after the end of each month, the commissioner shall provide for the distribution of all money paid during that month into the resort area excise tax fund to the appropriate municipal corporations and townships, after first subtracting and crediting to the general revenue fund one per cent to cover the costs of administering the excise tax.

If a person liable for the tax fails to file a return or pay the tax as required under this section and the rules of the tax commissioner, the person shall pay an additional charge of the greater of fifty dollars or ten per cent of the tax due for the return period. The additional charge shall be considered revenue arising from the tax levied under section 5739.101 of the Revised Code, and may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. The tax commissioner may remit all or a portion of the charge.

Sec. 5739.103. No person shall exercise the privilege of

engaging in a business described under division (B)(1) or (2) or (C) of section 5739.101 of the Revised Code in a municipal corporation or township that has imposed a tax under division (B) or (C) of that section without first registering with the tax commissioner. The tax commissioner shall prescribe the form of the registration."

In line 100481, delete "5739.024,"

In line 100492, delete "5739.024,"

In line 100499, delete "5739.024,"

Delete lines 100592 through 101275

In line 101479, delete everything after the period

Delete lines 101480 and 101481

Delete lines 101537 through 101541

In line 101542, delete "(V)" and insert "(T)"

Delete lines 101545 through 101952

In line 101958, delete everything after "county"

In line 101959, delete "township,"

In line 101960, reinsert "or"; delete ", or 5741.024"

In line 101966, delete ", municipal corporation, township,"

In line 101978, delete "municipal corporation, township, or"

In line 101982, delete ", municipal"

In line 101983, delete "corporation, township,"

Delete lines 102012 through 102173

In line 102177, reinsert "or"

In line 102178, delete ", or 5741.024"

In line 102190, reinsert "or"; delete "<u>, or 5741.024</u>"

Delete lines 102216 through 102256

Delete lines 102294 through 102321

In line 110679, delete "5735.40,"

In line 110680, delete everything before "5739.026,"; delete "5739.027,"

Delete line 110681

In line 110682, delete "5739.061,"; delete "5739.10, 5739.12," and insert "5739.101, 5739.102, 5739.103,"; delete "5739.16, 5739.17,"

Delete line 110683

In line 110684, delete "5741.02, 5741.021, 5741.022, 5741.023,"; delete "5741.031,"

In line 110685, delete everything before "5741.12,"; delete "5741.15,"

In line 110686, delete "5741.16,"; delete "5741.19, 5741.21, 5741.23,"

Delete lines 127043 and 127044

The motion was _____ agreed to.

SYNOPSIS

Tourism development districts

R.C. 122.175, 133.083, 503.56, 503.57, 715.014, 4505.06, 5735.40, 5739.01, 5739.02, 5739.021, 5739.023, 5739.024, 5739.025, 5739.026, 5739.027, 5739.029, 5739.03, 5739.031, 5739.033,

5739.034, 5739.04, 5739.041, 5739.05, 5739.051, 5739.061, 5739.10, 5739.101, 5739.102, 5739.103, 5739.12, 5739.13, 5739.16, 5739.17, 5739.21, 5739.211, 5739.34, 5739.36, 5739.50, 5739.51, 5739.52, 5739.53, 5739.54, 5739.99, 5740.01, 5740.09, 5741.01, 5741.02, 5741.021, 5741.022, 5741.023, 5741.024, 5741.03, 5741.031, 5741.04, 5741.05, 5741.06, 5741.08, 5741.11, 5741.12, 5741.15, 5741.16, 5741.19, 5741.21, and 5741.23

Makes the following modifications to a provision in the current bill that authorizes municipal corporations and townships located in Stark County to designate a tourism development district and levy certain taxes and charges in that district:

(1) Removes the ability of a subdivision to levy a sales and use tax in the district.

(2) Authorizes a subdivision to levy up to a 2% tax on gross receipts from sales made in the district.

(3) Eliminates a provision that would have diverted any increased revenue derived from county or transit authority sales taxes levied in the district if the subdivision did not levy a sales tax in the district.

(4) Confines the boundaries of a township tourism development district to the unincorporated area of the township.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 111 of the title, after "3701.344," insert "3701.501,"

In line 430, after "3701.344," insert "3701.501,"

Between lines 56500 and 56501, insert:

"**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply ~~if~~ in either of the following circumstances:

(a) If the parents of the child object ~~thereto~~ to the screening on the grounds that ~~the screening~~ it conflicts with their religious tenets and practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening.

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the

newborn screening requirements established under this section and shall provide recommendations and reports to the director as the director requests and as the council considers necessary. The director may assign other duties to the council, as the director considers appropriate.

The council shall consist of fourteen members appointed by the director. In making appointments, the director shall select individuals and representatives of entities with interest and expertise in newborn screening, including such individuals and entities as health care professionals, hospitals, children's hospitals, regional genetic centers, regional sickle cell centers, newborn screening coordinators, and members of the public.

The department of health shall provide meeting space, staff services, and other technical assistance required by the council in carrying out its duties. Members of the council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in attending meetings of the council or performing assignments for the council.

The council is not subject to sections 101.82 to 101.87 of the Revised Code.

(C)(1) ~~The~~ (a) Subject to division (C)(1)(b) of this section, the director of health shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the disorders for which each newborn child must be screened.

(b) In adopting the rules, the director shall specify Krabbe disease as a disorder for which a newborn child who is born on or after July 1, 2016, must be screened. The rules shall limit the screening requirement for Krabbe disease to the process known as "first tier testing," which is a screening for Krabbe disease that is accomplished by measuring galactocerebrosidase activity using

mass spectrometry.

(2) The newborn screening advisory council shall evaluate genetic, metabolic, and endocrine disorders to assist the director in determining which disorders should be included in the screenings required under this section. In determining whether a disorder should be included, the council shall consider all of the following:

(a) The disorder's incidence, mortality, and morbidity;

(b) Whether the disorder causes disability if diagnosis, treatment, and early intervention are delayed;

(c) The potential for successful treatment of the disorder;

(d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder;

(e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen.

(3) Based on the considerations specified in division (C)(2) of this section, the council shall make recommendations to the director of health for the adoption of rules under division (C)(1) of this section. The director shall promptly and thoroughly review each recommendation the council submits.

(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screenings required by this section. The rules shall include standards and procedures for all of the following:

(1) Causing rescreenings to be performed when initial screenings have abnormal results;

(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;

(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;

(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed;

(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted;

(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including the services made available through funds disbursed under division (F) of this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, all newborn screenings required by this section shall be performed by the public health laboratory authorized under section 3701.22 of the Revised Code.

(2) If the director determines that the public health laboratory is unable to perform screenings for all of the disorders specified in the rules adopted under division (C) of this section, the director shall select another laboratory to perform the screenings. The director shall select the laboratory by issuing a request for proposals. The director may accept proposals submitted by laboratories located outside this state. At the conclusion of the selection process, the director shall enter into a written contract with the selected laboratory. If the director determines that the laboratory is not complying with the terms of the contract, the director shall immediately terminate the contract and another laboratory shall be selected and

contracted with in the same manner.

(3) Any rescreening caused to be performed pursuant to this section may be performed by the public health laboratory or one or more other laboratories designated by the director. Any laboratory the director considers qualified to perform rescreenings may be designated, including a laboratory located outside this state. If more than one laboratory is designated, the person responsible for causing a rescreening to be performed is also responsible for selecting the laboratory to be used.

(F)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee that shall be charged and collected in addition to or in conjunction with any laboratory fee that is charged and collected for performing the screenings required by this section. The fee, which shall be not less than fourteen dollars, shall be disbursed as follows:

(a) Not less than ten dollars and twenty-five cents shall be deposited in the state treasury to the credit of the genetics services fund, which is hereby created. Not less than seven dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs.

(b) Not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. Money credited to the sickle cell fund shall be used to defray costs of programs authorized by section 3701.131 of the Revised Code.

(2) In adopting rules under division (F)(1) of this section, the director shall not establish a fee that differs according to

whether a screening is performed by the public health laboratory or by another laboratory selected by the director pursuant to division (E)(2) of this section."

In line 110616, after "3701.344," insert "3701.501,"

The motion was _____ agreed to.

SYNOPSIS

Krabbe disease screening for newborns

R.C. 3701.501

Generally requires each child born on or after July 1, 2016, to undergo certain testing for Krabbe disease as part of the Newborn Screening Program administered by the Department of Health.

Specifies that the Krabbe disease screening requirement does not apply to a child whose parents forgo the screening.

SC4540X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 114784a and 114785, insert:

"GRF 200576 Adaptive Sports Program $50,000 $50,000"

In lines 114786 and 114848, add $50,000 to each fiscal year

Between lines 116463 and 116464, insert:

"ADAPTIVE SPORTS PROGRAM

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education, in collaboration with the Adaptive Sports Program of Ohio to fund the creation of an adaptive sports pilot program in one school district in fiscal year 2016 and in one additional school district in fiscal year 2017."

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Sections 263.10 and 263.270.

Creates and appropriates $50,000 in each fiscal year from GRF appropriation item 200576, Adaptive Sports Program, for a school-based adaptive sports pilot program at two school districts.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 118049 and 118050, insert:

"**Section 303.___.** EXCHANGE HEALTH BENEFIT PLAN DISCLOSURES

(A) With respect to health benefit plans offered through an exchange, and in accordance with timeframes and standards established by the United States Department of Health and Human Services regarding data collection, data elements, format, and display of information by health benefit plans under 42 U.S.C. 1131(e)(3), the sickness and accident insurer, health insuring corporation, or multiple employer welfare arrangement shall comply with both of the following:

(1) Make available the amount of enrollee or insured cost sharing under an individual's plan or coverage with respect to the furnishing of a specific item or service by an in-network provider in a timely manner upon request of the individual;

(2) Make the following information available to the superintendent of insurance and the public:

(a) Claims payment policies and practices;

(b) Information on cost-sharing and payments with respect to any out-of-network coverage;

(c) Information on enrollee or insured rights.

(B) As used in this section, "exchange" has the same meaning as in section 3905.01 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Exchange health benefit plan disclosures

Section 303.___.

Prescribes disclosure requirements for health benefit plans offered through an exchange.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 25 of the title, after "340.15," insert "341.34,"

In line 367, after "340.15," insert "341.34,"

Between lines 17411 and 17412, insert:

"**Sec. 341.34.** (A) As used in this section, "building or structure" includes, but is not limited to, a modular unit, building, or structure and a movable unit, building, or structure.

(B)(1) The board of county commissioners of any county, by resolution, may dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by the county that has not been dedicated to or is not then in use for any county or other public purpose, or any building or structure rented or leased by the county. The board of county commissioners of any county, by resolution, also may dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for the county. Subject to divisions (B)(3) and (C) of this section, upon the effective date of such a resolution, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a

traffic violation or a misdemeanor or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county or municipal jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(c) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(2) The board of county commissioners of any county, by resolution, may affiliate with one or more adjacent counties, or with one or more municipal corporations located within the county

or within an adjacent county, and dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by any of the affiliating counties or municipal corporations that has not been dedicated to or is not then in use for any public purpose, or any building or structure rented or leased by any of the affiliating counties or municipal corporations. The board of county commissioners of any county, by resolution, also may affiliate with one or more adjacent counties or with one or more municipal corporations located within the county or within an adjacent county and dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for any of the affiliating counties or municipal corporations. Any counties and municipal corporations that affiliate for purposes of this division shall enter into an agreement that establishes the responsibilities for the operation and for the cost of operation of the minimum security jail. Subject to divisions (B)(3) and (C) of this section, upon the effective date of a resolution adopted under this division, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor, or a violation of an ordinance of any municipal corporation, or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for

assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(c) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(3) No person shall be confined in a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section unless the judge who sentenced the person to the term of imprisonment for the traffic violation or the misdemeanor specifies that the term of imprisonment is to be served in that jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail or unless the judge who sentenced the person to the residential sanction for the felony specifies that the residential sanction is to be served in a jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail. If a rented or leased building or structure is so dedicated, the building or structure may be used

as a minimum security jail only during the period that it is rented or leased by the county or by an affiliated county or municipal corporation. If a person convicted of a misdemeanor is confined to a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section and the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code determines that it would be more appropriate for the person so confined to be confined in another jail or workhouse facility, the sheriff, administrator, jailer, or other person may transfer the person so confined to a more appropriate jail or workhouse facility.

(C) All of the following apply to a building or structure that is dedicated pursuant to division (B)(1) or (2) of this section for use as a minimum security jail:

(1) To the extent that the use of the building or structure as a minimum security jail requires a variance from any county, municipal corporation, or township zoning regulations or ordinances, the variance shall be granted.

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire prevention, sanitation, health, and safety codes, regulations, or standards.

(3) Unless such satisfaction or compliance is required under the standards described in division (C)(4) of this section, and notwithstanding any other provision of state or local law to the contrary, the building or structure need not satisfy or comply with any state or local building standard or code in order to be used to confine a person for the purposes specified in division

(B) of this section.

(4) The building or structure shall not be used to confine any person unless it is in compliance with all minimum standards and minimum renovation, modification, and construction criteria for minimum security jails that have been proposed by the department of rehabilitation and correction, through its bureau of adult detention, under section 5120.10 of the Revised Code.

(5) The building or structure need not be renovated or modified into a secure detention facility in order to be used solely to confine a person for the purposes specified in divisions (B)(1)(a) or (b) and (B)(2)(a) or (b) of this section.

(6) The building or structure shall be used, equipped, furnished, and staffed in the manner necessary to provide adequate and suitable living, sleeping, food service or preparation, drinking, bathing and toilet, sanitation, and other necessary facilities, furnishings, and equipment.

(D) Except as provided in this section, a minimum security jail dedicated and used under this section shall be considered to be part of the jail, workhouse, or other correctional facilities of the county or the affiliated counties and municipal corporations for all purposes under the law. All persons confined in such a minimum security jail shall be and shall remain, in all respects, under the control of the county authority that has responsibility for the management and operation of the jail, workhouse, or other correctional facilities of the county or, if it is operated by any affiliation of counties or municipal corporations, under the control of the specified county or municipal corporation with that authority, provided that, if the person was convicted of a felony and is serving a residential sanction in the facility, all provisions of law that pertain to

persons convicted of a felony that would not by their nature clearly be inapplicable apply regarding the person. A minimum security jail dedicated and used under this section shall be managed and maintained in accordance with policies and procedures adopted by the board of county commissioners or the affiliated counties and municipal corporations governing the safe and healthful operation of the jail, the confinement and supervision of the persons sentenced to it, and their participation in work release or similar rehabilitation programs. In addition to other rules of conduct and discipline, the rights of ingress and egress of persons confined in a minimum security jail dedicated and used under this section shall be subject to reasonable restrictions. Every person confined in a minimum security jail dedicated and used under this section shall be given verbal and written notification, at the time of the person's admission to the jail, that purposely leaving, or purposely failing to return to, the jail without proper authority or permission constitutes the felony offense of escape.

(E) If a person who has been convicted of or pleaded guilty to an offense is sentenced to a term of imprisonment or a residential sanction in a minimum security jail as described in division (B)(1)(a) or (B)(2)(a) of this section, or if a person is an inmate transferred to a minimum security jail by order of a judge of the sentencing court as described in division (B)(1)~~(b)~~(c) or (B)(2)~~(b)~~(c) of this section, at the time of reception and at other times the person in charge of the operation of the jail determines to be appropriate, the sheriff or other person in charge of the operation of the jail may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The person in charge of the

operation of the jail may cause a convicted offender in the jail who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily."

In line 110511, after "340.15," insert "341.34,"

The motion was _____ agreed to.

SYNOPSIS

Minimum security jail

R.C. 341.34

Provides for the use of a minimum security jail for a person charged with a traffic violation or misdemeanor or a felony of the fourth or fifth degree who has not been released on bail and who is confined in jail pending trial, if the person is classified as a minimal security risk.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 60 of the title, after "1739.21," insert "1776.82,"

In line 392, after "1739.21," insert "1776.82,"

Between lines 31792 and 31793, insert:

"**Sec. 1776.82.** (A) The name of a limited liability partnership shall contain "registered limited liability partnership," "registered partnership having limited liability," "limited liability partnership," "R.L.L.P.," "P.L.L.," "L.L.P.," "RLLP," "PLL," or "LLP."

(B) The name of a domestic registered limited liability partnership or foreign limited liability partnership shall be distinguishable upon the records in the office of the secretary of state from all of the following:

(1) The name of any other limited liability partnership registered in the office of the secretary of state pursuant to this chapter or Chapter 1775. of the Revised Code, whether domestic or foreign;

(2) The name of any domestic corporation that is formed under Chapter 1701. or 1702. of the Revised Code or any foreign corporation that is registered pursuant to Chapter 1703. of the Revised Code;

(3) The name of any limited liability company registered in the office of the secretary of state pursuant to Chapter 1705. of the Revised Code, whether domestic or foreign;

(4) The name of any limited partnership registered in the office of the secretary of state pursuant to Chapter 1782. of the Revised Code, whether domestic or foreign;

(5) Any trade name the exclusive right to which is at the time in question registered in the office of the secretary of state pursuant to Chapter 1329. of the Revised Code."

In line 110578, after "1739.21," insert "1776.82,"

The motion was _____ agreed to.

SYNOPSIS

Limited liability partnership name

R.C. 1776.82

Requires the name of a domestic registered limited liability partnership or foreign limited liability partnership to be distinguishable from other registered business entities and trade names in the Secretary of State's records.

_____ moved to amend as follows:

In line 60500, strike through "(A)"

Strike through line 60502

In line 60503, strike through all before "~~or~~"

In line 60504, strike through "for a period of three years after the date of their sale"

In line 60505, delete the underlined colon; strike through "the name and address of"

Strike through lines 60506 through 60512

Strike through lines 60522 through 60537

In line 60538, strike through "(A)"

Strike through line 60540

In line 60541, strike through all before "or"

In line 60542, strike through "for a period of three years after the date of their sale"

In line 60543, delete the underlined colon; strike through "the name and address of"

Strike through lines 60544 through 60550

Strike through lines 60560 through 60575

The motion was _____ agreed to.

SYNOPSIS

Fireworks purchaser's form

R.C. 3743.07 and 3743.20

Removes the requirement that wholesale purchasers of fireworks complete a fireworks purchaser form.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 191 of the title, after "5301.69," insert "5501.73,"

In line 488, after "5301.69," insert "5501.73,"

Between lines 90174 and 90175, insert:

"**Sec. 5501.73.** (A) After selecting a solicited or unsolicited proposal for a public-private initiative, the department of transportation shall enter into a public-private agreement for a transportation facility with the selected private entity or any configuration of private entities. An affected jurisdiction may be a party to a public-private agreement entered into by the department and a selected private entity or combination of private entities.

(B)(1) A public-private agreement under this section shall provide for all of the following:

~~(1)~~(a) Planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing, or operation of a transportation facility;

~~(2)~~(b) Term of the public-private agreement;

~~(3)~~(c) Type of property interest, if any, the private entity will have in the transportation facility;

~~(4)~~(d) A specific plan to ensure proper maintenance of the transportation facility throughout the term of the agreement and a return of the facility to the department, if applicable, in good condition and repair;

~~(5)~~(e) Whether user fees, administrative fees, or other charges will be collected for use of the transportation facility in accordance with sections 5531.11 to 5531.18 of the Revised Code and the basis by which such user fees, administrative fees, or other charges shall be determined and modified;

~~(6)~~(f) Compliance with applicable federal, state, and local laws;

~~(7)~~(g) Grounds for termination of the public-private agreement by the department or operator;

~~(8)~~(h) Disposition of the facility upon completion of the agreement;

~~(9)~~(i) Procedures for amendment of the agreement;

~~(10) A~~ (j) If the agreement contains a construction services component, a contract performance bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director of transportation, conditioned upon the private entity or contractor performing the construction services portion of the work in accordance with the agreed upon terms, within the time prescribed~~, and in conformance with any other such terms and conditions as are specified by the director~~;

~~(11) A~~ (k) If the agreement contains a construction services component, a payment bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director, conditioned upon the payment for all labor, work performed, and materials furnished in connection with

the ~~agreement and any other such terms and conditions as are specified by the director~~ construction services portion of the work.

(2) As used in divisions (B)(1)(j) and (k), "construction services" means design-build, construction, reconstruction, replacement, improvement, or repair services.

(C) A public-private agreement under this section may provide for any of the following:

(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;

(2) Inspection by the department of construction of or improvements to the transportation facility;

(3) Maintenance by the operator of a policy of liability insurance or self-insurance;

(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;

(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;

(6) Financing obligations of the operator and the department;

(7) Apportionment of expenses between the operator and the department;

(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;

(9) Rights and remedies available in the event of default or delay;

(10) Terms and conditions of indemnification of the operator by the department;

(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies;

(12) Sale or lease to the operator of private property related to the transportation facility;

(13) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services.

(D)(1) The director of transportation may include in any public-private agreement under sections 5501.70 to 5501.83 of the Revised Code a provision authorizing a binding dispute resolution method for any controversy subsequently arising out of the contract. The binding dispute resolution method may proceed only upon agreement of all parties to the controversy. If all parties do not agree to proceed to a binding dispute resolution, a party having a claim against the department shall exhaust its administrative remedies specified in the public-private agreement prior to filing any action against the department in the court of claims.

No appeal from the determination of a technical expert lies to any court, except that the court of common pleas of Franklin County may issue an order vacating such a determination upon the application of any party to the binding dispute resolution if any of the following applies:

(a) The determination was procured by corruption, fraud, or undue means.

(b) There was evidence of partiality or corruption on the

part of the technical expert.

(c) The technical expert was guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy, or of any other misbehavior by which the rights of any party have been prejudiced.

(2) As used in this division, "binding dispute resolution" means a binding determination after review by a technical expert of all relevant items, which may include documents, and by interviewing appropriate personnel and visiting the project site involved in the controversy. "Binding dispute resolution" does not involve representation by legal counsel or advocacy by any person on behalf of any party to the controversy.

(E) No public-private agreement entered into under this section shall be construed to transfer to a private entity the director's authority to appropriate property under Chapters 163., 5501., and 5519. of the Revised Code.

(F) Money collected by the department pursuant to an agreement entered into under this section shall be deposited into the state treasury to the credit of the highway operating fund unless the agreement is related to a toll project under sections 5531.11 to 5531.18 of the Revised Code, in which case the money shall be deposited as specified in the agreement.

(G) Chapter 5525. of the Revised Code does not apply to public-private agreements under sections 5501.70 to 5501.83 of the Revised Code."

In line 110674, after "5301.69," insert "5501.73,"

The motion was _____ agreed to.

SYNOPSIS

Contents of a public private (P-3) agreement

R.C. 5501.73

Specifies that the current requirements that a P-3 agreement contain a contract performance bond and a payment bond only apply if the P-3 agreement contains a construction services component.

Defines "construction services" to mean design-build, construction, reconstruction, replacement, improvement, or repair services.

Removes a provision of current law that requires a contract performance bond or payment bond under a P-3 agreement to be in conformance with any terms or conditions specified by the Director of Transportation.

Requires a contract performance bond or payment bond, for purposes of a P-3 agreement, to be executed by a surety authorized by the Department of Insurance to write surety bonds.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 40 of the title, after "1513.16," insert "1514.06,"; after "1514.13," insert "1514.40, 1514.42, 1514.47,"

In line 378, after "1513.16," insert "1514.06,"; after "1514.13," insert "1514.40, 1514.42, 1514.47,"

Between lines 27780 and 27781, insert:

"**Sec. 1514.06.** (A) There is hereby created in the state treasury the surface mining fund consisting of all money that becomes the property of the state pursuant to sections 1514.05 and 1514.051 of the Revised Code, money credited to the fund under divisions (C)(1) and (2) of section 1514.071, and other money specified in section 1514.11 of the Revised Code. All investment earnings of the fund shall be credited to the fund. Expenditures from the fund shall be made by the chief of the division of mineral resources management for the purpose of reclaiming areas of land affected by surface or in-stream mining under a permit issued under this chapter that the operator has failed to reclaim ~~and~~. Provided that the chief maintains a balance in the fund that is sufficient to achieve that purpose and, in doing so, considers the timeliness of reclamation activity, the chief may use the fund for other purposes specified in section 1514.11 of the Revised Code.

(B) Expenditures of moneys from the fund, except as otherwise provided by this section, shall be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor, as specified and provided in the contracts, for the prices stipulated therein. With the approval of the director of natural resources, the chief may reclaim the land in the same manner as the chief required of the operator who failed to reclaim the land. Each contract awarded by the chief shall be awarded to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, after sealed bids are received, opened, and published at the time and place fixed by the chief. The chief shall publish notice of the time and place at which bids will be received, opened, and published, at least once at least ten days before the date of the opening of the bids, in a newspaper of general circulation in the county in which the area of land to be reclaimed under the contract is located. If, after so advertising for bids, no bids are received by the chief at the time and place fixed for receiving them, the chief may advertise again for bids, or, if the chief considers the public interest will be best served, the chief may enter into a contract for the reclamation of the area of land without further advertisement for bids. The chief may reject any or all bids received and again publish notice of the time and place at which bids for contracts will be received, opened, and published.

(C) With the approval of the director, the chief, without advertising for bids, may enter into a contract with the landowner, a surface or in-stream mine operator or coal mine operator mining under a current, valid permit issued under this chapter or Chapter 1513. of the Revised Code, or a contractor hired by a surety to complete reclamation, to carry out

reclamation on land affected by surface or in-stream mining operations that an operator has failed to reclaim.

(D) With the approval of the director, the chief may carry out all or part of the reclamation work on land affected by surface or in-stream mining operations that the operator has failed to reclaim using the employees and equipment of any division of the department of natural resources.

(E) The chief shall require every contractor performing reclamation work under this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work, as determined by the chief under section 1513.02 of the Revised Code.

(F) Each contract entered into by the chief under this section shall provide only for the reclamation of land affected by the surface or in-stream mining operation or operations of one operator and not reclaimed by the operator as required by this chapter. If there is money in the fund derived from the performance bond deposited with the chief by one operator to ensure the reclamation of two or more areas of land affected by the surface or in-stream mining operation or operations of one operator and not reclaimed by the operator as required by this chapter, the chief may award a single contract for the reclamation of all such areas of land.

(G) The cost of the reclamation work done under this section on each area of land affected by surface or in-stream mining operations that an operator has failed to reclaim shall be paid out of the money in the fund derived from the performance bond that was deposited with the chief to ensure the reclamation of that area of land. If the amount of money is not sufficient to pay

the cost of doing all of the reclamation work on the area of land that the operator should have done, but failed to do, the chief may expend from the reclamation forfeiture fund created in section 1513.18 of the Revised Code or the surface mining fund created in this section the amount of money needed to complete reclamation to the standards required by this chapter. The operator is liable for that expense in addition to any other liabilities imposed by law. At the request of the chief, the attorney general shall bring an action against the operator for the amount of the expenditures from either fund. Moneys so recovered shall be deposited in the state treasury to the credit of the fund from which the expenditures were made.

(H) If any part of the money in the surface mining fund remains in the fund after the chief has caused the area of land to be reclaimed and has paid all the reclamation costs and expenses, or if any money remains because the area of land has been repermitted under this chapter or reclaimed by a person other than the chief, the chief may expend the remaining money to complete other reclamation work performed under this section. The chief shall prepare an annual report that summarizes the money credited to the fund and expenditures made from the fund and post the report on the division of mineral resources management's web site."

Between lines 27960 and 27961, insert:

"**Sec. 1514.40.** In accordance with Chapter 119. of the Revised Code, the chief of the division of mineral resources management, in consultation with a statewide association that represents the surface mining industry, shall adopt rules that do all of the following:

(A) For the purpose of establishing safety standards governing surface mining operations, incorporate by reference 30 C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended;

(B) Establish criteria, standards, and procedures governing safety performance evaluations conducted under section 1514.45 of the Revised Code, including requirements for the notification of operators and the identification of authorized representatives of miners at surface mining operations for purposes of inspections conducted under sections 1514.41 to 1514.47 of the Revised Code;

(C) Establish requirements governing the reporting and investigation of accidents at surface mining operations. In adopting the rules, the chief shall establish requirements that minimize duplication with any reporting and investigations of accidents that are conducted by the mine safety and health administration in the United States department of labor.

(D) Establish the time, place, and frequency of mine safety training conducted under section 1514.06 of the Revised Code and a fee, if any, for the purpose of that section. The amount of the fee shall not exceed the costs of conducting the training that is required under that section.

(E) Establish the minimum qualifications necessary to take the examination that is required for certification of certified mine forepersons under division (B) of section 1514.47 of the Revised Code and requirements, fees, and procedures governing the taking of the examination;

(F) Establish requirements and fees governing the ~~renewal~~ reissuance of certificates under division (C) of that section;

(G) Establish requirements and procedures for the approval of training plans submitted under division ~~(E)~~ (D) of that section

for the use of qualified persons to conduct examinations of surface mining operations in lieu of certified mine forepersons and minimum qualifications of those persons. The rules shall include requirements governing training frequency and curriculum that must be provided for qualified persons under such plans and shall establish related reporting and record keeping requirements.

As used in sections 1514.41 to 1514.47 of the Revised Code, "rule" means a rule adopted under this section unless the context indicates otherwise.

Sec. 1514.42. The chief of the division of mineral resources management ~~shall~~ may conduct ~~a~~ one safety audit at a surface mining operation annually if the operator of the operation has requested the division of mineral resources management to conduct mine safety training for that year. The safety audit shall be scheduled at a time to which the chief and the operator mutually agree and shall not continue more than one day. The chief shall conduct additional safety audits at any surface mining operation if requested by the operator of the operation. If the chief conducts a safety audit, the operator shall ensure that the chief has a copy of the training plan that is required by 30 C.F.R. part 46, as amended, at the time of the audit.

After completion of an audit, the chief shall prepare a report that describes the general conditions of the surface mining operation, lists any hazardous conditions at the operation, lists any violations of the safety standards established in rules, and describes the nature and extent of any hazardous condition or violation found and the corresponding remedy for each hazardous condition or violation. The chief shall provide two copies of the report to the operator of the operation. The operator shall post one copy of the report at the operation for review by the

employees of the operation.

Sec. 1514.47. (A)(1) The operator of a surface mining operation shall employ a certified mine foreperson ~~or a person who is qualified in accordance with this section and rules to conduct examinations of surface mining operations for purposes of 30 C.F.R. part 56, as amended~~ to be in charge of the conditions and practices at the mine and to be responsible for conducting examinations of the surface mining operation under 30 C.F.R. part 56, as amended.

(2) Examinations of surface mining operations for the purposes of 30 C.F.R. part 56, as amended, shall be conducted by one of the following:

(i) A certified mine foreperson;

(ii) A person who is qualified to conduct such examinations as provided in division (D) of this section;

(iii) A person designated by the certified mine foreperson as a competent person.

(3) For purposes of this section, a competent person is a person who has been trained in accordance with 30 C.F.R. part 46 and been determined by a certified mine foreperson to have demonstrated the ability, training, knowledge, or experience necessary to perform the duty to which the person is assigned. A person is not a competent person if the chief of the division of mineral resources management demonstrates, with good cause, that the person does not have the ability, training, knowledge, or experience necessary to perform that duty.

(4) The operator of a surface mining operation shall maintain records demonstrating that a competent person designated by a

certified mine foreperson has the ability, training, knowledge, or experience to perform the duty to which the person is assigned as well as records of the competent person's training in accordance with 30 C.F.R. part 46. The operator shall make the records available to the chief upon request.

(B) The chief ~~of the division of mineral resources management~~ shall conduct examinations for the position of certified mine foreperson in accordance with rules. In order to be eligible for examination as a certified mine foreperson, an applicant shall file with the chief an affidavit establishing the applicant's qualifications to take the examination. The chief shall grade examinations and issue certificates.

(C)(1) A certificate issued under this section shall not expire ~~five years after the date of issuance. A certificate may be renewed, provided that the applicant verifies that all required training pursuant to 30 C.F.R. part 46, as amended, has been completed and any other requirements for renewal have been satisfied.~~

~~(D) If~~ unless the certificate holder has not been employed in a surface mining operation for five consecutive years. If the certificate holder has not been employed in a surface mining operation for five consecutive years, the certificate holder may retake the mine foreperson examination or may petition the chief to accept past employment history in lieu of fulfilling the employment requirement established in this division. The chief shall grant or deny the petition by issuance of an order. If the chief grants the petition, the chief shall reissue the certificate.

(2) If a certificate issued under this section is suspended, the certificate shall not be renewed until the suspension period

expires and the person whose certificate is suspended successfully completes all actions required by the chief. If an applicant's license, certificate, or similar authority that is issued by another state to perform specified mining duties is suspended or revoked by that state, the applicant shall be ineligible for examination for or renewal of a certificate in this state during that period of suspension or revocation. A certificate that has been revoked shall not be renewed.

(3) If a person who has been certified by the chief under this section purposely violates this chapter, the chief may suspend or revoke the certificate after an investigation and hearing conducted in accordance with Chapter 119. of the Revised Code are completed.

~~(E)~~(4) If a person holds a certificate issued under this section that has not expired prior to the effective date of this amendment, the chief, upon request, shall reissue to that person a certificate that does not expire as provided in division (C)(1) of this section.

(5) If a person holds a certificate issued under this section that expired on or after April 7, 2012, and has not been issued a new certificate prior to the effective date of this amendment, the chief, upon request, shall issue to that person a certificate that does not expire as provided in division (C)(1) of this section, provided that the person is in compliance with all other applicable requirements established in this chapter and rules adopted under it.

(D) In lieu of employing a certified mine foreperson, the operator of a surface mining operation may submit to the chief a detailed training plan under which persons who qualify under the plan may conduct and document examinations at the surface mining

operation for purposes of 30 C.F.R. part 56, as amended. The chief shall review the plan and determine if the plan complies with the requirements established in rules. The chief shall approve or deny the plan and notify in writing the operator who submitted the plan of the chief's decision."

In line 110562, after "1513.16," insert "1514.06,"; after "1514.13," insert "1514.40, 1514.42, 1514.47,"

Between lines 120629 and 120630, insert:

"During fiscal years 2016 and 2017, the Director of Budget and Management may, at the request of the Director of Natural Resources, following the identification of available balances by the Director of Natural Resources in Fund 5290, transfer up to $800,000 per year from Fund 5290 to the Surface Mining Fund (Fund 5270) created in section 1514.06 of the Revised Code. The cash transfer to Fund 5270 shall be used to operate the industrial minerals and Ohio mine safety and training programs."

The motion was _____ agreed to.

SYNOPSIS

Industrial minerals mining

R.C. 1514.47, 1514.06, 1514.40, and 1514.42

Generally precludes a mine foreperson's certificate issued under the Industrial Minerals Mining Law from expiring.

Specifies that a certified mine foreperson may be employed for the purposes of being in charge of the conditions and practices at a mine in addition to conducting examinations of the surface mining operation as in current law.

Allows a competent person identified by the certified mine foreperson to conduct examinations of the surface mining operation under federal law; specifies what constitutes a competent person for that purpose; and requires a surface mining operator to maintain records demonstrating that a competent person has the ability, training, knowledge, or experience to perform that duty.

Authorizes, instead of requires as in current law, the Chief of the Division of Mineral Resources Management to conduct a safety audit at a surface mining operation if the operator has requested the Division to conduct mine safety training, specifies that such an audit can only be conducted once annually, requires the safety audit to be scheduled at a time to which the Chief and the operator mutually agree, and precludes it from continuing for more than one day.

Specifies that expenditures from the existing Surface Mining Fund made by the Chief for purposes other than certain authorized reclamation purposes are subject to the Chief's maintaining a balance in the Fund that is sufficient to achieve those reclamation purposes, and requires the Chief, in doing so, to consider the timeliness of reclamation activity.

Department of Natural Resources

Section 337.30

Allows, during the FY 2016 - FY 2017 biennium, the Director of Budget and Management, at the request of the Director of Natural Resources, following the identification of available balances in Fund 5290, to transfer up to $800,000 per year from Fund 5290 to the Surface Mining Fund (Fund 5270). Specifies that the cash transfer to Fund 5270 be used to operate the industrial minerals and Ohio mine safety and training programs.

SC4560

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 42187, strike through "two" and insert "six"

In line 42189, strike through "five" and insert "six"; delete "seven"

In line 42190, delete "hundred"

The motion was _____ agreed to.

SYNOPSIS

Educational Choice Scholarship Program amounts

R.C. 3310.09

Increases the maximum amount of an Educational Choice (EdChoice) scholarship that may be awarded to an elementary school student from $4,250 (as under current law) to $4,650.

Increases the maximum amount of an EdChoice scholarship that may be awarded to a high school student from $5,000 (as under current law) to $6,000 (instead of $5,700 as under the House-passed version of the bill).

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 306 of the title, delete "Section" and insert "Sections 10 and"

In line 39768, strike through "an" and insert "a state achievement"; strike through "prescribed by division (A)(1) or"

In line 39769, strike through all before "within" and insert "as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this section,"; strike through "sixty" and insert "forty-five"

In line 39770, strike through "its" and insert "the"; after "administration" insert "of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code"

In line 39771, strike through "fifteenth" and insert "thirtieth"

In line 39772, before the period insert "; ~~;~~

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts,

except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration"; strike through "For" and insert:

"(3) For"

Delete lines 117099 through 117101

Between lines 117133 and 117134, insert:

"**Section ___.** (A) Not later than thirty days after the effective date of this section, the Superintendent of Public Instruction shall verify that the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code that are administered in the 2015-2016 school year will be administered once each year and not over multiple testing windows. The State Superintendent also shall verify that the timing of the administration of the assessments shall occur in the second half of the school year, except for end-of-course examinations for courses completed during the first semester of the school year. In addition, the Superintendent shall verify that the length of the assessments shall be reduced as compared to those that were administered in the 2014-2015 school year, in order to provide more time for classroom instruction and less disruption in student learning. For the online administration of assessments, a single technology platform is preferred but not required.

(B) If the State Superintendent verifies that the assessments and their administration do not meet the conditions prescribed under this section, the State Superintendent shall take the steps necessary to find and contract with one or more entities to develop and provide assessments that meet the conditions

prescribed under this section."

In line 124486, delete "Section" and insert "Sections 10 and"

Between lines 124487 and 124488, insert:

"**Sec. 10.** (A) For the 2014-2015 and 2015-2016 school ~~year~~ years, no school district, community school, STEM school, college-preparatory boarding school, or chartered nonpublic school shall be required to administer in an online format any assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code. However, a district or school may administer any of those assessments in an online format at the discretion of the district board or school governing authority, or in any combination of online and paper formats. The Department of Education shall furnish, free of charge, all such assessments for that school year regardless of the format selected by the district or school. School districts and schools are encouraged to administer the assessments in an online format.

(B) Not later than December 31, 2014, the Department shall submit a report to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, on the security of student data with regard to the administration of online assessments.

(C) Not later than July 1, 2015, the Department shall publish the number of districts and schools that administered the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code in all of the following formats:

(1) Completely in an online format;

(2) Completely in a paper format;

(3) In any combination of online and paper formats."

In line 124510, delete "Section" and insert "Sections 10 and"

In line 124511, delete "is" and insert "are"

The motion was _____ agreed to.

SYNOPSIS

State achievement assessments

Section 263.570 and Section ___

Requires the State Superintendent of Public Instruction to verify, within 30 days after the bill's effective date, that (1) the state elementary and secondary achievement assessments that are administered in the 2015-2016 school year will be administered once each year, not over multiple testing windows, and in the second half of the school year, and (2) the length of those assessments will be reduced as compared to the assessments that were administered in the 2014-2015 school year, "in order to provide more time for classroom instruction and less disruption in student learning."

Specifies that the amendment's restriction on state assessments being administered in the second half of a school year does not apply to a high school end-of-course examination for a course that was completed during the first semester of the school year.

Requires, if the 2015-2016 state achievement assessments do not meet the conditions described above, the State Superintendent to take the steps necessary to find and contract with one or more entities to develop and provide assessments that meet the prescribed conditions.

Removes the bill's provision that requires the state elementary and secondary achievement assessments to be "nationally normed, standardized assessments."

Online administration of assessments

Section 10 of Am. Sub. H.B. 487 of the 130th General Assembly (as amended in Section 610.17)

Applies to the 2015-2016 school year, the current prohibition (in effect for the 2014-2015 school year only) that (1) prohibits school districts and schools from being required to administer the state achievement assessments in an online format, (2) permits a district or school to administer such assessments in any combination of online and paper formats at the discretion of the district board or school governing authority, and (3) requires the Department of Education to furnish, free of charge, all required state assessments for the school year.

Specifies that school districts and schools are encouraged to administer the assessments in an online format.

Delivery of assessment scores to districts and schools

R.C. 3301.0711

Requires, beginning with the 2015-2016 school year, the Department of Education, or an entity with which it contracts for the scoring of state achievement assessments, to send to each school district and school a list of individual scores for all students who took a state achievement assessment by the following deadlines:

(1) For all elementary and secondary assessments (except for the third-grade English language arts assessment), within 45 days (instead of 60 days as under current law) of the assessment's administration or by June 30 of each school year, whichever is

earlier;

(2) For the third-grade English language arts assessment, within 45 days of the assessment's administration or by June 15 of each school year, whichever is earlier.

Permits the results from the writing component of any assessment in the area of English language arts, except for the third-grade English language arts assessment, to be sent after 45 days of the assessment's administration except that the results must be sent by June 30 of each school year.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 20 of the title, after "166.02," insert "167.06,"

In line 363, after "166.02," insert "167.06,"

Between lines 15000 and 15001, insert:

"**Sec. 167.06.** (A) The governing bodies of the member governments may appropriate funds to meet the expenses of the council. Services of personnel, use of equipment, and office space, and other necessary services may be accepted from members as part of their financial support. The members of the council, or the state of Ohio, its departments, agencies, instrumentalities, or political subdivisions or any governmental unit may give to the council moneys, real property, personal property, or services. The council may establish schedules of dues to be paid by its voting members to aid the financing of the operations and programs of the council in the manner provided in the agreement establishing the council or in the by-laws of the council. The council may permit non-member political subdivisions to participate in any of its activities regardless of whether such political subdivisions have paid dues to the council.

(B) The council may accept funds, grants, gifts, and services from the government of the United States or its agencies, from

this state or its departments, agencies, instrumentalities, or from political subdivisions or from any other governmental unit whether participating in the council or not, and from private and civic sources.

(C) A regional council of governments established to provide health care benefits to the member governments' employees and the employees' dependents may pool funds received from all the members of the council, including members from other states to the extent that the laws of such other states permit, for the payment of health care related claims and expenses.

(D) The council shall make an annual report of its activities to the member governments."

In line 110548, after "166.02," insert "167.06,"

The motion was _____ agreed to.

SYNOPSIS

Regional council of governments; other states

R.C. 167.06

Permits a regional council of governments established to provide health care benefits to the member governments' employees and the employees' dependents to pool funds received from all the members of the council, including members from other states to the extent that the laws of such other states permit, for the payment of health care related claims and expenses.

SC4580

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 118185, delete "in addition to" and insert "including"

In line 118189, after "amount" delete the balance of the line and insert "not less than $19,750,000 in each fiscal year."

Delete lines 118190 and 118191

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 305.60

Specifies that ODJFS shall provide eligible funding of not less than $19.75 million in each FY to the Ohio Association of Foods Banks.

SC4592X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 123232, delete "$68,905,605 $68,905,605" and insert "$67,527,493 $67,527,493"

In lines 123234 and 123267, subtract $1,378,112 from each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Reduction in Department of Taxation budget

Section 397.10

Reduces the Department of Taxation's budget for Operating Expenses by 2%. GRF appropriation 110321 is reduced by $1,378,112 in each of FY 2016 and FY 2017.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 194 of the title, after "5705.214," insert "5709.17,"

In line 490, after "5705.214," insert "5709.17,"

Between lines 91491 and 91492, insert:

"**Sec. 5709.17.** The following property shall be exempted from taxation:

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a veterans' organization that qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and is incorporated under the laws of this state or the United States, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year, before accounting for any cost or expense

incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration.

(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407.

(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization~~, except~~ or for providing, on a not-for-profit basis, educational or health services real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year~~,~~ before accounting for any cost or expense incurred in the production of such income. As used in this division, "rental income" has the same meaning as in division (B) of this section, and "fraternal organization" means a domestic fraternal society, order, or association operating under the lodge, council, or grange system that qualifies for exemption from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides financial support for charitable purposes, as defined in division (B)(12) of section 5739.02 of the Revised Code; and that has been operating in this state with a state governing body for at least eighty-five years."

In line 110676, after "5705.214," insert "5709.17,"

Between lines 126646 and 126647, insert:

"**Section 757.___.** The amendment by this act of section

5709.17 of the Revised Code applies to applications for exemption that are pending on, or are filed on or after, the effective date of this section."

The motion was _____ agreed to.

SYNOPSIS

Property tax exemption for fraternal organizations

R.C. 5709.17; Section 757.___

Extends the property tax exemption for real estate held or occupied by a fraternal organization to property that is used to provide, on a not-for-profit basis, educational or health services. Under current law, the property of a fraternal organization qualifies for exemption only when used primarily for meetings and the administration of the organization. Under continuing law, property is disqualified for the exemption for a tax year if it is held to produce net rental income in excess of $36,000 in the tax year.

SC4601

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 119930, delete "$8,416,418 $8,416,418" and insert "$9,916,418 $9,916,418"

In line 119939, add $1,500,000 to each fiscal year

In line 119970, add $1,500,000 to each fiscal year

In line 120078, delete "Crawford," and insert "Allen, Cuyahoga,"; after "Franklin," insert "Hamilton,"; delete "and" and insert "Hocking,"; after "Mercer," insert "Montgomery, Summit, and Crawford or Marion"

In line 120103, delete "five hundred" and insert "one thousand"

In line 120161, after "(H)" insert "It is anticipated and expected that drug courts will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support this addiction treatment program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director with major Ohio healthcare plans shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment

for participants in the addiction treatment program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all offenders selected to participate in the addiction treatment program;

(2) A rapid conversion to reimbursement for all healthcare services by the participant's health insurance company following approval for coverage of healthcare benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential healthcare services including, but not limited to, primary healthcare, alcohol and opiate detoxification services, appropriate psychosocial services, and medication for long-acting injectable antagonist therapies and partial agonist therapies;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a timeframe that meets the requirements of individual patient care plans.

(I) Within 90 days after the effective date of this section, the Department shall select a nationally recognized research institution with experience in evaluating multiple court systems across jurisdictions in both rural and urban regions. The research institution shall have demonstrated

experience evaluating the use of agonist and antagonist medication assisted treatment in drug courts, a track record of scientific publications, experience in health economics, and ethical and patient selection and consent issues. The institution shall also have an internal institutional review board. The institution shall prepare the report described in division (J) of this section.

(J) A report of the findings obtained from the addiction treatment pilot program established by Section 327.120 of Am. Sub. H.B. 59 of the 130th General Assembly shall be prepared by a research institution and include data derived from the drug testing and performance measures used in the program. The research institution shall complete its report not later than December 31, 2016. Upon completion, the institution shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency that the Department of Mental Health and Addiction Services collaborates with in conducting the program.

(K)"

In line 120162, delete "$2.5" and insert "up to $4.0"

The motion was _____ agreed to.

SYNOPSIS

Department of Mental Health and Addiction Services

Sections 331.10 and 331.90

Increases the appropriation of GRF line item 336422, Criminal Justice Services, by $1.5 million in each fiscal year. Increases the allocation from GRF line item 336422 to support the Addiction Treatment Program for Specialized Docket Programs from $2.5 million in each fiscal year to $4.0 million in each fiscal year.

Adds Allen County, Cuyahoga County, Hamilton County, Hocking County, Montgomery County, Summit County, and Crawford or Marion County to the specified counties in which the pilot addiction treatment program will be conducted and increases the total number of offenders that may participate in the pilot program.

Requires the Medicaid Director and major Ohio health care plans to develop plans in specified areas related to the operation of the pilot addiction treatment program.

Prohibits prior authorizations or step therapy for medication-assisted treatment for participants.

Requires a nationally recognized research program to prepare a report of findings from the addiction treatment pilot program established by Section 327.120 of Am. Sub. H.B. 59 of the 130th General Assembly and sets requirements for the selection of the research program.

SC4602

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 126646 and 126647, insert:

"Section 757.___. As used in this section, "qualified property" means territory leased by the state under section 1506.11 of the Revised Code, the lease of which has been assigned to a municipal corporation as lessee, and having unpaid taxes, penalties, and interest charged against it exceeding the assessed value of the property for tax year 2014.

Notwithstanding section 5713.081 and division (F) of section 1506.11 of the Revised Code, when qualified property used exclusively for a public purpose for the purposes of section 5709.08 of the Revised Code has not received tax exemption under that section, the lessee municipal corporation, at any time on or before December 31, 2015, may file with the Tax Commissioner an application requesting that the property be placed on the tax-exempt list and that unpaid taxes, penalties, and interest charged and payable after December 31, 1999, on the property be abated, provided that taxes, penalties, and interest charged and payable for any tax year the property was used in the operation of a business may not be abated.

The application shall be made on the form prescribed by the Tax Commissioner under section 5715.27 of the Revised Code and shall list the name of the county in which the property is located; the property's parcel number or legal description; its assessed value; the amount in dollars of the unpaid taxes, penalties, and interest charged and payable after December 31, 1999; and any other information required by the Tax Commissioner. The county auditor shall supply the required information upon request of the applicant.

After receiving and considering the application, the Commissioner shall determine if the applicant meets the qualifications set forth in this section. If so, the Commissioner shall issue an order directing that the property be placed on the tax-exempt list of the county and that unpaid taxes, penalties, and interest charged and payable after December 31, 1999, be abated except for taxes, penalties, and interest charged and payable for any tax year that the property was used in the operation of a business. Such taxes, penalties, and interest shall be abated even if the property was subject to more than one lease during the period for which the abatement was requested. If the Commissioner finds that the property is not now being used for an exempt purpose or is otherwise ineligible for abatement of taxes, penalties, and interest under

this section, the Commissioner shall issue an order denying the application.

If the Commissioner finds that the property is not entitled to tax exemption and the abatement of unpaid taxes, penalties, and interest, the Commissioner shall order the county treasurer of the county in which the property is located to collect all taxes, penalties, and interest due on the property in accordance with law.

The Commissioner may apply this section to any qualified property that is the subject of an application for exemption pending before the Commissioner on the effective date of this section without requiring the property owner to file an additional application."

The motion was _____ agreed to.

SYNOPSIS

Property Tax Abatement for Submerged Land Leases Held by a Municipal Corporation

Section 757.___

Establishes a temporary procedure by which a municipal corporation may apply for tax exemption and the abatement of unpaid property taxes, penalties, and interest charged and payable in 2000 and thereafter for a submerged land lease held by the municipal corporation pursuant to an assignment of the lease from a previous lessee. The unpaid charges must exceed the assessed value of the property for 2014. No taxes, penalties, or

interest may be abated for any tax year in which the property was used in the operation of a business.

Under continuing law, municipally owned property is tax-exempt if it is used "exclusively for a public purpose," but such property may not be exempted if more than three years' worth of taxes remain unpaid.

SC4610X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 119926, delete "$3,368,659 $3,368,659" and insert "$3,488,659 $3,488,659"

In line 119939, add $120,000 to each fiscal year

In line 119970, add $120,000 to each fiscal year

Between lines 119978 and 119979, insert:

"(C) $120,000 in each fiscal year shall be allocated to Northeast Ohio Medical University's statewide campus safety and mental health programs, including suicide prevention."

The motion was _____ agreed to.

SYNOPSIS

Department of Mental Health and Addiction Services

Sections 331.10 and 331.40

Appropriates an additional $120,000 to GRF line item 336406, Prevention and Wellness, in each fiscal year and allocates that amount to Northeast Ohio Medical University's statewide campus safety and mental health programs, including suicide prevention.

SC4611

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 112212, delete "FROM" and insert "TO"

In line 112213, delete "TO" and insert "FROM THE"

In line 112215, delete "may" and insert "shall"; delete "unobligated" and insert "up to $2,000,000 in"

In line 112216, after "in" insert "each fiscal year"; delete "the MARCS Administration Fund (Fund 5C20) to" and insert "from"

In line 112217, after "to" insert "the MARCS Administration Fund (Fund 5C20) to reduce or eliminate MARCS subscriber fees paid by villages, townships, municipal corporations, counties, and regional public safety and first response agencies classified as Tier 1 subscribers by the MARCS Steering Committee."; delete the balance of the line

Delete line 112218

The motion was _____ agreed to.

SYNOPSIS

Department of Administrative Services

Section 207.180

Requires the Director of Budget and Management, upon the request of the Director of Administrative Services, to transfer up to $2.0 million in cash in each fiscal year from the GRF to the MARCS Administration Fund (Fund 5C20) to reduce or eliminate MARCS subscriber fees paid by entities classified as Tier 1 subscribers by the MARCS Steering Committee.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 74 of the title, delete "3313.66, 3313.661,"

In line 402, delete "3313.66,"

In line 403, delete "3313.661,"

Delete lines 42892 through 42935 and insert:

"**Sec. 3313.534.** ~~No~~ (A) Not later than July 1, ~~1998~~ 2016, the board of education of each city, exempted village, and local school district shall adopt ~~a~~ an updated policy of zero tolerance for violent behavior that shall provide tiered responses for violent, disruptive, or inappropriate behavior~~, including~~ and excessive truancy~~, and establish~~ based upon the nature and severity of the behavior. The plan shall include strategies to address such behavior that range from prevention to intervention. The plan shall provide that, to the extent practicable, out-of-school suspensions and expulsions may be imposed only where the student's physical presence poses a continuing physical danger to the health and safety of other students and school personnel, including any of the behaviors described in divisions (B)(2) to (5) of section 3313.66 of the Revised Code. It shall further provide that an out-of-school suspension or expulsion for behavior that is disruptive or inappropriate, but where the student's

physical presence does not pose a continuing physical danger to the health and safety of others, shall be discouraged and available only as a penalty of last resort and only where it is impracticable in the circumstances to impose a disciplinary action that does not remove the student from the school. It shall further provide that an out-of-school suspension or expulsion is not an appropriate penalty for excessive truancy.

(B)(1) Not later than February 28, 2016, the state board of education shall develop a model disciplinary policy, consistent with division (A) of this section, for violent, disruptive, or inappropriate behavior, including excessive truancy, that stresses preventive strategies and alternatives to suspension and expulsion.

(2) Not later than May 31, 2016, the department of education shall do both of the following:

(a) Provide to each school district a copy of the policy adopted by the state board pursuant to division (B)(1) of this section;

(b) Develop materials to assist school districts in providing teacher and staff training on the implementation of the strategies included in that policy.

~~No~~ (C) Not later than July 1, 1999, each of the big eight school districts, as defined in section 3314.02 of the Revised Code, shall establish under section 3313.533 of the Revised Code at least one alternative school to meet the educational needs of students with severe discipline problems, including, but not limited to, excessive truancy, excessive disruption in the classroom, and multiple suspensions or expulsions. Any other school district that attains after that date a significantly substandard graduation rate, as defined by the department of

education, shall also establish such an alternative school under that section."

Delete lines 43999 through 44433

In line 110588, delete "3313.66,"

In line 110589, delete "3313.661,"

The motion was _____ agreed to.

SYNOPSIS

Zero tolerance and disciplinary policies for school districts

R.C. 3313.534; removes R.C. 3313.66 and 3313.661

Modifies current law and the bill's provisions with regard to zero tolerance and disciplinary policies for school districts by doing all of the following:

(1) Requiring each district board to adopt an "updated" policy of zero tolerance, by July 1, 2016, that provides tiered responses based upon the nature and severity of the behavior. Current law required each district board to adopt a policy of zero tolerance by July 1, 1998, while the bill requires each district board to adopt a "tiered" policy for zero tolerance not later than 30 days after the bill's effective date.

(2) Specifying that, under the policy, out-of-school suspensions and expulsions must be imposed only where a student's "physical presence," rather than "behavior" as under the bill, poses a "continuing physical danger," rather than "substantial risk to the safety," to students and staff.

(3) Specifying that for other types of behavior, the policy

must provide that out-of-school suspensions and expulsions (a) be discouraged (added by the amendment), (b) be a penalty of last resort (as under the bill), and (c) used only where impracticable to impose disciplinary action that does not remove a student from school (added by the amendment).

(4) Requiring the State Board of Education, by February 28, 2016, to adopt a model disciplinary policy that provides for a tiered response to specified behaviors and stresses preventive strategies and alternatives to suspension and expulsion.

(5) Requiring the Department of Education, not later than May 31, 2016, to (a) provide each district with a copy of the model policy and (b) develop materials to assist districts in providing teacher and staff training on implementation of the policy.

Maintains the bill's provision specifying that an out-of-school suspension or expulsion is not an appropriate penalty for excessive truancy.

Removes the bill's provisions that do all of the following:

(1) Require every effort to be made to provide educational services to a student disciplined under the policy during the disciplinary period.

(2) Specify that disciplinary actions must be designed to (a) encourage positive school climate, behavioral interventions, support, and student engagement, and (b) provide students with opportunities to succeed through social and emotional learning strategies.

(3) Require each district board, not later than 30 days after the bill's effective date, to update its separate policy regarding suspension, expulsion, removal, and permanent exclusion (currently required under R.C. 3313.661) to comply with the tiered zero

tolerance policy adopted by the district board.

(4) Specify that, not later than 30 days after the bill's effective date, any disciplinary action taken under a separate provision of current law, which authorizes and stipulates the process for suspensions, expulsions, and removals (R.C. 3313.66), must comply with the tiered zero tolerance policy adopted by the district board.

SC4629X2

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 119207, delete "$4,850,280,989 $4,893,875,948" and insert "$4,850,530,989 $4,894,000,948"

In line 119208, delete "$12,294,334,888 $13,047,145,743" and insert "$12,294,751,732 $13,047,353,013"

In line 119209, delete "$17,144,615,877 $17,941,021,691" and insert "$17,145,282,721 $17,941,353,961"

In line 119214, add $250,000 in fiscal year 2016 and $125,000 in fiscal year 2017

In line 119215, add $416,844 in fiscal year 2016 and $207,270 in fiscal year 2017

In line 119216, add $666,844 in fiscal year 2016 and $332,270 in fiscal year 2017

In line 119238, add $666,844 in fiscal year 2016 and $332,270 in fiscal year 2017

Delete lines 119688 through 119695 and insert:

"(A) Of the foregoing appropriation item 651525, Medicaid/Health Care Services, $666,844 in fiscal year 2016 and $332,270 in fiscal year 2017 shall be used to make, subject to division (B) of this section, Medicaid payments in accordance

with rule 5160-1-60.1 of the Administrative Code for physician, pregnancy-related, evaluation, and management services provided by physician groups that meet the criteria described in the rule.

(B) As necessary to reflect the amount of this section's earmarks, the Department of Medicaid shall adjust the amount by which rule 5160-1-60.1 of the Administrative Code increases the Medicaid payment rates for physician, pregnancy-related, evaluation, and management services provided by physician groups that meet the criteria described in the rule. The adjustment shall take effect July 1, 2015. The Medicaid Director shall amend the rule as soon as possible thereafter so that the rule reflects the adjustment."

The motion was _____ agreed to.

SYNOPSIS

Holzer-related rule

Sections 327.10 and 327.243

Increases the appropriation to GRF item 651525, Medicaid/Health Care Services, by $666,844 ($250,000 state share) in FY 2016 and $332,270 ($125,000 state share) in FY 2017.

Removes provisions added in the Senate substitute version that would have (1) required the Department of Medicaid to cease implementing the Holzer-related rule on July 1, 2015, and rescind the rule as soon as possible thereafter and (2)

specified that the Medicaid rates for physician, pregnancy-related, evaluation, and management services rendered on or after July 1, 2015, by the Holzer clinic were to be the same as the Medicaid rates for such services rendered by other physician group practices.

Restores, with the following modifications, the House provision that requires Medicaid payments to be made in accordance with the Holzer-related rule for physician, pregnancy-related, evaluation, and management services:

(1) For purposes of the payments, earmarks $666,844 (instead of $500,000) for fiscal year 2016 and $332,270 (instead of $1 million) for fiscal year 2017;

(2) Requires the Department, as necessary to reflect the amount of the earmarks, to adjust the amount by which the Holzer rule increases the Medicaid rates for the services.

SC4630

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 114779, delete "$11,797,418 $11,822,418" and insert "$11,922,418 $11,947,418"

In lines 114786 and 114848, add $125,000 to each fiscal year

Between lines 115785 and 115786, insert:

"Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, $125,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program."

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Sections 236.10 and 263.210

Increases GRF appropriation item 200545, Career-Technical Education Enhancements, by $125,000 in each fiscal year and earmarks those funds to support the Ohio ProStart school restaurant program.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 55 of the title, after "1523.20," insert "1531.03,"

In line 255 of the title, after "1509.232," insert "1531.082,"

In line 389, after "1523.20," insert "1531.03,"

In line 535, after "1509.232," insert "1531.082,"

Between lines 30265 and 30266, insert:

"**Sec. 1531.03.** (A) There is hereby created within the department of natural resources a division of wildlife and a wildlife council. The division shall cooperate with the other divisions of the department and with all agencies of the state and federal government for the promotion of a general program of conservation.

(B)(1) The council shall ~~have eight members, not more than four of whom shall be of the same political party, who shall be~~ consist of the following members:

(a) Eight members appointed by the governor with the advice and consent of the senate ~~and~~ who shall be persons interested in the conservation of the natural resources of the state. Not more than four of the eight members shall be from the same political party. At least two of the eight members shall be engaged in

farming as their principal means of support. ~~Terms~~

(b) Three members appointed by the speaker of the house of representatives;

(c) Three members appointed by the president of the senate;

(d) One member jointly appointed by the speaker of the house of representatives and the president of the senate based on the recommendation of the Ohio farm bureau federation who shall represent the interests of landowners in this state.

(2) Terms of office shall be for ~~four~~ three years, commencing on the first day of February and ending on the thirty-first day of January. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he~~ the member was appointed. ~~In~~

(3) The speaker of the house of representatives and the president of the senate shall make their initial appointments to the council not later than thirty days after the effective date of this amendment as follows:

(a) One member who is appointed by the speaker and one member who is appointed by the president shall each be appointed for a term ending January 31, 2017.

(b) One member who is appointed by the speaker, one member who is appointed by the president, and the member who is jointly appointed by the speaker and the president shall each be appointed for a term ending January 31, 2018.

(c) One member who is appointed by the speaker and one member who is appointed by the president shall each be appointed for a term ending January 31, 2019.

(4) In the event of the death, removal, resignation, or incapacity of a member of the council, the governor, with the

advice and consent of the senate, or the applicable appointing authority of the member shall appoint a successor who shall hold office for the remainder of the term for which ~~his~~ the member's predecessor was appointed. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The appointing authority of a member of the council may remove that member at any time for misfeasance, nonfeasance, or malfeasance in office or inappropriate, nonprofessional conduct while in office.

(C) The council shall hold at least ~~four regular quarterly~~ six meetings each year. Special meetings may be held at the behest of the ~~chairman~~ chairperson or a majority of the members. The council shall annually select from among its members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary to keep a record of its proceedings.

~~The governor may at any time remove any member of the council for misfeasance, nonfeasance, or malfeasance in office.~~

A majority vote of the members of the council is necessary in all matters.

~~The division shall cooperate with the other divisions of the department and with all agencies of the state and federal government for the promotion of a general program of conservation.~~

~~All~~ (D) The wildlife council shall do all of the following:

(1) Approve all division rules relating to establishment of seasons, bag limits, size, species, method of taking, and possession ~~shall be adopted only upon approval of the wildlife council~~ prior to the division's filing the rules under divisions (B) and (H) of section 119.03 of the Revised Code. The wildlife council shall not approve or disapprove such rules prior to

fifteen days following a public hearing held upon the rules in accordance with Chapter 119. of the Revised Code.

~~The wildlife council shall do all of the following:~~

~~(A)~~(2) Be represented by not less than three of its members at all public hearings held pursuant to Chapter 119. of the Revised Code for the purpose of establishment of seasons, bag limits, size, species, methods of taking, and possession;

~~(B)~~(3) Advise on policies of the division and the planning, development, and institution of programs and policies of the division;

~~(C)~~(4) Investigate, consider, and make recommendations in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals throughout the state, as provided in this chapter and Chapter 1533. of the Revised Code;

~~(D)~~(5) Report to the governor from time to time the results of its investigations concerning the wildlife resources of the state with recommendations of such measures as it considers necessary or suitable to conserve or develop those resources and preserve them as far as practicable;

(6) Advise the division on the development of scientific studies of the population of each native wildlife species in the state on a regular basis;

(7) With regard to the filing of a proposed rule change by the division on the establishment of seasons, bag limits, size, species, method of taking, or possession in accordance with divisions (B) and (H) of section 119.03 of the Revised Code, ensure that the following organizations representing hunters in this state are consulted at least one year prior to the filing unless the council determines that the proposed change is needed

more expeditiously in order to address an emergency situation or extraordinary circumstance related to hunter safety or native wildlife in the state:

(a) League of Ohio sportsmen;

(b) Ohio state trappers association;

(c) Pheasants forever;

(d) Ducks unlimited;

(e) Ohio bowhunters association;

(f) Buckeye big buck club;

(g) Whitetails unlimited;

(h) United States sportsmen's alliance;

(i) National wild turkey federation;

(j) Buckeye firearms association;

(k) Any other member-based organization that represents more than one hundred hunters in the state and of which the division is aware at the time that a proposed rule change is submitted for consultation.

(8) Ensure that the filing of any proposed rule change by the division on the establishment of seasons, bag limits, size, species, method of taking, or possession is accompanied by a cost analysis of the prior year's revenue generated by the sale of each type of license and a projection of annual revenue generated by the sale of each type of license as a result of the proposed rule change. In addition, the analysis shall include a statement of the financial impact of the proposed rule change on authorized agents designated by the chief of the division of wildlife under section 1533.13 of the Revised Code and on any other retail businesses

affected by the proposed rule change as indicated by a retail business or by a trade association representing those retail businesses.

As used in division (D)(8) of this section, "license" means a hunting license issued under section 1533.10 of the Revised Code, deer or wild turkey permit issued under section 1533.11 of the Revised Code, fur taker permit issued under section 1533.111 of the Revised Code, or wetlands habitat stamp issued under section 1533.112 of the Revised Code.

Sec. 1531.082. The chief of the division of wildlife shall adopt a rule pursuant to section 1531.08 of the Revised Code that establishes both of the following:

(A) A youth deer gun season that is open on the Saturday and Sunday immediately preceding Thanksgiving;

(B) A youth wild turkey season that is open on the Saturday and Sunday immediately preceding the spring statewide wild turkey season."

In line 110575, after "1523.20," insert "1531.03,"

Between lines 126755 and 126756, insert:

"**Section 803.___.** (A) A member who is serving on the Wildlife Council on the effective date of this section and who was appointed under section 1531.03 of the Revised Code as that section existed prior to its amendment by this act shall continue serving on the Wildlife Council until the end of the term for which the member was appointed.

(B) The Wildlife Council established under section 1531.03 of the Revised Code, as amended by this act, is a continuation of the Wildlife Council established in that section prior to its

amendment by this act."

The motion was _____ agreed to.

SYNOPSIS

Wildlife Council Membership and Responsibilities

R.C. 1531.03 and Section 803.__

Expands the membership of the existing Wildlife Council by adding three members appointed by the Speaker of the House of Representatives, three members appointed by the President of the Senate, and one member jointly appointed by the Speaker of the House and the President of the Senate based on the recommendation of the Ohio Farm Bureau Federation who represents Ohio landowners.

Decreases the terms of office for Council members from four years to three years.

Requires the Speaker of the House of Representatives and the President of the Senate to make their initial appointments not later than 30 days after the provision's effective date, and provides for the staggering of terms of those initial members.

Makes conforming changes necessitated by the changes to the Council, and provides for the continuation of the Council and the Council members serving on the provision's effective date.

Requires the Council to hold at least six meetings each year rather than at least four regular quarterly meetings each year as in current law.

Expands the responsibilities of the Council by doing all of the following:

(1) Stipulating that Division of Wildlife rules relating to establishment of seasons, bag limits, size, species, method of taking, and possession must be approved by the Council prior to those rules being filed by the Division in accordance with the Administrative Procedure Act;

(2) Requiring the Council to advise the Division on the development of scientific studies of the population of each native wildlife species in Ohio on a regular basis;

(3) Requiring the Council to ensure that, with regard to the Division's filing a proposed rule change on the establishment of seasons, bag limits, size, species, method of taking, or possession in accordance with the Administrative Procedure Act, the following organizations representing Ohio hunters are consulted at least one year prior to the filing unless the Council determines that the proposed change is needed more expeditiously in order to address an emergency situation or extraordinary circumstance related to hunter safety or native wildlife in Ohio:

--League of Ohio Sportsmen;

--Ohio State Trappers Association;

--Pheasants Forever;

--Ducks Unlimited;

--Ohio Bowhunters Association;

--Buckeye Big Buck Club;

--Whitetails Unlimited;

--United States Sportsmen's Alliance;

--National Wild Turkey Federation;

--Buckeye Firearms Association; and

--Any other member-based organization that represents more than 100 Ohio hunters and of which the Division is aware at the time that a proposed rule change is submitted for consultation; and

(4) Requiring the Council to ensure that the filing of any proposed rule change by the Division on the establishment of seasons, bag limits, size, species, method of taking, or possession is accompanied by a cost analysis of the prior year's revenue generated by the sale of each type of license and a projection of annual revenue generated by the sale of each type of license as a result of the proposed rule change; requiring the analysis to include a statement of the financial impact of the proposed rule change on authorized agents designated by the Chief of the Division under current law to sell licenses and on any other retail businesses affected by the proposed rule change as indicated by a retail business or by a trade association representing those retail businesses; and defining "license" for those purposes as a hunting license, deer or wild turkey permit, fur taker permit, or wetlands habitat stamp issued under the Hunting and Fishing Law.

Youth deer gun and wild turkey seasons

R.C. 1531.082

Requires the Chief of the Division of Wildlife to adopt rules that establish a youth deer gun season and youth wild turkey season on specified days.

_____ moved to amend as follows:

In line 11783, after "depository" insert "or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained"

In line 12181, after "of" insert "collateral held by the public depository in an account at"

Delete line 12182

In line 12183, delete all before the underlined period and insert "the treasurer of state shall have the treasurer's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained"

In line 12711, after "depository" insert "or, in the case of collateral held by the public depository in an account at a federal reserve bank, the investing authority shall have the investing authority's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained"

The motion was _____ agreed to.

SYNOPSIS

Public depositories: security in Federal Reserve Banks

R.C. 135.18, 135.182, and 135.37

Modifies the bill's Uniform Depository Law provisions to account for collateral held in an account at a Federal Reserve Bank.

SC4648

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 113038, delete "$7,453,822" and insert "$7,792,763"

In lines 113040 and 113045, add $338,941 in fiscal year 2016

The motion was _____ agreed to.

SYNOPSIS

Department of Commerce

Section 241.10

Increases Internal Service Activity Fund 1630 appropriation item 800637, Information Technology, by $338,941 in FY 2016 bringing the appropriation to $7.7 million in FY 2016.

SC4655

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 118063, delete "$57,455,323 $57,455,323" and insert "$57,755,323 $57,755,323"

In line 118075, add $300,000 to each fiscal year

In line 118077, add $300,000 to each fiscal year

In line 118126, add $300,000 to each fiscal year

Between lines 118351 and 118352, insert:

"**Section 305.___** CHILDREN'S CRISIS CARE FACILITIES

Of the foregoing appropriation item 600523, Family and Children Services, $300,000 in each fiscal year shall be provided to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Sections 305.10 and 305.___

Appropriates an additional $300,000 in each fiscal year to GRF line item 600523, Family and Children Services, and allocates that amount to children's crisis care facilities. Requires the Director of Job and Family Services to allocate the funds based on the number of children at each facility. Permits a children's crisis care facility to decline to receive funds. Requires a children's crisis care facility that accepts funds provided under this section to use the funds in accordance with section 5103.13 of the Revised Code and rules in section 5101:2-9-36 of the Administrative Code.

SC4656X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 121271a and 121272, insert:

"GRF 235533 Higher Education Program Support $100,000 $100,000"

In line 121288, add $100,000 to each fiscal year

In line 121314, add $100,000 to each fiscal year

Between lines 122214 and 122215, insert:

"Section 369.____. HIGHER EDUCATION PROGRAM SUPPORT

The foregoing appropriation item 235533, Higher Education Program Support, shall be used to support program development and equipment purchase expenses for the Cores + Connections program at the Cleveland Institute of Art."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 369.10 and 369.____

Establishes GRF appropriation item 235533, Higher Education Program Support, and appropriates $100,000 in each fiscal year for development of the Cores + Connections program at the Cleveland Institute of Art.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 24 of the title, after "325.11," insert "339.06,"

In line 252 of the title, after "317.241," insert "339.061,"

In line 366, after "325.11," insert "339.06,"

In line 533, after "317.241," insert "339.061,"

Between lines 16860 and 16861, insert:

"**Sec. 339.06.** (A) The board of county hospital trustees, upon completion of construction or leasing and equipping of a county hospital, shall assume and continue the operation of the hospital.

(B) The board of county hospital trustees shall have the entire management and control of the county hospital. The board may in writing delegate its management and control of the county hospital to the administrator of the county hospital employed under section 339.07 of the Revised Code. The board shall establish such rules for the hospital's government, management, control, and the admission of persons as are expedient.

(C) The board of county hospital trustees has control of the property of the county hospital, including management and disposal of surplus property other than real estate or an interest in real estate.

(D) With respect to the use of funds by the board of county hospital trustees and its accounting for the use of funds, all of the following apply:

(1) The board of county hospital trustees has control of all funds used in the county hospital's operation, including moneys received from the operation of the hospital, moneys appropriated for its operation by the board of county commissioners, and moneys resulting from special levies submitted by the board of county commissioners as provided for in section 5705.22 of the Revised Code.

(2) Of the funds used in the county hospital's operation, all or part of any amount determined not to be necessary to meet current demands on the hospital may be invested by the board of county hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to section 135.35 of the Revised Code, subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to section 135.341 of the Revised Code. <u>If a county hospital is based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution, such funds may be invested by the board of county hospital trustees as provided in this division or in an ordinance adopted by the legislative authority of the county, in either case subject to approval by the county investment advisory committee, or as provided in section 339.061 of the Revised Code.</u>

(3) Annually, not later than sixty days before the end of the fiscal year used by the county hospital, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for that board's

review. The board of county commissioners shall review and approve the proposed budget by the first day of the fiscal year to which the budget applies. If the board of county commissioners has not approved the budget by the first day of the fiscal year to which the budget applies, the budget is deemed to have been approved by the board on the first day of that fiscal year.

(4) The board of county hospital trustees shall not expend funds received from taxes collected pursuant to any tax levied under section 5705.22 of the Revised Code or the amount appropriated to the county hospital by the board of county commissioners in the annual appropriation measure for the county until its budget for the applicable fiscal year is approved in accordance with division (C)(3) of this section. At any time the amount received from those sources differs from the amount shown in the approved budget, the board of county commissioners may require the board of county hospital trustees to revise the county hospital budget accordingly.

(5) Funds under the control of the board of county hospital trustees may be disbursed by the board, consistent with the approved budget, for the uses and purposes of the county hospital; for the replacement of necessary equipment; for the acquisition, leasing, or construction of permanent improvements to county hospital property; or for making a donation authorized by division (E) of this section. Each disbursement of funds shall be made on a voucher signed by signatories designated and approved by the board of county hospital trustees.

(6) The head of a board of county hospital trustees is not required to file an estimate of contemplated revenue and expenditures for the ensuing fiscal year under section 5705.28 of the Revised Code unless the board of county commissioners levies a

tax for the county hospital, or such a tax is proposed, or the board of county hospital trustees desires that the board of county commissioners make an appropriation to the county hospital for the ensuing fiscal year.

(7) All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners.

(8) The board of county hospital trustees shall provide for the conduct of an annual financial audit of the county hospital. Not later than thirty days after it receives the final report of an annual financial audit, the board shall file a copy of the report with the board of county commissioners.

(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(F)(1) For purposes of division (F)(2) of this section:

(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.

(b) "Savings and loan association" has the same meaning as in

section 1151.01 of the Revised Code.

(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.

(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, savings and loan association, or savings bank if the contract meets all of the following requirements:

(a) The term of the contract does not exceed one year, except that the contract may provide for the automatic renewal of the contract for up to four additional one-year periods if, on the date of automatic renewal, the aggregate outstanding draws remaining unpaid under the secured line of credit do not exceed fifty per cent of the maximum amount that can be drawn under the secured line of credit.

(b) The contract provides that the bank, savings and loan association, or savings bank shall not commence a civil action against the board of county commissioners, any member of the board, or the county to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of county hospital trustees.

(c) The contract provides that no assets other than those of the county hospital can be used to secure the line of credit.

(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of county hospital trustees under division (F)(2) of this section is an obligation of that board only and not a general obligation of the board of

county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code.

(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both.

(5) No board of county hospital trustees shall at any time have more than one secured line of credit under division (F)(2) of this section.

(G) The board of county hospital trustees shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in the hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes.

(H) The board of county hospital trustees may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds.

(I) The board of county hospital trustees may authorize a county hospital and each of its units, hospital board members, designated hospital employees, and medical staff members to be a member of and maintain membership in any local, state, or national group or association organized and operated for the promotion of the public health and welfare or advancement of the efficiency of hospital administration and in connection therewith to use tax funds for the payment of dues and fees and related expenses but nothing in this section prohibits the board from using receipts

from hospital operation, other than tax funds, for the payment of such dues and fees.

(J) The following apply to the board of county hospital trustees in relation to its employees and the employees of the county hospital:

(1) The board shall adopt the wage and salary schedule for employees.

(2) The board may employ the hospital's administrator pursuant to section 339.07 of the Revised Code, and the administrator may employ individuals for the hospital in accordance with that section.

(3) The board may employ assistants as necessary to perform its clerical work, superintend properly the construction of the county hospital, and pay the hospital's expenses. Such employees may be paid from funds provided for the county hospital.

(4) The board may hire, by contract or as salaried employees, such management consultants, accountants, attorneys, engineers, architects, construction managers, and other professional advisors as it determines are necessary and desirable to assist in the management of the programs and operation of the county hospital. Such professional advisors may be paid from county hospital operating funds.

(5) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to:

(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year;

(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;

(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;

(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;

(e) Moving expenses for new employees;

(f) Discounts on hospital supplies and services.

(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.

(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.

(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.

(9) The board may provide employee recognition awards and hold employee recognition dinners.

(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.

(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development

programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.

The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.

(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts.

Sec. 339.061. (A) As used in this section, "charter county hospital" means a county hospital based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution.

(B) The board of county hospital trustees of a charter county hospital shall hold and administer all money received from the operation of the county hospital, including money arising from rendering medical services to patients, whether received from the patient or on behalf of the patient, including inpatient and outpatient fees, laboratory and other procedure fees, physician services, and all other fees, deposits, charges, receipts, and income received as a result of the operation of the county hospital and medical staff.

(C) The board of county hospital trustees of a charter county hospital shall invest money described in division (B) of this section pursuant to an investment policy adopted by the board in a public meeting. The investment policy does not take effect unless it is approved by the county investment advisory committee established pursuant to section 135.341 of the Revised Code. The investment policy shall provide for all of the following:

(1) That all fiduciaries shall discharge their duties with

the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(2) That at least twenty-five per cent of the average amount of the investment portfolio over the course of the preceding fiscal year shall be invested, as a reserve, in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's Ohio subdivisions fund, obligations of this state or any political subdivision of this state, certificates of deposit of any national bank located in this state, written repurchase agreements with any eligible financial institution in this state that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less that are eligible for purchase by the federal reserve system;

(3) That money not required to be invested as a reserve under division (C)(2) of this section may be pooled with other institutional funds and invested in accordance with section 1715.52 of the Revised Code;

(4) The establishment of an investment committee within the board of county hospital trustees, which shall meet at least quarterly, to review and recommend revisions to the board's investment policy and to advise the board on investments made under division (C) of this section for the purpose of assisting the board in meeting its obligations as a fiduciary under that division. The policy shall authorize the committee to retain the services of an investment advisor who meets both of the following qualifications:

(a) The advisor is licensed by the division of securities

under section 1707.141 of the Revised Code or is registered with the United States securities and exchange commission.

(b) The advisor has experience in the management of investments of public funds, especially in the investment of state government investment portfolios, or is an institution eligible to be a public depository as described in section 135.03 of the Revised Code.

(D) Title to investments made by a board of county hospital trustees with money described in division (B) of this section shall not be vested in the county but shall be held in trust by the board.

(E) Authority provided by this section is supplemental to the authority granted under division (D) of section 339.06 of the Revised Code and authority granted under the ordinances or charter of the county."

In line 110551, after "325.11," insert "339.06,"

The motion was _____ agreed to.

SYNOPSIS

Funds of a charter county hospital

R.C. 339.06 and 339.061

States that the board of trustees of a county hospital in a charter county (i.e., Cuyahoga and Summit) shall hold, administer, and possess title to funds derived from operation of the hospital, and specifies some of the particular sources of such money.

Authorizes such a board of trustees to invest money not

needed for current demands as provided in a county ordinance, and to adopt an investment policy for such money that: requires fiduciaries to act with a specified standard of prudence; specifies certain classes of instruments or deposits in which such money may be invested, including as a required reserve, and with nonreserve investments pooled and invested under the Uniform Management of Institutional Funds Act; creates an investment committee within the board of trustees to oversee the policy and advise the board; and authorizes the committee to retain investment advisory services. The county investment advisory committee would have to approve investments made under a county ordinance or approve the investment policy, if one is adopted.

Under continuing law, all county hospital boards of trustees have "control of all funds used in the county hospital's operation, including moneys received from the operation of the hospital" as well as money appropriated to them by a board of county commissioners. The hospital boards may invest any money not needed for current demands in the same classes of investments as "inactive" money in the county treasury may be invested in, subject to the county investment advisory committee's approval (these classes overlap largely with the classes allowed by the amendment, but there are differences in type and in description).

SC4662X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 123459, after the period, insert:

"The first loan under this program shall go to Lorain County Community College to establish and operate the Ready Mix Truck Driver Training Program. For this purpose, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, $76,350 shall be disbursed in FY 2016 to Lorain County Community College and shall be used by Lorain County Community College to establish and operate the Ready Mix Truck Driver Training Program."

In line 123471, after the period, insert:

"To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, $76,350 shall be disbursed in FY 2017 to Lorain County Community College and shall be used by Lorain County Community College to operate the Ready Mix Truck Driver Training Program."

The motion was _____ agreed to.

SYNOPSIS

OhioMeansJobs Workforce Development Loan earmark

Section 401.40

Specifies that the first loan under the OhioMeansJobs Workforce Development Revolving Loan Program go to the Lorain County Community College to operate the Ready Mix Truck Driver Training Program. Earmarks $76,350 of DPF appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program (Fund 5NH0) in FY 2016 for this purpose. To the extent that reappropriated funds are available in line item 090610 in FY 2017, earmarks $76,350 for this purpose in FY 2017.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 309 of the title, delete "and" and insert a comma; after "259.10" insert ", and 509.60"

In line 14557, delete "water and"; after "sewer" insert "development advancement"

In line 14563, delete "any" and insert "both"

In line 14573, delete "user charges,"

In line 14576, delete the underlined semicolon and insert an underlined period

Delete lines 14577 through 14580

In line 14609, delete "user charges,"

In line 14629, delete "user charges,"

In line 14634, delete the first "water and"; after the first "sewer" insert "development advancement"

Between lines 14660 and 14661, insert:

"(5) Requests made pursuant to section 6103.052, 6117.062, 6117.521, or 6119.601 of the Revised Code for an advance of money from the fund for a project that involves an area subject to final findings and orders issued by the director of environmental protection under Chapter 6111. or 6117. of the Revised Code have

priority over requests submitted under division (C)(1), (2), (3), or (4) of this section."

In line 21888, delete "water and"; after "sewer" insert "development advancement"

In line 107624, delete "water and"; after "sewer" insert "development advancement"

In line 107719, delete "the general" and insert "county"

In line 107720, delete "of the county"; delete "the interest rate per"

Delete lines 107721 and 107722

In line 107723, delete everything before the second underlined comma and insert "a rate determined by the director of the commission at the time the advance is made, not to exceed four per cent per annum"

In line 107726, delete ". The interest"

Delete lines 107727 through 107729

In line 107730, delete everything before the period

In line 107787, delete "the general" and insert "county"; delete "of the county"

In line 107788, delete everything after "at"

Delete lines 107789 and 107790

In line 107791, delete "greater" and insert "a rate determined by the director of the commission at the time the advance is made, not to exceed four per cent per annum"

In line 107795, delete everything after "applicable"

Delete lines 107796 through 107799

In line 107800, delete "thereafter"

In line 109785, delete "water"

In line 109786, delete "and"; after "sewer" insert "development advancement"

In line 109796, delete ", user charges,"

In line 109797, after "section" insert "6117.02 or"

In line 109886, delete "the general" and insert "county"; delete "of the county"; delete the last "the"

Delete lines 109887 through 109889

In line 109890, delete "greater" and insert "a rate determined by the director of the commission at the time the advance is made, not to exceed four per cent per annum"

In line 109893, delete everything after "repayment"

Delete lines 109894 and 109895

In line 109896, delete everything before the period

In line 109934, delete "the general" and insert "county"

In line 109935, delete "of the county"; delete "the interest rate per"

Delete lines 109936 and 109937

In line 109938, delete everything before the second underlined comma and insert "a rate determined by the director of the commission at the time the advance is made, not to exceed four per cent per annum"

In line 109942, delete ". The"

Delete lines 109943 through 109946

In line 109947, delete everything before the period

In line 110194, delete "water"

In line 110195, delete "and"; after "sewer" insert "development advancement"

In line 110206, delete ", user"

In line 110207, delete "charges,"

In line 110223, delete everything after "assessment"

Delete lines 110224 through 110237 and insert ". The board shall repay the amount of any money advanced by the commission in the full amount within thirty years of the date of the advance in one lump sum. No interest shall accrue for the first fifteen years after the date of the advance. Beginning on the first day of the sixteenth year after the date of the advance, interest shall be assessed on the amount not repaid to the commission at an interest rate determined by the director of the commission at the time the advance is made, not to exceed four per cent per annum."

In line 110250, delete "user charges,"

In line 110252, delete "user charge,"; delete "a"

In line 110254, delete "is not required to connect" and insert "has elected to postpone connection"

In line 110413, delete "water and"; after "sewer" insert "development advancement"

In line 110441, delete everything after "assessment"

Delete lines 110442 through 110455 and insert ". The board shall repay the amount of any money advanced by the commission in the full amount within thirty years of the date of the advance in one lump sum. No interest shall accrue for the first fifteen years after the date of the advance. Beginning on the first day of the sixteenth year after the date of the advance, interest shall be assessed on the amount not repaid to the commission at an interest

rate determined by the director of the commission at the time the advance is made, not to exceed four per cent per annum."

In line 110471, delete "is not required to"

In line 110472, delete "connect" and insert "has elected to postpone connection"

Delete lines 121176 through 121178a

Between lines 121180b and 121181, insert:

"7101 150602 Sewer Development Advancement Operating $ 20,000 $ 20,000"

In line 121181, add $20,000 to each fiscal year

In line 121182, subtract $480,000 from each fiscal year

Delete lines 121198 though 121205

Between lines 121226 and 121227, insert:

"SEWER DEVELOPMENT ADVANCEMENT OPERATING

The foregoing appropriation item 150602, Sewer Development Advancement Operating, shall be used by the Ohio Public Works Commission in administering the Sewer Development Advancement Fund (Fund 7101) pursuant to section 164.13 of the Revised Code."

In line 124513, delete "and" and insert a comma; after "259.10" insert ", and 509.60"

Between lines 124649 and 124650, insert:

"Sewer Development Advancement Fund (Fund 7101)

"C150RX Sewer Development Advancement $ 1,960,000

TOTAL Sewer Development Advancement Fund $ 1,960,000"

In line 124650, strike through "$444,000,000" and insert "$445,960,000"

Between lines 124716 and 124717, insert:

"SEWER DEVELOPMENT ADVANCEMENT

On August 31, 2015, 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 Sewer Development Advancement Fund (Fund 7101).

The foregoing appropriation item C150RX, Sewer Development Advancement, shall be used for the purposes described in section 164.13 of the Revised Code."

Between lines 124815 and 124816, insert:

"**Sec. 509.60.** CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND MANAGEMENT

Notwithstanding section 126.14 of the Revised Code, appropriations for appropriation items C50100, Local Jails, and C50101, Community-Based Correctional Facilities, appropriated from the Adult Correctional Building Fund (Fund 7027) to the Department of Rehabilitation and Correction shall be released upon the written approval of the Director of Budget and Management. The appropriations from the Public School Building Fund (Fund 7021), the Education Facilities Trust Fund (Fund N087), and the School Building Program Assistance Fund (Fund 7032) to the School Facilities Commission, from the Transportation Building Fund (Fund 7029) to the Department of Transportation, from the Clean Ohio Conservation Fund (Fund 7056) ~~to the Public Works Commission, and appropriations from~~, the State Capital Improvement Fund (Fund 7038) ~~and~~, the State Capital Improvements Revolving Loan Fund (Fund 7040), and the Sewer Development Advancement Fund (Fund 7101) to the Public Works Commission shall be released upon presentation of a request to release the funds, by the agency to which the appropriation has been made, to the Director of Budget

and Management."

In line 124817, delete "and" and insert a comma; after "259.10" insert ", and 509.60"

In line 126680, delete "expended" and insert "done either of the following:

(A) Expended"

In line 126682, after "2016" insert ";

(B) Entered into a contract or agreement with the legislative authority of another political subdivision, prior to January 1, 2015, for the provision of sewerage collection, treatment, or disposal services or that provides for connection to a sewerage system, the performance of which is executory in nature"

The motion was _____ agreed to.

SYNOPSIS

Connection to private and public sewerage systems; Sewer Development Advancement Fund

R.C. 164.13, 929.03, 6103.052, 6117.062, 6117.521, 6117.522, 6119.601, and 6119.602 and Section 761.10

Revises the calculation of interest by the Director of the Ohio Public Works Commission for purposes of advances made to counties, regional sewer and water districts, and other public entities to meet a portion of the costs of extending water and sewer lines when assessments and other charges have been deferred.

Changes the name of the fund created by the bill from the Water and Sewer Fund to the Sewer Development Advancement Fund.

Requires the Director to give priority when making advances from the Fund to a project that involves an area subject to final findings and orders issued by the Director of Environmental Protection under specified laws.

Eliminates the use of money in the Fund for administrative purposes.

Adds that the bill's provisions regarding the Fund and connections to sewerage systems and sewers do not apply to an existing sewer construction project authorized under the Sewer Districts and County Sewers Law or an existing waste water facility construction project authorized under the Regional Water and Sewer Districts Law regarding which a board of county commissioners or the board of trustees of a regional water and sewer district, respectively, has entered into a contract or agreement with the legislative authority of another political subdivision, prior to January 1, 2015, for the provision of sewerage collection, treatment, or disposal services or that provides for connection to a sewerage system, the performance of which is executory in nature.

Public Works Commission

Sections 365.10 and 610.20

Removes provisions from the bill that:

(1) Transfer $500,000 cash in each of FY 2016 and FY 2017 from the GRF to the Water and Sewer Fund (Fund 4440); and

(2) Establish appropriations of $500,000 in each of FY 2016 and FY 2017 for Fund 4440 appropriation item 150602, Water & Sewer Loans, for PWC to award water and sewer loans under section 164.13 of the Revised Code.

In place of these provisions, adds provisions to the bill

that:

(1) Transfer $2 million from the GRF to the Sewer Development Advancement Fund (Fund 7101) on August 31, 2015 or as soon as possible thereafter;

(2) Establish capital appropriations of $1,960,000 in the FY 2015-FY 2016 capital biennium for Fund 7101 appropriation item C150RX, Sewer Development Advancement, for PWC to award loans under section 164.13 of the Revised Code; and

(3) Establish operating appropriations of $20,000 in each year of the FY 2016-FY 2017 operating biennium for Fund 7101 appropriation item 150602, Sewer Development Advancement Operating, to cover administrative costs of PWC in managing the Sewer Development Advancement Fund (Fund 7101).

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 246 of the title, after "sections" insert "2323.44,"

In line 289 of the title, after "1511.99," insert "2323.44,"

In line 317 of the title, after the comma insert "to amend Section 4 of Sub. S.B. 171 of the 129th General Assembly, as subsequently amended,"

In line 528, after "sections" insert "2323.44,"

Between lines 34465 and 34466, insert:

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

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

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

claim of injury, death, or loss to person.

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

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

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

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

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

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

(c) A health care provider-sponsored organization;

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

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

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

(B) Notwithstanding any contract or statutory provision to

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

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

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

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

In line 110702, after "1511.99," insert "2323.44,"

Between lines 125109 and 125110, insert:

"**Section 610.___.** That Section 4 of Sub. S.B. 171 of the 129th General Assembly, as most recently amended by Am. Sub. H.B.

59 of the 130th General Assembly, be amended to read as follows:

Sec. 4. The following agencies are retained under division (D) of section 101.83 of the Revised Code and expire on December 31, 2016:

AGENCY NAME	REVISED CODE OR UNCODIFIED SECTION
Academic Distress Commission	3302.10
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34
Advisory Council on Amusement Ride Safety	1711.51, 1711.52
Office of Enterprise Development Advisory Board	5145.162
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84
Advisory Committee on Livestock Exhibitions	901.71
Agricultural Commodity Marketing Programs Operating Committees	924.07
Agricultural Commodity Marketing Programs Coordinating Committee	924.14
Alternative Energy Advisory Committee	4928.64(D)
AMBER Alert Advisory Committee	5502.521
Apprenticeship Council	Chapter 4139.
Armory Board of Control	5911.09, 5911.12
Automated Title Processing Board	4505.09(C)(1)
Backflow Advisory Board	3703.21
Banking Commission	1123.01
Board of Directors of the Great Lakes Protection	1506.22

Fund	(6161.04)	
Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	100
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	101
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	102
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	103
Board of Governors of the Medical Liability Underwriting Association	3929.64	104
Board of Voting Machines Examiners	3506.05	105
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th G.A.	106
Brain Injury Advisory Committee	3304.231	107
Bureau of Workers' Compensation Board of Directors	4121.12	108
Capitol Square Review and Advisory Board	105.41	109
Child Care Advisory Council	5104.08	110
Child Support Guideline Advisory Council	3119.024	111
Children's Trust Fund Board	3109.15 - 3109.17	112
Citizen's Advisory Council	5123.092, 5123.093	113
Clean Ohio Trail Advisory Board	1519.06	114
Coastal Resources Advisory Council	1506.12	115
Commission on African-American Males	4112.12, 4112.13	116
Commission on Hispanic-Latino Affairs	121.31	117
Commission on Minority Health	3701.78	118
Committee on Prescriptive Governance	4723.49 -	119

	4723.492	
Commodity Advisory Commission	926.32	120
Consumer Advisory Committee to the Opportunities for Ohioans with Disabilities Commission	3304.16 (3304.14), Section 803.40	121
Continuing Education Committee	109.80(B)	122
Council on Alcohol and Drug Addiction Services	3793.09	123
Council on Unreclaimed Strip Mined Lands	1513.29	124
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	125
Credential Review Board	3319.65	126
Credit Union Council	1733.329	127
Criminal Sentencing Advisory Committee	181.22	128
Data Collection and Analysis Group	3727.32	129
Dentist Loan Repayment Advisory Board	3702.92	130
Department Advisory Council(s)	107.18, 121.13	131
Development Financing Advisory Council	122.40, 122.41	132
Early Childhood Advisory Council	3301.90	133
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	134
Education Management Information System Advisory Board	3301.0713	135
Educator Standards Board	3319.60	136
Electrical Safety Inspector Advisory Committee	3783.08	137
Emergency Response Commission	3750.02	138
Engineering Experiment Station Advisory Committee	3335.27	139
Environmental Education Council	3745.21	140
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	141
Broadcast Educational Media Commission	3353.02 - 3353.04	142

Ex-Offender Reentry Coalition	5120.07	143
Farmland Preservation Advisory Board	901.23	144
Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township	118.05	145
Financial Planning and Supervision Commission for a school district	3316.05	146
Forestry Advisory Council	1503.40	147
Governance Authority for a State University or College	3345.75	148
Governor's Council on People with Disabilities	3303.41	149
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th G.A.	150
Governor's Residence Advisory Commission	107.40	151
Grain Marketing Program Operating Committee	924.20 - 924.30	152
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	153
Gubernatorial Transition Committee	107.29, 126.26	154
Help Me Grow Advisory Council	3701.611	155
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	156
Homeland Security Advisory Council	5502.011(E)	157
Hospital Measures Advisory Council	3727.31	158
Housing Trust Fund Advisory Committee	174.06	159
Industrial Commission Nominating Council	4121.04	160
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	161
Infant Hearing Screening Subcommittee	3701.507	162
Infection Control Group	3727.312(D)	163
Insurance Agent Education Advisory Council	3905.483	164
Interstate Rail Passenger Advisory Council	4981.35	165

Joint Select Committee on Volume Cap	133.021	166
Labor-Management Government Advisory Council	4121.70	167
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	168
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	169
Maternity and Newborn Advisory Council	3711.20, 3711.21	170
Medically Handicapped Children's Medical Advisory Council	3701.025	171
Midwest Interstate Passenger Rail Compact Commission	4981.361	172
Milk Sanitation Board	917.03 - 917.032	173
Mine Subsidence Insurance Governing Board	3929.51	174
Minority Development Financing Advisory Board	122.72, 122.73	175
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd G.A.	176
National Museum of Afro-American History and Culture Planning Committee	149.303	177
New African Immigrants Commission	4112.31, 4112.32	178
Ohio Accountability Task Force	3302.021(E)	179
Ohio Advisory Council for the Aging	173.03	180
Ohio Agriculture License Plate Scholarship Fund Board	901.90	181
Ohio Arts Council	Chapter 3379.	182
Ohio Business Gateway Steering Committee	5703.57	183
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	184
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	185
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	186

Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	187
Ohio Commission on Fatherhood	5101.34	188
Ohio Community Service Council	121.40 - 121.404	189
Ohio Council for Interstate Adult Offender Supervision	5149.22	190
Ohio Cultural Facilities Commission	Chapter 3383.	191
Ohio Cystic Fibrosis Legislative Task Force	101.38	192
Ohio Developmental Disabilities Council	5123.35	193
Ohio Expositions Commission	991.02	194
Ohio Family and Children First Cabinet Council	121.37	195
Ohio Geographically Referenced Information Program Council	125.901, 125.902	196
Ohio Geology Advisory Council	1501.11	197
Ohio Grape Industries Committee	924.51 - 924.55	198
Ohio Historic Site Preservation Advisory Board	149.301	199
Ohio Historical Society Board of Trustees	149.30	200
Ohio Judicial Conference	105.91 - 105.97	201
Ohio Lake Erie Commission	1506.21	202
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	203
Ohio Medical Quality Foundation	3701.89	204
Ohio Parks and Recreation Council	1541.40	205
Ohio Peace Officer Training Commission	109.71, 109.72	206
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	207
Ohio Public Defender Commission	120.01 - 120.03	208
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	209
Ohio Quarter Horse Development Commission	3769.086	210

Ohio Small Government Capital Improvements Commission	164.02(C)(D)	211
Ohio Soil and Water Conservation Commission	1515.02	212
Ohio Standardbred Development Commission	3769.085	213
~~Ohio Subrogation Rights Commission~~	~~2323.44~~	214
Ohio Thoroughbred Racing Advisory Committee	3769.084	215
Ohio Transportation Finance Commission	5531.12(B) to (D)	216
Ohio Tuition Trust Authority	3334.03, 3334.08	217
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	218
Ohio Vendors Representative Committee	3304.34, 20 USC 107	219
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	220
Ohio Water Advisory Council	1521.031	221
Ohio Water Resources Council Advisory Group	1521.19	222
Ohio Water Resources Council	1521.19	223
Oil and Gas Commission	1509.35	224
Operating Committee of the Oil and Gas Marketing Program	1510.06, 1510.11	225
Organized Crime Investigations Commission	177.01	226
Pharmacy and Therapeutics Committee of the Department of Medicaid	5164.7510	227
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	228
Physician Loan Repayment Advisory Board	3702.81	229
Power Siting Board	4906.02	230
Prequalification Review Board	5525.07	231
Private Water Systems Advisory Council	3701.346	232
Public Utilities Commission Nominating Council	4901.021	233

Public Utility Property Tax Study Committee	5727.85(K)	234
Radiation Advisory Council	3748.20	235
Reclamation Commission	1513.05	236
Reclamation Forfeiture Fund Advisory Board	1513.182	237
Recreation and Resources Commission	1501.04	238
Recycling and Litter Prevention Advisory Council	1502.04	239
School and Ministerial Lands Divestiture Committee	501.041	240
Savings and Loan Associations and Savings Banks Board	1181.16	241
Second Chance Trust Fund Advisory Committee	2108.35	242
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	243
Ski Tramway Board	4169.02	244
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	245
Solid Waste Management Advisory Council	3734.51	246
Special Commission to Consider the Suspension of Local Government Officials	3.16	247
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th G.A.	248
State Agency Coordinating Group	1521.19	249
State Audit Committee	126.46	250
State Council of Uniform State Laws	105.21 - 105.27	251
State Criminal Sentencing Commission	181.22 - 181.26	252
State Fire Council	3737.81	253
State Library Board	3375.01	254
State Victims Assistance Advisory Council	109.91(B) and (C)	255

Statewide Consortium of County Law Library Resource Boards	3375.481	256
STEM Committee	3326.02	257
Student Tuition Recovery Authority	3332.081	258
Sunset Review Committee	101.84 - 101.87	259
Tax Credit Authority	122.17(M)	260
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	261
Technical Advisory Council on Oil and Gas	1509.38	262
Transportation Review Advisory Council	5512.07 - 5512.09	263
Unemployment Compensation Advisory Council	4141.08	264
Unemployment Compensation Review Commission	4141.06	265
Veterans Advisory Committee	5902.02(K)	266
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	267
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	268
Water and Sewer Commission	1525.11(C)	269
Waterways Safety Council	1547.73	270
Wildlife Council	1531.03 - 1531.05	271
Workers' Compensation Board of Directors Nominating Committee	4121.123	272

Section 610.___. That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as most recently amended by Am. Sub. H.B. 59 of the 130th General Assembly, is hereby repealed."

The motion was _____ agreed to.

SYNOPSIS

Subrogation Rights Commission; distribution of recoveries in tort actions

R.C. 2323.44 and Section 4 of Sub. S.B. 171 of the 129th General Assembly

Repeals the law creating the Ohio Subrogation Rights Commission; provides a procedure for the distribution to an injured party and a subrogee of recoveries in tort actions.

SC4672

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 160 of the title, delete "4905.95,"

In line 465, delete "4905.95,"

Delete lines 78523 through 78586

In line 110652, delete "4905.95,"

The motion was _____ agreed to.

SYNOPSIS

Pipeline safety forfeitures

R.C. 4905.95

Removes from the bill the maximum pipeline safety forfeitures increase: $200,000 for each day of each violation or noncompliance (increased from $100,000 under current law) and $2 million for any related series of violations or noncompliances (increased from $1 million under current law).

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 123 of the title, after "3929.86," insert "3959.01,"

In line 263 of the title, after "3781.106," insert "3959.111,"

In line 438, after "3929.86," insert "3959.01,"

In line 541, after "3781.106," insert "3959.111,"

Between lines 65130 and 65131, insert:

"**Sec. 3959.01.** (A) "Administration fees" means any amount charged a covered person for services rendered. "Administration fees" includes commissions earned or paid by any person relative to services performed by an administrator.

(B) "Administrator" means any person who adjusts or settles claims on, residents of this state in connection with life, dental, health, prescription drugs, or disability insurance or self-insurance programs. "Administrator" includes a pharmacy benefit manager. "Administrator" does not include any of the following:

(1) An insurance agent or solicitor licensed in this state whose activities are limited exclusively to the sale of insurance and who does not provide any administrative services;

(2) Any person who administers or operates the workers' compensation program of a self-insuring employer under Chapter 4123. of the Revised Code;

(3) Any person who administers pension plans for the benefit of the person's own members or employees or administers pension plans for the benefit of the members or employees of any other person;

(4) Any person that administers an insured plan or a self-insured plan that provides life, dental, health, or disability benefits exclusively for the person's own members or employees;

(5) Any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code or an insurance company that is authorized to write life or sickness and accident insurance in this state.

(C) "Aggregate excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of all covered persons under the plan or trust which exceed a stated deductible amount and subject to a stated maximum.

(D) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent.

(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and

contracts of insurance.

~~(E)~~(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee.

(G) "Fiduciary" has the meaning set forth in section 1002(21)(A) of the "Employee Retirement Income Security Act of 1974," 88 Stat. 829, 29 U.S.C. 1001, as amended.

~~(F)~~(H) "Fiscal year" means the twelve-month accounting period commencing on the date the plan is established and ending twelve months following that date, and each corresponding twelve-month accounting period thereafter as provided for in the summary plan description.

~~(G)~~(I) "Insurer" means an entity authorized to do the business of insurance in this state or, for the purposes of this section, a health insuring corporation authorized to issue health care plans in this state.

(J) "Managed care organization" means an entity that provides medical management and cost containment services and includes a medicaid managed care organization, as defined in section 5167.01 of the Revised Code.

(K) "Maximum allowable cost" means a maximum drug product reimbursement for an individual drug or for a group of therapeutically and pharmaceutically equivalent multiple source drugs that are listed in the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, commonly referred to as the orange book.

(L) "Maximum allowable cost list" means a list of the drugs for which a pharmacy benefit manager imposes a maximum allowable

cost.

(M) "Multiple employer welfare arrangement" has the same meaning as in section 1739.01 of the Revised Code.

(N) "Pharmacy benefit manager" means an entity that contracts with pharmacies on behalf of an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer to provide pharmacy health benefit services or administration.

(O) "Plan" means any arrangement in written form for the payment of life, dental, health, or disability benefits to covered persons defined by the summary plan description.

~~(H)~~(P) "Plan sponsor" means the person who establishes the plan. "Plan sponsor" includes, with regard to a prescription drug plan, an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer that facilitates a health benefit plan that provides a drug benefit that is administered by a pharmacy benefit manager.

~~(I)~~(Q) "Self-insurance program" means a program whereby an employer provides a plan of benefits for its employees without involving an intermediate insurance carrier to assume risk or pay claims. "Self-insurance program" includes but is not limited to employer programs that pay claims up to a prearranged limit beyond which they purchase insurance coverage to protect against unpredictable or catastrophic losses.

~~(J)~~(R) "Specific excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of a covered person in excess of a

stated deductible amount and subject to a stated maximum.

~~(K)~~(S) "Summary plan description" means the written document adopted by the plan sponsor which outlines the plan of benefits, conditions, limitations, exclusions, and other pertinent details relative to the benefits provided to covered persons thereunder.

(T) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

Sec. 3959.111. (A)(1) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy benefit manager shall be obligated to update and implement the pricing information at least every seven days and provide a means by which contracted pharmacies may promptly review pricing updates in a format that is readily available and accessible.

(2) A pharmacy benefit manager shall maintain a written procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing in a timely manner in order to remain consistent with pricing changes in the marketplace.

(B) In each contract between a pharmacy benefit manager and a pharmacy, a pharmacy benefit manager shall be obligated to ensure that all of the following conditions are met prior to placing a prescription drug on a maximum allowable cost list:

(1) The drug is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, or has an "NR" or "NA" rating or similar rating by nationally

recognized reference.

(2) The drug is generally available for purchase by pharmacies in this state from a national or regional wholesaler and is not obsolete.

(C) Each contract between a pharmacy benefit manager and a pharmacy shall include a process to appeal, investigate, and resolve disputes regarding maximum allowable cost pricing that includes all of the following:

(1) A twenty-one-day limit on the right to appeal following the initial claim;

(2) A requirement that the appeal be investigated and resolved within twenty-one days after the appeal;

(3) A telephone number at which the pharmacy may contact the pharmacy benefit manager to speak to a person responsible for processing appeals;

(4) A requirement that a pharmacy benefit manager provide a reason for any appeal denial and the identification of the national drug code of a drug that may be purchased in this state by the pharmacy in this state from a national or regional wholesaler at a price at or below the benchmark price determined by the pharmacy benefit manager;

(5) A requirement that a pharmacy benefit manager make an adjustment to a date related to a claim not later than one day after the date related to a claim and not later than one day after the date of determination of the appeal. The adjustment shall be retroactive to the date the appeal was made and shall apply to all situated pharmacies as determined by the pharmacy benefit manager. This requirement does not prohibit a pharmacy benefit manager from retroactively adjusting a claim for the appealing pharmacy or for

any other similarly situated pharmacies.

(D) Notwithstanding division (B)(5) of section 3959.01 of the Revised Code, a health insuring corporation or a sickness and accident insurer shall comply with the requirements of this section if the corporation or insurer is a pharmacy benefit manager, as defined in section 3959.01 of the Revised Code."

In line 110624, after "3929.86," insert "3959.01,"

The motion was _____ agreed to.

SYNOPSIS

Pharmacy benefit managers and maximum allowable cost

R.C. 3959.01 and 3959.111

Requires pharmacy benefit managers to be licensed as third-party administrators.

Places requirements on contracts between pharmacy benefit managers and plan sponsors.

SC4687

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 274 of the title, delete "5167.041,"

In line 549, delete "5167.041,"

Delete lines 89465 through 89472

The motion was _____ agreed to.

SYNOPSIS

Prior authorization under Medicaid managed care for behavioral health services

R.C. 5167.041

Removes a provision added in the Senate substitute version that would have prohibited a Medicaid managed care organization from imposing a prior authorization requirement for receipt of alcohol, drug addiction, or mental health services, other than the prior authorization requirements provided for in current law.

_____ moved to amend as follows:

In line 22 of the title, delete "183.021, 183.33,"

In line 285 of the title, delete "183.12, 183.13, 183.14,"

In line 286 of the title, delete "183.15, 183.16, 183.17,"

In line 364, delete "183.021, 183.33,"

In line 1275, reinsert "members of the board of"

Reinsert line 1276

In line 1277, reinsert "agricultural and community development foundation;"

Delete lines 15381 through 15406

In line 110549, delete "183.021, 183.33,"

In line 110699, delete "183.12, 183.13, 183.14, 183.15, 183.16,"

In line 110700, delete "183.17,"

Between lines 123216 and 123217, insert:

"**Section 391.10.** SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION

Dedicated Purpose Fund Group				
5M90	945601	Operating Expenses	$426,800	$426,800
TOTAL DPF Dedicated Purpose Fund Group			$426,800	$426,800
TOTAL ALL BUDGET FUND GROUPS			$426,800	$426,800"

The motion was _____ agreed to.

SYNOPSIS

Restoration of Southern Ohio Agricultural and Community Development Foundation

R.C. 102.02, 183.021, 183.12, 183.13, 184.14, 183.15, 183.16, 183.17, and 183.33

Restores the Southern Ohio Agricultural and Community Development Foundation and related provisions, eliminated in the version of the bill pending in Senate Finance.

Southern Ohio Agricultural and Community Development Foundation

Section 391.10

Restores payroll funding for the Southern Ohio Agricultural and Community Development Foundation under DPF Fund 5M90 appropriation item 945601, Operating Expenses, totaling to $426,800 in FY 2016 and FY 2017.

SC4739X2

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Delete line 111908

In line 111910, delete "$178,876,811" and insert "$166,126,811"

Between lines 111914 and 111915 insert:

"5RT0 100668 Electronic Pollbooks $12,750,000 $0"

In line 111916, delete the first "$3,270,891" and insert "$16,020,891"

In line 112010, delete "100503" and insert "100668"

In line 112016, after the period insert "The source of funding for these acquisitions shall be a cash transfer from the General Revenue Fund under Section 512.30 of this act into the Electronic Pollbook Fund (Fund 5RT0), which is hereby created."

In lines 112019 and 112049, delete "100503" and insert "100668"

Delete lines 113216 and 113216a

In line 113218, delete "$1,725,000" and insert "$475,000"

Between lines 113222 and 113223, insert:

"Dedicated Purpose Fund Group

5RU0 911617 Absent Voter's Ballot Mailings $0 $1,250,000

TOTAL DPF Dedicated Purpose Fund Group $0 $1,250,000"

In line 113234, after "from" insert "the Absent Voter's Ballot Fund (Fund 5RU0), which is hereby created, under"

In line 113235, delete "911423, Absent Voter's Ballot Applications" and insert "911617, Absent Voter's Ballot Mailings"

In line 123951, delete "$247,000,000" and insert "$233,000,000"

Between lines 123978 and 123979 insert:

"(K) Eleventh, the Director shall transfer a cash amount of $12,750,000 to the Electronic Pollbook Fund (Fund 5RT0).

(L) Twelfth, the Director shall transfer a cash amount of $1,250,000 to the Absent Voter's Ballot Fund (Fund 5RU0)."

The motion was _____ agreed to.

SYNOPSIS

Department of Administrative Services and Controlling Board

Sections 207.10, 245.10, and 512.30

Requires the Director of Budget and Management to transfer $12,750,000 in cash to the newly created Electronic Pollbook Fund (Fund 5RT0) and $1,250,000 in cash to the newly created Absent Voter's Ballot Fund (Fund 5RU0) from FY 2015 General Revenue Fund (GRF) surplus amounts.

Eliminates GRF appropriation item 100503, Electronic Pollbooks, and establishes Dedicated Purpose appropriation item

100668, Electronic Pollbooks, and appropriates $12,750,000 in FY 2016 for the same purposes as appropriation item 100503.

Eliminates GRF appropriation item 911423, Absent Voter's Ballot Applications, and establishes Dedicated Purpose appropriation item 911617, Absent Voter's Ballot Mailings, and appropriates $1,250,000 in FY 2017 for the same purpose as appropriation item 911423.

SC4741

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 115532, after "programs" insert "and the federal school breakfast program"

The motion was _____ agreed to.

SYNOPSIS

Department of Education

Section 263.170

Requires the Children's Hunger Alliance to use funding from GRF appropriation item 200505, School Lunch Match, for the additional purpose of increased access to the federal school breakfast program.

SC4743

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 67282 and 67283, insert:

"(iv) It is located in a township with a population density of less than four hundred fifty people per square mile. For purposes of division (L)(2)(d)(iv) of this section, the population of a township is considered to be the population shown by the most recent regular federal decennial census."

The motion was _____ agreed to.

SYNOPSIS

D-5l liquor permit population requirements

R.C. 4303.181

Authorizes the Division of Liquor Control to issue a D-5l liquor permit (sales of beer and intoxicating liquor in a revitalization district) to a premises that is located in a township with a population density of less than 450 people per square mile.

SC4751X2

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 119929, delete "$72,289,846 $72,239,846" and insert "$72,389,846 $72,339,846"

In line 119939, add $100,000 to each fiscal year

In line 119970, add $100,000 to each fiscal year

In line 120022, delete "$300,000" and insert "$400,000"; delete "$250,000" and insert "$350,000"

The motion was _____ agreed to.

SYNOPSIS

Department of Mental Health and Addiction Services

Sections 331.10 and 331.70

Appropriates an additional $100,000 to GRF line item 336421, Continuum of Care Services, in each fiscal year. Allocates an additional $100,000 to the Geauga County Board of Mental Health and Recovery Services to support the Chardon Pilot Program, for a total of $400,000 in fiscal year 2016 and $350,000 in fiscal year 2017.

SC4753

Sub. H.B 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 146 of the title, delete "4715.01,"

In line 455, delete "4715.01,"

Delete lines 72845 through 72897

In line 72909, delete everything after "(4)"

Delete line 72910

In line 72911, delete "Code" and insert "A federally qualified health center, federally qualified health center look-alike, free clinic, nonprofit shelter or health care facility, or nonprofit clinic that provides health care services or dental services to indigent and uninsured persons"

In line 72916, delete "a charitable" and insert "an"

Delete line 72917

In line 72918, delete everything before the period and insert "specified in division (A)(4) of this section"

Between lines 72918 and 72919 insert:

"(C) As used in this section:

(1) "Federally qualified health center" and "federally qualified health center look-alike" have the same meanings as in section 3701.047 of the Revised Code.

(2) "Free clinic" and "nonprofit shelter or health care facility" have the same meanings as in section 3701.071 of the Revised Code.

(3) "Nonprofit clinic" has the same meaning as in section 3715.87 of the Revised Code.

(4) "Indigent and uninsured person" has the same meaning as in section 2305.234 of the Revised Code."

In line 110641, delete "4715.01,"

The motion was _____ agreed to.

SYNOPSIS

Not-for-profit dental clinics

R.C. 4715.01 and 4715.18

Removes the bill's provisions that add charitable organizations exempt from federal income tax to the entities through which a person may practice dentistry, dental surgery, and dental hygiene, and adds specific types of organizations that provide health care services or dental services to indigent and uninsured persons to the entities through which a person may practice dentistry, dental surgery, and dental hygiene.

Accordingly, removes the bill's provision that exempts a person having a license to practice dentistry or dental hygiene from being subject to license suspension or revocation for entering the employment of or into an arrangement with a charitable organization.

SC4763

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 113852, delete "$470,137,300 $522,467,830" and insert "$482,137,300 $543,467,830"

In line 113853, add $12,000,000 in fiscal year 2016 and $21,000,000 in fiscal year 2017

In line 113878, delete "$92,423,968 $84,604,417" and insert "$118,423,968 $110,604,417"

In line 113879, delete "$356,362,616 $364,283,407" and insert "$357,362,616 $356,283,407"

In line 113880, delete "$1,024,289,925 $1,161,039,348" and insert "$1,019,289,925 $1,180,039,348"

In line 113883, add $22,000,000 in fiscal year 2016 and $37,000,000 in fiscal year 2017

In line 113884, add $34,000,000 in fiscal year 2016 and $58,000,000 in fiscal year 2017

The motion was _____ agreed to.

SYNOPSIS

Department of Developmental Disabilities

Section 259.10

Makes the following appropriation changes to restore certain DODD funding levels to those found in the As Introduced version of the bill:

(1) Increases the appropriation for GRF item 653407, Medicaid Services, by $12,000,000 in fiscal year 2016 and $21,000,000 in fiscal year 2017.

(2) Increases the appropriation for FED item 653605, DC and Residential Services and Support, by $26,000,000 in each fiscal year.

(3) Increases the appropriation for FED item 653653, ICF/IID, by $1,000,000 in fiscal year 2016 and decreases the appropriation for that item by $8,000,000 in fiscal year 2017.

(4) Decreases the appropriation for FED item 653639, Medicaid Waiver Services, by $5,000,000 in fiscal year 2016 and increases the appropriation for that item by $19,000,000 in fiscal year 2017.

SC4764

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 123393, delete "$23,500,000" and insert "$17,000,000"

In lines 123396 and 123400, subtract $6,500,000 from fiscal year 2016

The motion was _____ agreed to.

SYNOPSIS

Treasurer of State

Section 401.10

Decreases DPF appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program (Fund 5NH0), by $6.5 million in FY 2016.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 194 of the title, after "5709.67," insert "5709.73,"

In line 490, after "5709.67," insert "5709.73,"

Between lines 92242 and 92243, insert:

"**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) "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 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, 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 (F) 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 district and specifically identify each parcel within the district. A 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 district, and more than one resolution may be adopted under division (C)(1) of this section.

(2) 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.

(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 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.

(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, 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 of the Revised Code for community mental retardation and 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.

(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, 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 <u>services</u> 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 <u>services</u>. 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. 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. The board of township trustees shall deliver an identical notice to the board of county commissioners of each county in which the exempted parcels are located."

In line 110676, after "5709.67," insert "5709.73,"

The motion was _____ agreed to.

SYNOPSIS

Extension of township TIF exemptions

R.C. 5709.73

Authorizes the board of trustees of a township with a population of 15,000 or more to amend a TIF resolution adopted before December 31, 1994, to extend the exemption of the parcel or parcels included in the TIF for up to an additional 15 years. The amendment may not increase the percentage of improvements exempted from taxation. The township would be required to notify the

affected school districts and counties before adopting the amendment.

_____ moved to amend as follows:

In line 256 of the title, after "3313.413," insert "3313.619,"

In line 536, after "3313.413," insert "3313.619,"

In line 43698, after "3313.618" insert "or 3313.619"

In line 43738, after "3313.618" insert "or 3313.619"

In line 43744, after "publishes" insert ", for each graduating class,"; after "of" insert "either"

In line 43746, strike through "for each graduating class" and insert "or an alternative assessment specified under section 3313.619 of the Revised Code"

In line 43814, after "3313.618" insert "or 3313.619"

In line 43827, after "3313.618" insert "or 3313.619"

In line 43842, after "3313.618" insert "or section 3313.619"

In line 43847, after "3313.618" insert "or 3313.619"

Between lines 43998 and 43999, insert:

"**Sec. 3313.619.** This section shall apply only to a chartered nonpublic school that is not accredited through the independent school association of the central states.

(A) In lieu of the requirement prescribed by section 3313.618 of the Revised Code, a chartered nonpublic school to

which this section applies may grant a high school diploma to a student who attains at least the designated score on an assessment approved by the department of education under division (B) of this section and selected by the school's governing authority.

(B) For purposes of division (A) of this section, the department shall approve assessments that meet the conditions specified under division (C) of this section and shall designate passing scores for each of those assessments.

(C) Each assessment approved under division (B) of this section shall be nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," be standardized, have specific evidence of content, concurrent, or criterion validity, have evidence of norming studies in the previous ten years, have a measure of student achievement in core academic areas, and have high validity evidenced by the alignment of the assessment with nationally recognized content.

(D) Nothing in this section shall prohibit a chartered nonpublic school to which this section applies from granting a high school diploma to a student if the student satisfies the requirement prescribed by section 3313.618 of the Revised Code."

In line 44649, delete "and"; after "3313.618" insert ", and 3313.619"

The motion was _____ agreed to.

SYNOPSIS

Graduation requirements for certain chartered nonpublic schools

R.C. 3313.612 and 3313.619; conforming changes in R.C. 3313.614, and 3313.902

Creates an additional pathway for high school graduation for students enrolled in a chartered nonpublic school that is not accredited through the Independent School Association of the Central States (ISACS).

Specifies that such a student may receive a high school diploma if the student attains a designated score on an alternative assessment approved by the Department of Education and selected by the student's school.

Requires the Department to designate passing scores on approved assessments and to approve assessments for this purpose that are nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," are standardized, have specific evidence of content, concurrent, or criterion validity, have evidence of norming studies in the previous ten years, have a measure of student achievement in core academic areas, and have high validity evidenced by the alignment of the assessment with nationally recognized content.

States that the amendment's provisions do not prohibit a non-ISACS chartered nonpublic school from granting a high school diploma to a student under one of the three graduation pathways already prescribed under current law.

Authorizes a non-ISACS chartered nonpublic school to forgo the administration of the end-of-course examinations if it publishes the results of the alternative assessment created under the amendment. (This authorization is in addition to the current conditional exemption for all chartered nonpublic schools (and only non-ISACS schools under the bill) if the school publishes the results of the nationally standardized assessment that measures college and career readiness.)

SC4787

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 15859, delete ", (A)(8),"

In line 99752, delete all after the underlined period

Delete line 99753

In line 99754, delete "Code."

The motion was _____ agreed to.

SYNOPSIS

County lodging tax for sports facilities: no referendum

R.C. 305.31 and 5739.09(A)(8)

Removes a provision added in Senate Finance that would have permitted electors to initiate a referendum on the question of a lodging tax that the bill authorizes in a county with a population between 175,000 and 225,000, that has an amusement park with an average annual attendance over two million, and that levied a 3% lodging tax on December 31, 2014. The additional 1% lodging tax would be for the purpose of constructing and maintaining county-owned sports facilities and financing efforts by the convention and visitors bureau to promote travel and tourism with respect to the sports facilities.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 81 of the title, after "3318.40," insert "3319.114,"

In line 300 of the title, delete all after "amend"

In line 301 of the title, delete all before "Section"

In line 306 of the title, delete all after "amend"

Delete line 307 of the title

In line 308 of the title, delete "amend"

In line 324 of the title, delete "and" and insert a comma

In line 325 of the title, after "Assembly" insert ", and Section 13 of Am. Sub. H.B. 487 of the 130th General Assembly"

In line 408, after "3318.40," insert "3319.114,"

In line 41088, reinsert "2014-2015"; delete "2016-2017"

Strike through lines 41092 and 41093

In line 41094, strike through all before the period

In line 41211, strike through "2014-2015" and insert "2016-2017"

Delete lines 41438 through 41491 and insert:

"**Sec. 3302.036.** (A)(1) Notwithstanding anything in the

Revised Code to the contrary, ~~the~~ for the 2014-2015 and 2015-2016 school years only, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building ~~for the 2014-2015 school year,~~.

(2) Notwithstanding anything in the Revised Code to the contrary, for the 2014-2015 school year only:

(a) The department may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code~~, and~~.

(b) The department shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code ~~for that school year. The~~.

(c) The department shall not assign a grade for performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code for any school district or building.

(B)(1) The report card ratings issued for the 2014-2015 school year shall not be considered in determining whether a school district or a school is subject to ~~sanctions or penalties~~ the provisions prescribed under division (B)(2) of this section. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015 school year shall have no effect in determining ~~sanctions or penalties~~ the provisions prescribed under division (B)(2) of this section, but shall not

create a new starting point for determinations that are based on ratings over multiple years.

~~(B)~~(2) The provisions from which a district or school is exempt under division ~~(A)~~(B)(1) of this section shall be the following:

~~(1)~~(a) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

~~(2)~~(b) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

~~(3)~~(c) Provisions for academic distress commissions under section 3302.10 of the Revised Code;

~~(4)~~(d) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

~~(5)~~(e) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;

~~(6)~~(f) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015 or 2015-2016 school year as a factor in any decision to promote or to deny the student

promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015 or 2015-2016 school year shall be released, except to a student's school district or school or to the student or the student's parent or guardian."

Between lines 48623 and 48624, insert:

"**Sec. 3319.114.** (A) Beginning with the 2014-2015 school year, a district or school may choose to use the alternative framework prescribed by divisions (B) and (C) of this section when evaluating teachers under section 3319.111 of the Revised Code.

(B) If a district or school chooses to use the alternative framework for the 2014-2015 school year, that district or school shall calculate ratings assigned for teacher evaluations according to the following:

(1) The teacher performance measure, as defined by the department of education, shall account for forty-two and one-half per cent of each rating.

(2) The student academic growth measure, as defined by the department, shall account for forty-two and one-half per cent of each rating.

(3) Only one of the following components shall account for fifteen per cent of each rating:

(a) Student surveys;

(b) Teacher self-evaluations;

(c) Peer review evaluations;

(d) Student portfolios.

(C) If a district or school chooses to use the alternative

framework for the 2015-2016 school year or any school year thereafter, that district or school shall calculate ratings assigned for teacher evaluations according to the following:

(1) The teacher performance measure, as defined by the department, shall account for ~~forty-two and one-half to~~ fifty per cent of each rating.

(2) The student academic growth measure, as defined by the department, shall account for ~~forty-two and one-half to fifty~~ thirty-five per cent of each rating.

(3) The remainder shall be one, or any combination, of the following components:

(a) Student surveys;

(b) Teacher self-evaluations;

(c) Peer review evaluations;

(d) Student portfolios;

(e) Any other component determined appropriate by the district board or school governing authority.

~~(4) The teacher performance measure and the student academic growth measure shall account for an equal percentage of each rating.~~

(D) The department shall compile a list of approved instruments ~~for~~ that districts and schools ~~to~~ may use, beginning with the 2014-2015 school year, when evaluating the components described under divisions (B)(3) and (C)(3) of this section. ~~Each district or school shall choose one of the approved instruments to evaluate the applicable component selected by the district or school under that section.~~"

In line 110594, after "3318.40," insert "3319.114,"

Between lines 117133 and 117134, insert:

"**Section ___.** Not later than thirty days after the effective date of this section, the Ohio Department of Education shall apply to the United States Secretary of Education for a waiver from provisions of the "No Child Left Behind Act of 2001," to account for the prohibition on using the value-added progress dimension to calculate student academic growth for purposes of conducting teacher and principal evaluations for the 2015-2016 and 2016-2017 school years that are based on the results of the assessments administered in the 2014-2015 and 2015-2016 school years.

As used in this section, "value-added progress dimension" means the value-added progress dimension as defined in section 3302.01 of the Revised Code.

Section ___. Each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code shall report to the Ohio Department of Education the number and percentage of its students who did not take an assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code that was administered in the 2014-2015 school year and who was not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code from taking that assessment.

Section ___. (A)(1) Notwithstanding anything in the Revised Code to the contrary and except as provided in division (A)(2) of this section, the board of education of a school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing authority of a STEM school established under Chapter 3326. of the Revised Code shall not use the value-added progress dimension rating that is

based on the results of the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code administered in the 2014-2015 and 2015-2016 school years for purposes of assessing student academic growth for teacher and principal evaluations conducted under sections 3311.80, 3319.02, 3319.111, and 3319.112 of the Revised Code or when making decisions regarding the dismissal, retention, tenure, or compensation of the district's or school's teachers and principals.

(2) A school district, community school, or STEM school may enter into a memorandum of understanding collectively with its teachers or principals stipulating that the value-added progress dimension rating that is based on the results of the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code administered in the 2014-2015 or 2015-2016 school year may be used to assess student academic growth for purposes of teacher and principal evaluations or when making decisions regarding the dismissal, retention, tenure, or compensation of the district's or school's teachers and principals.

(3) For a teacher of a grade level and subject area for which the value-added progress dimension is applicable, if no other measure is available to determine student academic growth as required under section 3311.80, 3319.112, or 3319.114 of the Revised Code, teacher and principal evaluations shall be based solely on teacher or principal performance.

(B) As used in this section, "value-added progress dimension" means the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3303.03 of the Revised Code."

Delete lines 124327 through 124359

Delete lines 124486 through 124511

In line 125546, delete the first "and"

In line 125547, after "Assembly" insert ", and Section 13 of Am. Sub. H.B. 487 of the 130th General Assembly"

The motion was _____ agreed to.

SYNOPSIS

Safe harbor provisions for students, teachers, and schools, and state report card grades

R.C. 3302.03 and 3302.036, Section 3 of Am. Sub. H.B. 7 of the 131st General Assembly (as amended in Section ___), Sections ___, ___, and ___, and Section 13 of Am. Sub. H.B. 487 of the 130th General Assembly (repealed)

Revises the bill's provisions regarding the safe harbor related to achievement assessment score results and report card ratings, currently in effect for the 2014-2015 school year for students, school districts and other public schools, and teachers as follows:

(1) Changes, from the 2016-2017 school year under the bill to the 2015-2016 school year, the year for which the Ohio Department of Education is prohibited from issuing overall grades on the state report cards (the first year for which overall grades under the amendment will be issued will be the 2016-2017 school year);

(2) Eliminates the bill's extension to the 2016-2017 school year of the following provisions so that the provisions apply to the 2014-2015 school year only (as under current law):

(a) Authorizes the Department, at the discretion of the State Board of Education, to not assign an individual grade to each component that comprises the state report card;

(b) Prohibits the Department from ranking school districts and schools based on operating expenditures, performance achievements, and other specified items;

(c) Prohibits the report card ratings from being used to determine Educational Choice Scholarship Program eligibility, community school closure, academic distress commissions, and other prescribed provisions.

(3) Reduces, from the 2016-2017 school year (as under the bill) to the 2015-2016 school year, the provision that prohibits a district or school from utilizing a student's score on any elementary-level state assessment or high school end-of-course examination as a factor in any decision to retain the student, promote the student to a higher grade level, or grant course credit. (The amendment and the bill maintain a current law provision that provides for the retention of a student who does not score at a level specified by the State Board of Education on the third-grade English language arts assessment.)

(4) For the 2014-2015 school year only, prohibits the Department from assigning a grade for performance index score for any school district or building; and

(5) Prohibits school districts, community schools, and STEM schools from using the value-added progress dimension ratings from the 2014-2015 and 2015-2016 school years for (1) teacher and principal evaluations, or (2) making decisions regarding the dismissal, retention, tenure, or compensation of teachers and principals, unless a district or school collectively agrees with its teachers or principals to use the ratings from those school

years for those purposes.

Specifies that, for a teacher of a grade level and subject area for which the value-added progress dimension is applicable, if no other measure is available to determine student academic growth, the teacher and principal evaluations must be based solely on teacher or principal performance (e.g. walkthroughs, class observations, and professional growth plans).

Repeals the current law provision (and eliminates the bill's one-year extension of that provision) that authorizes districts and schools to enter into agreements with its teachers unions stipulating that the value-added progress dimension ratings for the 2014-2015 school year (extended to the 2015-2016 school year under the bill) will not be used for (1) teacher and principal evaluations, or (2) making decisions regarding the dismissal, retention, tenure, or compensation of teachers and principals.

(4) Requires the Ohio Department of Education to submit a request to the U.S. Secretary of Education for a waiver from provisions of the "No Child Left Behind Act of 2001," to account for the bill's prohibition on using the value-added progress dimension used to calculate student academic growth for purposes of conducting teacher and principal evaluations for the 2015-2016 and 2016-2017 school years based on the results of the assessments administered in the 2014-2015 and 2015-2016 school years.

Requires each school district, community school, and STEM school to report to the Department of Education the number of students who did not take a state achievement assessment that was administered in the 2014-2015 school year and who was not excused from taking the assessment, and to report that number as a whole and as a percentage.

Removes the bill's provision that eliminates (for two school

years) the prohibition on including a student who did not take a state achievement assessment administered during the previous school year in a district's or school's enrollment count used for state operating funding.

Removes the bill's provision that extends for two years (through the 2016-2017 school year) the current exemption (in effect for only the 2014-2015 school year) that specifies that a student attending a chartered nonpublic school under a state scholarship program who does not take a required state assessment that is administered in the 2014-2015 school year, is eligible to continue receiving the scholarship, provided the student satisfies all other conditions of the respective scholarship program.

Alternative teacher and principal evaluations

R.C. 3319.114

Revises the alternative teacher evaluation and principal evaluation frameworks as follows:

(1) Decreases the student academic growth measure to account for 35% of an evaluation (current alternative framework requires 42.5% to 50%);

(2) Requires the teacher performance measure to account for 50% of an evaluation (current alternative framework requires 42.5% to 50%);

(3) Specifies that the remaining 15% of each evaluation must be one or a combination (instead of one as under the current alternative framework) of the following: (a) student surveys, (b) teacher self-evaluations, (c) peer review evaluations, (d) student portfolios, and (e) "any other component determined appropriate" by the district board or school governing authority;

(4) Permits (instead of requires under the current

alternative framework) each district or school to the instruments approved by the Department of Education when evaluating the component or components chosen for the remainder of each evaluation.

Maintains the current teacher and principal evaluation framework, which requires 50% of each evaluation to account for student academic growth and the remaining 50% to account for teacher or principal performance.

SC4799

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 119838, delete "the Office of the Attorney General" and insert "the Department of Job and Family Services and the Department of Health"

In line 119844, after "by" insert "the"; after the first "Department" insert "of Medicaid, the Department of Job and Family Services, and the Department of Health"; delete the second "Department" and insert "departments"

In line 119849, delete everything after "Department" and insert "of Medicaid, the Department of Job and Family Services, and the Department of Health"

In line 119850, delete "Attorney General,"; after "shall" insert "jointly"

In line 119852, after "Department" insert "of Medicaid, the Department of Job and Family Services, and the Department of Health jointly"

The motion was _____ agreed to.

SYNOPSIS

Pilot program for newborns with neonatal abstinence syndrome

Section 327.290

Modifies a provision of the committee-pending bill to require the Department of Medicaid to consult with, operate, and jointly complete a report regarding, the pilot program for newborns with neonatal abstinence syndrome with the Departments of Job and Family Services and Health.

Removes the requirement to consult with the Attorney General regarding the development of, and report regarding, the pilot program.

_____ moved to amend as follows:

Between lines 121296b and 121297, insert:

"5JC0 235673 NCERCMP $2,000,000 $2,000,000"

In line 121301, add $2,000,000 to each fiscal year

In line 121314, add $2,000,000 to each fiscal year

Between lines 122573 and 122574, insert:

"Section 369.___ NCERCMP

The foregoing appropriation item 235673, NCERCMP, shall be used to support the National Center of Education Research on Corrosion and Materials Performance at the University of Akron for development and validation of an FAA-certified process for the dimensional restoration of parts for commercial aircraft using Supersonic Particle Deposition."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Sections 369.10 and 369.___

Establishes DPF fund 5JC0 appropriation item 235673, NCERCMP, and appropriates $2,000,000 in each fiscal year to support the National Center of Education Research on Corrosion and Materials Performance at the University of Akron.

SC4803X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 263 of the title, after "3781.106," insert "3901.052,"

In line 541, after "3781.106," insert "3901.052,"

Between lines 64797 and 64798, insert:

"**Sec. 3901.052.** The superintendent of insurance shall apply to the United States secretary of health and human services and the United States secretary of the treasury for an innovative waiver regarding health insurance coverage in this state as authorized by section 1332 of the "Patient Protection and Affordable Care Act," 42 U.S.C. 18052. The superintendent shall include in the application a request for waivers of the employer and individual mandates in sections 4980H and 5000A of the "Internal Revenue Code of 1986," 26 U.S.C. 4980H and 5000A. The application shall provide for the establishment of a system that provides access to affordable health insurance coverage for the residents of this state."

The motion was _____ agreed to.

SYNOPSIS

Innovative waiver regarding health insurance coverage

R.C. 3901.052

Requires the Superintendent of Insurance to apply for a federal waiver authorized by the Patient Protection and Affordable Care Act for the purpose of establishing a system that provides access to affordable health insurance coverage for the residents of this state.

Requires the Superintendent to include in the application a request for waivers of the federal employer and individual mandates established by the Patient Protection and Affordable Care Act.

SC4805

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 119913 and 119914, insert:

"Section 327.___. STUDY OF SELF-SELECTING MANAGED CARE ORGANIZATION

(A) Not later than one hundred eighty days after the effective date of this section, the Department of Medicaid shall complete a study of the feasibility and potential savings to the state of delaying an individual's coverage under the Medicaid program until the individual self-selects a Medicaid managed care organization in which to enroll if the individual is required to participate in the care management system established under section 5167.03 of the Revised Code. As part of the study, the Department shall do both of the following:

(1) Examine the feasibility of obtaining any necessary federal waivers, including a waiver of the default enrollment process required by section 1932(a)(1)(D) of the "Social Security Act," 42 U.S.C. 1396u-2(a)(1)(D);

(2) Contract with an actuary to determine the effect that the delay in coverage would have on the amount of premiums to be

paid Medicaid managed care organizations under the care management system.

(B) The Department shall prepare a report about the study conducted under this section and submit the report to the Governor, General Assembly (in accordance with section 101.68 of the Revised Code), and the Joint Medicaid Oversight Committee."

The motion was _____ agreed to.

SYNOPSIS

Study about self-selection of managed care organizations

Section 327.___

Requires the Department of Medicaid to conduct a study about the feasibility and potential savings of delaying an individual's coverage under the Medicaid program until the individual self-selects a Medicaid managed care organization if the individual is required to participate in the care management system.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 193 of the title, after "5703.36," insert "5705.19,"

In line 489, after "5703.36," insert "5705.19,"

Between lines 90763 and 90764, insert:

"**Sec. 5705.19.** This section does not apply to school districts, county school financing districts, or lake facilities authorities.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention facility district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2151.65

and 2152.41 of the Revised Code shall not exceed four mills;

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to January 1, 1925;

(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;

(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported;

(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;

(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships;

(H) For parks and recreational purposes;

(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance,

paramedic, or other emergency medical services operated by a fire department or firefighting company;

(J) For the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;

(K) For the maintenance and operation of a county home or detention facility;

(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code;

(M) For regional planning;

(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections;

(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;

(P) For maintaining and operating sewage disposal plants and

facilities;

(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;

(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;

(S) For the prevention, control, and abatement of air pollution;

(T) For maintaining and operating cemeteries;

(U) For providing ambulance service, emergency medical service, or both;

(V) For providing for the collection and disposal of garbage or refuse, including yard waste;

(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;

(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;

(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;

(Z) For the provision and maintenance of zoological park

services and facilities as authorized under section 307.76 of the Revised Code;

(AA) For the maintenance and operation of a free public museum of art, science, or history;

(BB) For the establishment and operation of a 9-1-1 system, as defined in section 128.01 of the Revised Code;

(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.

(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;

(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses;

(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;

(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the cost of constructing, maintaining, repairing, or operating a water supply improvement;

(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use, which may be styled as protecting or preserving "greenspace" in the resolution, notice of election, or ballot form. Except as otherwise provided in this division, land is not acquired for purposes of recreation, even if the land is used for recreational purposes, so long as no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. Except as otherwise provided in this division, land that previously has been acquired in a township for these greenspace purposes may subsequently be used for recreational purposes if the board of township trustees adopts a resolution approving that use and no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. The authorization to use greenspace land for recreational use does not apply to land located in a township that had a population, at the time it passed its first greenspace levy, of more than thirty-eight thousand within a county that had a population, at that time, of at least eight hundred sixty thousand.

(II) For the support by a county of a crime victim assistance

program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code;

(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a township.

(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.

(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;

(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;

(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold, and the operating expenses of, agricultural fairs operated by a county agricultural society or independent agricultural society under Chapter 1711. of the Revised Code. This division applies only to a county.

(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.

(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.

(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.

(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code.

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized;

(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 1515. of the Revised Code;

(WW) For the OSU extension fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county.

(XX) For a municipal corporation that withdraws or proposes by resolution to withdraw from a regional transit authority under section 306.55 of the Revised Code to provide transportation services for the movement of persons within, from, or to the municipal corporation;

(YY) For any combination of the purposes specified in divisions (NN), (VV), and (WW) of this section. This division

applies only to a county.

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted.

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in rate, and the number of years during which the increase in rate shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt charges, the increased rate shall be for the life of the indebtedness.

(2) When the additional rate is for any of the following, the increased rate shall be for a continuing period of time:

(a) For the current expenses for a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2151.65 and 2152.41 of the Revised Code;

(b) For providing a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or under both of those sections.

(3) When the additional rate is for either of the following,

the increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or (KK) of this section;

(b) For the maintenance and operation of a joint recreation district.

(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as

the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

A resolution adopted by the legislative authority of a municipal corporation that is for the purpose in division (XX) of this section may be combined with the purpose provided in section 306.55 of the Revised Code, by vote of two-thirds of all members of the legislative authority. The legislative authority may certify the resolution to the board of elections as a combined question. The question appearing on the ballot shall be as provided in section 5705.252 of the Revised Code.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election

When the electors of a subdivision or, in the case of a qualifying library levy for the support of a library association or private corporation, the electors of the association library district, have approved a tax levy under this section, the taxing authority of the subdivision 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."

In line 110675, after "5703.36," insert "5705.19,"

The motion was _____ agreed to.

SYNOPSIS

Maximum term of property tax levies for cemeteries

R.C. 5705.19

Lengthens the maximum term for which a subdivision may levy a property tax for the purpose of operating a cemetery. Under current law, the maximum period for which such a tax may be levied is five years. The amendment would allow a subdivision to levy such a tax for any specified number of years or for a continuing period of time.

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_____ moved to amend as follows:

In line 23 of the title, after "319.63," insert "321.24,"

In line 160 of the title, after "4905.95," insert "4909.161,"

In line 194 of the title, after "5705.214," insert "5705.34,"

In line 196 of the title, after "5727.031," insert "5727.06, 5727.11,"; after "5727.111," insert "5727.15, 5727.75,"

In line 275 of the title, after "5709.93," insert "5709.94,"; after "5713.031," insert "5727.09,"

In line 365, after "319.63," insert "321.24,"

In line 465, after "4905.95," insert "4909.161,"

In line 490, after "5705.214," insert "5705.34,"

In line 491, after "5727.031," insert "5727.06, 5727.11,"; after "5727.111," insert "5727.15, 5727.75,"

In line 550, after "5709.93," insert "5709.94,"

In line 551, after "5713.031," insert "5727.09,"

Between lines 16545 and 16546, insert:

"**Sec. 321.24.** (A) On or before the fifteenth day of February, in each year, the county treasurer shall settle with the county auditor for all taxes and assessments that the treasurer has

collected on the general duplicate of real and public utility property at the time of making the settlement. If the county treasurer has made or will make advance payments to the several taxing districts of current year unpaid taxes under section 321.341 of the Revised Code before collecting them, the county treasurer shall take the advance payments into account for purposes of the settlement with the county auditor under this division.

(B) On or before the thirtieth day of June, in each year, the treasurer shall settle with the auditor for all advance payments of general personal and classified property taxes that the treasurer has received at the time of making the settlement.

(C) On or before the tenth day of August, in each year, the treasurer shall settle with the auditor for all taxes and assessments that the treasurer has collected on the general duplicates of real and public utility property at the time of making such settlement, not included in the preceding February settlement. If the county treasurer has made or will make advance payments to the several taxing districts of the current year delinquent taxes under section 321.341 of the Revised Code before collecting them, the county treasurer shall take the advance payments into account for purposes of the settlement with the county auditor under this division.

(D) On or before the thirty-first day of October, in each year, the treasurer shall settle with the auditor for all taxes that the treasurer has collected on the general personal and classified property duplicates, and for all advance payments of general personal and classified property taxes, not included in the preceding June settlement, that the treasurer has received at the time of making such settlement.

(E) In the event the time for the payment of taxes is extended, pursuant to section 323.17 of the Revised Code, the date on or before which settlement for the taxes so extended must be made, as herein prescribed, shall be deemed to be extended for a like period of time. At each such settlement, the auditor shall allow to the treasurer, on the moneys received or collected and accounted for by the treasurer, the treasurer's fees, at the rate or percentage allowed by law, at a full settlement of the treasurer.

(F) Within thirty days after the day of each settlement of taxes required under divisions (A) and (C) of this section, the treasurer shall certify to the tax commissioner any adjustments that have been made to the amount certified previously pursuant to section 319.302 of the Revised Code and that the settlement has been completed. Upon receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to one-half of the amount certified by the treasurer in the preceding tax year under section 319.302 of the Revised Code, less one-half of the amount computed for all taxing districts in that county for the current fiscal year under section 5703.80 of the Revised Code for crediting to the property tax administration fund. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges which the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as real property taxes. The amount distributed to each

taxing district shall be reduced by the total of the amounts computed for the district under section 5703.80 of the Revised Code, but the reduction shall not exceed the amount that otherwise would be distributed to the taxing district under this division. The tax commissioner shall make available to taxing districts such information as is sufficient for a taxing district to be able to determine the amount of the reduction in its distribution under this section.

(G)(1) Within thirty days after the day of the settlement required in division (D) of this section, the county treasurer shall notify the tax commissioner that the settlement has been completed. Upon receipt of that notification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified under former section 319.311 of the Revised Code and paid in the state's fiscal year 2003 multiplied by the percentage specified in division (G)(2) of this section. The payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall distribute the amount thereof among the various taxing districts of the county as if it had been levied, collected, and settled as personal property taxes. The amount received by a taxing district under this division shall be apportioned among its funds in the same proportion as the current year's personal property taxes are apportioned.

(2) Payments required under division (G)(1) of this section shall be made at the following percentages of the amount certified under former section 319.311 of the Revised Code and paid under division (G)(1) of this section in the state's fiscal year 2003:

(a) In fiscal year 2004, ninety per cent;

(b) In fiscal year 2005, eighty per cent;

(c) In fiscal year 2006, sixty-four per cent;

(d) In fiscal year 2007, forty per cent;

(e) In fiscal year 2008, thirty-two per cent;

(f) In fiscal year 2009, sixteen per cent.

After fiscal year 2009, no payments shall be made under division (G)(1) of this section.

(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under section 4503.06 of the Revised Code, the time for making the settlement as prescribed by divisions (H)(1) and (2) of this section is extended for a like period of time.

(I) On or before the second Monday in September of each year, the county treasurer shall certify to the tax commissioner the total amount by which the manufactured home taxes levied in that year were reduced pursuant to section 319.302 of the Revised Code. Within ninety days after the receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified by the treasurer. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county

auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges that the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as manufactured home taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as manufactured home taxes.

(J) On the same date as each settlement of taxes under divisions (A) and (C) of this section, and notwithstanding any other provision of this section, the county treasurer shall provide for payment to the treasurer of state, from the county undivided general tax fund, of an amount equal to the amount of the taxes and assessments the treasurer has collected with respect to the tangible personal property of electric companies and energy companies, as those terms are defined in section 5727.01 of the Revised Code, multiplied by a fraction, the numerator of which is the difference between the percentage determined for that tax year under division (B)(3) of section 5727.09 of the Revised Code and eighty-five per cent, and the denominator of which is the percentage determined for that tax year under that division. The treasurer of state shall place all money transferred pursuant to this division to the credit of the production equipment property tax replacement fund, which is hereby created in the state treasury."

Between lines 78586 and 78587, insert:

"**Sec. 4909.161.** (A) Notwithstanding the provisions of Chapters 4905. and 4909. of the Revised Code, the payment of any type of increased excise tax levy shall be considered to be a normal expense incurred by a public utility in the course of

rendering service to the public, and may be recovered as such in accordance with an order of the public utilities commission. Any public utility required to pay any such increased excise tax levy may file with the public utilities commission revised rate schedules that will permit full recovery on an interim or permanent basis in its rates, of the amount of any resultant increased tax payments and the commission shall promptly act to approve such schedules.

(B) Notwithstanding Chapters 4905. and 4909. of the Revised Code, the payment of the kilowatt-hour tax imposed by section 5727.81 of the Revised Code shall be considered a normal expense incurred by an electric distribution utility, as defined in section 4928.01 of the Revised Code, in the course of rendering service to the public, and may be recovered as such in accordance with an order of the commission. An electric distribution utility required to pay the kilowatt-hour tax may file with the commission revised rate schedules, consistent with Chapters 4905. and 4909. and division (A)(6) of section 4928.34 of the Revised Code, that will permit full recovery on a permanent basis in its rates, of the amount of any resultant tax payments, after taking into account any reductions of taxes in its rates resulting from Sub. S.B. No. 3 of the 123rd general assembly, and the commission shall act promptly to approve those schedules.

(C) Notwithstanding the provisions of Chapters 4905. and 4909. of the Revised Code, the payment of any increased tax on transmission and distribution property and energy conversion equipment that results from the amendment of divisions (E) and (H) of section 5727.111 of the Revised Code by H.B. 64 of the 131st general assembly shall be considered to be a normal expense incurred by an electric company in the course of rendering service to the public, and may be recovered as such in accordance with an

order of the public utilities commission. Any electric company required to pay any such increased tax may file with the public utilities commission revised rate schedules that will permit full recovery in its rates of the amount of any resultant increased tax payments and the commission shall promptly act to approve such schedules."

Between lines 91491 and 91492, insert:

"**Sec. 5705.34.** When the budget commission has completed its work with respect to a tax budget or other information required to be provided under section 5705.281 of the Revised Code, it shall certify its action to the taxing authority, together with an estimate by the county auditor of the rate of each tax necessary to be levied by the taxing authority within its subdivision, taxing unit, or, in the case of a qualifying library levy, within the library district or association library district, and what part thereof is in excess of, and what part within, the ten-mill tax limitation. The certification shall also indicate the date on which each tax levied by the taxing authority will expire.

If a taxing authority levies a tax for a fixed sum of money or to pay debt charges for the tax year for which the tax budget is prepared, and a payment on account of that tax is payable to the taxing authority for the tax year under section ~~5727.85, 5727.86, 5751.21, or 5751.22~~ 5709.92, 5709.93, or 5709.94 of the Revised Code, the county auditor, when estimating the rate at which the tax shall be levied in the current year, shall estimate the rate necessary to raise the required sum less the estimated amount of any payments made for the tax year to a taxing unit for fixed-sum levies under those sections. The estimated rate shall be the rate of the levy that the budget commission certifies with its action under this section.

Each taxing authority, by ordinance or resolution, shall authorize the necessary tax levies and certify them to the county auditor before the first day of October in each year, or at such later date as is approved by the tax commissioner, except that the certification by the legislative authority of the city of Cincinnati or by a board of education shall be made by the first day of April or at such later date as is approved by the commissioner, and except that a township board of park commissioners that is appointed by the board of township trustees and oversees a township park district that contains only unincorporated territory shall authorize only those taxes approved by, and only at the rate approved by, the board of township trustees as required by division (C) of section 511.27 of the Revised Code. If the levying of a tax to be placed on the duplicate of the current year is approved by electors under sections 5705.01 to 5705.47 of the Revised Code; if the rate of a school district tax is increased due to the repeal of a school district income tax and property tax rate reduction at an election held pursuant to section 5748.04 of the Revised Code; or if refunding bonds to refund all or a part of the principal of bonds payable from a tax levy for the ensuing fiscal year are issued or sold and in the process of delivery, the budget commission shall reconsider and revise its action on the budget of the subdivision or school library district for whose benefit the tax is to be levied after the returns of such election are fully canvassed, or after the issuance or sale of such refunding bonds is certified to it."

Between lines 92362 and 92363, insert:

"(16) "Production equipment tax loss" means the amount computed for a school district or joint vocational school district under division (B)(3) of section 5727.09 of the Revised Code."

In line 92480, after "section" insert "and division (D) of section 5709.94 of the Revised Code"

In line 92481, after "the" insert "production equipment tax loss,"

In line 92487, after "of" insert "the production equipment tax loss,"

In line 92490, after "to" insert "the production equipment tax loss for the preceding tax year and the"

In line 92502, after "any" insert "production equipment tax loss,"

In line 92508, after "losses" insert "or production equipment tax losses"

In line 92510, delete "fixed-sum levy loss"; after "reimbursements" insert "for those losses"

In line 92861, after "section" insert "and division (E) of section 5709.94 of the Revised Code"

Between lines 92868 and 92869, insert:

"**Sec. 5709.94.** (A) As used in this section:

(1) "School district," "joint vocational school district," "local taxing unit," "state education aid," and "recognized valuation" have the same meanings as in section 5727.84 of the Revised Code.

(2) "Electric company," "energy company," and "energy conversion equipment" have the same meanings as in section 5727.01 of the Revised Code.

(3) "State education aid offset" means the amount determined for each school district or joint vocational school district under

division (C) of this section.

(B) On or before the last day of December of each year, the tax commissioner shall determine for each school district and joint vocational school district its production equipment tax loss, which shall equal the value of all tangible personal property of an electric company or energy company that is not transmission or distribution property or energy conversion equipment, as it would have been assessed by the tax commissioner and apportioned to the school district or joint vocational school district for that tax year if the property were taxable property and the assessment rate applicable to such property were twenty-four per cent.

(C) On or before July 31, 2017, and each thirty-first day of July thereafter, the department of education shall determine the state education offset for each school district and joint vocational school district. The state education offset shall equal the difference obtained by subtracting the amount described in division (C)(2) of this section from the amount described in division (C)(1) of this section:

(1) The state education aid computed for the school district or joint vocational school district for the current fiscal year as of the thirty-first day of July;

(2) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the thirty-first day of July if the recognized valuation of the district included the production equipment tax value loss calculated for the district under division (B) of this section.

On or before the fifth day of August of each such year, the department of education shall certify the amounts determined under

division (C) of this section to the tax commissioner.

(D) On or before the twenty-eighth day of February and the thirty-first day of August of each year, beginning in 2017, the tax commissioner shall make payments to each school district and joint vocational school district from the production equipment property tax replacement fund created by section 321.24 of the Revised Code. The amount paid to each district shall equal the difference obtained by subtracting the amount described in division (D)(2) of this section from the amount described in division (D)(1) of this section, provided that the difference is greater than zero:

(1) One-half of the amount calculated for the school district or joint vocational school district for the preceding tax year under division (B)(1) of section 5727.09 of the Revised Code;

(2) One-half of the state education aid offset calculated for the district under division (C) of this section for the fiscal year that includes the date on which the payment is to be made.

(E) On or before the twenty-eighth day of February and the thirty-first day of August of each year, beginning in 2017, the tax commissioner shall make payments to each local taxing unit from the production equipment property tax replacement fund. The amount paid to each district shall equal one-half of the amount calculated for the taxing unit for the preceding tax year under division (B)(1) of section 5727.09 of the Revised Code.

(F) The payments required to be made under divisions (D) and (E) of this section shall be paid from the production equipment property tax replacement fund to the county undivided income tax fund in the proper county treasury. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper school

district, joint vocational school district, or local taxing unit as if they had been levied and collected as taxes, and the school district, joint vocational school district, or local taxing unit shall allocate the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(G)(1) On the first day of June of each year, beginning in 2018, the director of budget and management shall transfer any balance remaining in the production equipment property tax replacement fund after the payments have been made under divisions (D) and (E) of this section to the general revenue fund.

(2) If the total amount in the production equipment property tax replacement fund is insufficient to make all payments under divisions (D) and (E) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the production equipment property tax replacement fund the difference between the total amount to be paid and the total amount in the production equipment property tax replacement fund."

Delete lines 93602 through 93640 and insert:

"**Sec. 5727.031.** (A) ~~For tax year 2009 and each tax year thereafter, a~~ A person that is engaged in some other primary business to which the supplying of electricity to others is incidental shall file a report under section 5727.08 of the Revised Code as an electric company but shall only report therein as taxable property the amounts required in divisions (B) and (C) of this section. All time limits and other procedural requirements of this chapter for the reporting and assessment of property of electric companies apply to persons required to file a report

under this section. For the purposes of this section, "the supplying of electricity to others" shall not include donating all of the electricity a person generates to a political subdivision of the state.

(B) A person subject to this section shall report the true value of the ~~boilers, machinery, equipment, and any personal~~ transmission and distribution property and energy conversion equipment used to supply electricity to others~~, which shall be the sum of the following:~~

~~(1) The true value of the property that is production equipment as it would be determined for an electric company under section 5727.11 of the Revised Code multiplied by the per cent of the electricity generated in the preceding calendar year that was not used by the person who generated it; plus~~

~~(2) The true value of the property that is not production equipment~~ as it would be determined for an electric company under section 5727.11 of the Revised Code multiplied by the per cent of the electricity generated in the preceding calendar year that was not used by the person who generated it.

(C) The property reported under division (B) of this section shall be listed and assessed at an amount equal to ~~the sum of the products determined under divisions (C)(1) and (2) of this section.~~

~~(1) Multiply the portion of the true value determined under division (B)(1) of this section by the assessment rate in section 5727.111 of the Revised Code that is applicable to the production equipment of an electric company;~~

~~(2) Multiply~~ the portion of the true value determined under division (B)~~(2)~~ of this section multiplied by the assessment rate

in section 5727.111 of the Revised Code that is applicable to the property of an electric company ~~that is not production equipment~~.

Sec. 5727.06. (A) Except as otherwise provided by law, the following constitutes the taxable property of a public utility, interexchange telecommunications company, or public utility property lessor that shall be assessed by the tax commissioner:

(1) For tax years before tax year 2006:

(a) In the case of a railroad company, all real property and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;

(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;

(c) In the case of all other public utilities and interexchange telecommunications companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and:

(i) Owned by the public utility or interexchange telecommunications company; or

(ii) Leased by the public utility or interexchange telecommunications company under a sale and leaseback transaction.

(2) For tax years 2006, 2007, and 2008:

(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or

operated by the railroad company in this state on the thirty-first day of December of the preceding year;

(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;

(c) In the case of all other public utilities except telephone and telegraph companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and either owned by the public utility or leased by the public utility under a sale and leaseback transaction.

(3) For tax year 2009 and each tax year thereafter:

(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;

(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;

(c) In the case of all other public utilities except telephone ~~and,~~ telegraph, electric, and energy companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and

either owned by the public utility or leased by the public utility under a sale and leaseback transaction~~, and that is not exempted from taxation under section 5727.75 of the Revised Code~~;

(d) In the case of a public utility property lessor, all personal property that on the thirty-first day of December of the preceding year was both located in this state and leased, in other than a sale and leaseback transaction, to a public utility other than a railroad, telephone, telegraph, or water transportation company, and that is not exempted from taxation under section 5727.75 of the Revised Code. The assessment rate used under section 5727.111 of the Revised Code shall be based on the assessment rate that would apply if the public utility owned the property~~, and that is not exempted from taxation under section 5727.75 of the Revised Code~~.

(4) For tax years 2005 and 2006, in the case of telephone, telegraph, or interexchange telecommunications companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and either owned by the telephone, telegraph, or interexchange telecommunications company or leased by the telephone, telegraph, or interexchange telecommunications company under a sale and leaseback transaction.

(5)(a) For tax year 2007 and thereafter, in the case of telephone, telegraph, or interexchange telecommunications companies, all tangible personal property shall be listed and assessed for taxation under Chapter 5711. of the Revised Code, but the tangible personal property shall be valued in accordance with this chapter using the composite annual allowances and other valuation procedures prescribed under section 5727.11 of the Revised Code by the tax commissioner for such property for tax year 2006, notwithstanding any section of Chapter 5711. of the

Revised Code to the contrary.

(b) A telephone, telegraph, or interexchange telecommunications company subject to division (A)(5)(a) of this section shall file a combined return with the tax commissioner in accordance with section 5711.13 of the Revised Code even if the company has tangible personal property in only one county. Such a company also is subject to the issuance of a preliminary assessment certificate by the tax commissioner under section 5711.25 of the Revised Code. Such a company is not required to file a county supplemental return under section 5711.131 of the Revised Code.

(6) In the case of an electric company or energy company, ~~for tax year 2011 and each tax year thereafter,~~ all transmission and distribution tangible personal property and energy conversion equipment that on the thirty-first day of December of the preceding year was both located in this state and either owned by the company or leased by the company under a sale and leaseback transaction, and that is not exempted from taxation under section 5727.75 of the Revised Code.

(B) This division applies to tax years before tax year 2007.

In the case of an interexchange telecommunications company, all taxable property shall be subject to the provisions of this chapter and shall be valued by the commissioner in accordance with division (A) of section 5727.11 of the Revised Code. A person described by this division shall file the report required by section 5727.08 of the Revised Code. Persons described in this division shall not be considered taxpayers, as defined in division (B) of section 5711.01 of the Revised Code, and shall not be required to file a return and list their taxable property under any provision of Chapter 5711. of the Revised Code.

(C) The lien of the state for taxes levied each year on the real and personal property of public utilities and interexchange telecommunications companies and on the personal property of public utility property lessors shall attach thereto on the thirty-first day of December of the preceding year.

(D) Property that is required by division (A)(3)(b) of this section to be assessed by the tax commissioner under this chapter shall not be listed by the owner of the property under Chapter 5711. of the Revised Code.

(E) The ten-thousand-dollar exemption provided for in division (C)(3) of section 5709.01 of the Revised Code does not apply to any personal property that is valued under this chapter.

(F) The tax commissioner may adopt rules governing the listing of the taxable property of public utilities and interexchange telecommunications companies and the determination of true value.

Sec. 5727.09. (A) As used in this section, "qualified generation equipment" means the tangible personal property of an electric company or energy company that is not transmission and distribution property or energy conversion property and that, for tax year 2015, was required by section 5727.06 of the Revised Code to be assessed by the tax commissioner. For the purpose of making the calculations required by this division, the value of qualified generation equipment shall be determined in accordance with section 5727.11 of the Revised Code as that section existed before the enactment of this section.

(B) On or before October 1, 2016, and the first day of October of each year thereafter, the tax commissioner shall determine all of the following amounts:

(1) For each taxing unit, the amount of taxes that would be charged and payable for the tax year on qualified generation equipment apportioned to the taxing unit under section 5727.15 of the Revised Code if such equipment were taxable property and the assessment rate applicable to such property were twenty-four per cent;

(2) The sum of the amounts determined under division (B)(1) of this section for all taxing units;

(3) The percentage that, if multiplied by the true value of all taxable property of every electric company and energy company for the tax year, would produce the amount determined under division (B)(2) of this section.

Sec. 5727.11. (A) Except as otherwise provided in this section, the true value of all taxable property, except property of a railroad company, required by section 5727.06 of the Revised Code to be assessed by the tax commissioner shall be determined by a method of valuation using cost as capitalized on the public utility's books and records less composite annual allowances as prescribed by the commissioner. If the commissioner finds that application of this method will not result in the determination of true value of the public utility's taxable property, the commissioner may use another method of valuation.

(B)(1) Except as provided in division (B)(2) of this section, the true value of current gas stored underground is the cost of that gas shown on the books and records of the public utility on the thirty-first day of December of the preceding year.

(2) For tax year 2001 and thereafter, the true value of current gas stored underground is the quotient obtained by dividing (a) the average value of the current gas stored

underground, which shall be determined by adding the value of the gas on hand at the end of each calendar month in the calendar year preceding the tax year, or, if applicable, the last day of business of each month for a partial month, divided by (b) the total number of months the natural gas company was in business during the calendar year prior to the beginning of the tax year. ~~with~~ With the approval of the tax commissioner, a natural gas company may use a date other than the end of a calendar month to value its current gas stored underground.

(C) The true value of noncurrent gas stored underground is thirty-five per cent of the cost of that gas shown on the books and records of the public utility on the thirty-first day of December of the preceding year.

(D)(1) Except as provided in division (D)(2) of this section, the true value of ~~the production equipment of an electric company and the true value of~~ all taxable property of a rural electric company is the equipment's or property's cost as capitalized on the company's books and records less fifty per cent of that cost as an allowance for depreciation and obsolescence.

(2) The true value of the ~~production equipment or~~ energy conversion equipment of an electric company, rural electric company, or energy company purchased, transferred, or placed into service after October 5, 1999, is the purchase price of the equipment as capitalized on the company's books and records less composite annual allowances as prescribed by the tax commissioner.

(E) The true value of taxable property, except property of a railroad company, required by section 5727.06 of the Revised Code to be assessed by the tax commissioner shall not include the allowance for funds used during construction or interest during construction that has been capitalized on the public utility's

books and records as part of the total cost of the taxable property. This division shall not apply to the taxable property of an electric company or a rural electric company, excluding transmission and distribution property, first placed into service after December 31, 2000, or to the taxable property a person purchases, which includes transfers, if that property was used in business by the seller prior to the purchase.

(F) The true value of watercraft owned or operated by a water transportation company shall be determined by multiplying the true value of the watercraft as determined under division (A) of this section by a fraction, the numerator of which is the number of revenue-earning miles traveled by the watercraft in the waters of this state and the denominator of which is the number of revenue-earning miles traveled by the watercraft in all waters.

(G) The cost of property subject to a sale and leaseback transaction is the cost of the property as capitalized on the books and records of the public utility owning the property immediately prior to the sale and leaseback transaction.

(H) The cost as capitalized on the books and records of a public utility includes amounts capitalized that represent regulatory assets, if such amounts previously were included on the company's books and records as capitalized costs of taxable personal property.

(I) Any change in the composite annual allowances as prescribed by the commissioner on a prospective basis shall not be admissible in any judicial or administrative action or proceeding as evidence of value with regard to prior years' taxes. Information about the business, property, or transactions of any taxpayer obtained by the commissioner for the purpose of adopting or modifying the composite annual allowances shall not be subject

to discovery or disclosure."

In line 93668, strike through the first "year" and insert "years"; strike through "and each tax year thereafter" and insert "through 2015"

In line 93672, after "property" insert ";

(3) For tax year 2016 and each tax year thereafter, in the case of an electric company, eighty-five per cent plus the percentage determined for the tax year under division (B)(3) of section 5727.09 of the Revised Code"

In line 93679, after "(H)" insert "(1)"; strike through the first "year" and insert "years"; strike through "and each tax year thereafter" and insert "through 2015,"

In line 93682, after "property" insert ";

(2) For tax year 2016 and each tax year thereafter, in the case of an energy company, eighty-five per cent plus the percentage determined for the tax year under division (B)(3) of section 5727.09 of the Revised Code"

Between lines 93686 and 93687, insert:

"**Sec. 5727.15.** When all the taxable property of a public utility is located in one taxing district, the tax commissioner shall apportion the total taxable value thereof to that taxing district.

When taxable property of a public utility is located in more than one taxing district, the commissioner shall apportion the total taxable value thereof among the taxing districts as follows:

(A)(1) In the case of a telegraph, interexchange telecommunications, or telephone company that owns miles of wire

in this state, the value apportioned to each taxing district shall be the same percentage of the total value apportioned to all taxing districts as the miles of wire owned by the company within the taxing district are to the total miles of wire owned by the company within this state;

(2) In the case of a telegraph, interexchange telecommunications, or telephone company that does not own miles of wire in this state, the value apportioned to each taxing district shall be the same percentage of the total value apportioned to all taxing districts as the cost of the taxable property physically located in the taxing district is of the total cost of all taxable property physically located in this state.

(B) In the case of a railroad company:

(1) The taxable value of real and personal property not used in railroad operations shall be apportioned according to its situs;

(2) The taxable value of personal property used in railroad operations shall be apportioned to each taxing district in proportion to the miles of track and trackage rights, weighted to reflect the relative use of such personal property in each taxing district;

(3) The taxable value of real property used in railroad operations shall be apportioned to each taxing district in proportion to its relative value in each taxing district.

(C)~~(1) Prior to tax year 2001, in the case of an electric company:~~

~~(a) Seventy per cent of the taxable value of all production equipment and of all station equipment that is not production equipment shall be apportioned to the taxing district in which~~

~~such property is physically located; and~~

~~(b) The remaining value of such property, together with the value of all other taxable personal property, shall be apportioned to each taxing district in the per cent that the cost of all transmission and distribution property physically located in the taxing district is of the total cost of all transmission and distribution property physically located in this state.~~

~~(c) If an electric company's taxable value for the current year includes the value of any production equipment at a plant at which the initial cost of the plant's production equipment exceeded one billion dollars, then prior to making the apportionments required for that company by division (C)(1)(a) and (b) of this section, the tax commissioner shall do the following:~~

~~(i) Subtract four hundred twenty million dollars from the total taxable value of the production equipment at that plant for the current tax year.~~

~~(ii) Multiply the difference thus obtained by a fraction, the numerator of which is the portion of the taxable value of that plant's production equipment included in the company's total value for the current tax year, and the denominator of which is the total taxable value of such equipment included in the total taxable value of all electric companies for such year;~~

~~(iii) Apportion the product thus obtained to taxing districts in the manner prescribed in division (C)(1)(b) of this section.~~

~~(iv) Deduct the amounts so apportioned from the taxable value of the company's production equipment at the plant, prior to making the apportionments required by divisions (C)(1)(a) and (b) of this section.~~

~~For purposes of division (C)(1)(c) of this section, "initial~~

~~cost" applies only to production equipment of plants placed in commercial operation on or after January 1, 1987, and means the cost of all production equipment at a plant for the first year the plant's equipment was subject to taxation.~~

~~(2) For tax year 2001 and thereafter, in~~ In the case of an electric company~~:~~

~~(a) The taxable value of all production equipment shall be apportioned to the taxing district in which such property is physically located; and~~

~~(b) The~~ or an energy company, the value of taxable ~~personal~~ property, including energy conversion equipment ~~but excluding production equipment~~, shall be apportioned to each taxing district in the proportion that the cost of such ~~other~~ taxable ~~personal~~ property physically located in each taxing district is of the total cost of such ~~other~~ taxable ~~personal~~ property physically located in this state.

(D) ~~For tax year 2011 and thereafter, in the case of the taxable property of an energy company:~~

~~(1) The taxable value of all production equipment shall be apportioned to the taxing district in which such property is physically located.~~

~~(2) The taxable value of all other taxable property, including energy conversion equipment, shall be apportioned to each taxing district in the proportion that the cost of such other taxable property physically located in each taxing district is of the total cost of such other taxable property physically located in this state.~~

~~(E)~~ In the case of all other public utilities, the taxable value of the property to be apportioned shall be apportioned to

each taxing district in proportion to the entire cost of such property within this state.

Sec. 5727.75. (A) For purposes of this section:

(1) "Qualified energy project" means an energy project certified by the director of development services pursuant to this section.

(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.

(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.

(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours.

(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.

(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through 2016 if all of the following conditions are satisfied:

(a) On or before December 31, 2015, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent,

permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, 2016. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B)(1)(a) of this section, or the date the contract for the construction or installation of the energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011, 2012, 2013, 2014, 2015, or 2016, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for tax year 2017 and all ensuing tax years if the property was placed into service before January 1, 2017, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed

into service before that date is taxable property subject to taxation to the extent provided by section 5727.06 of the Revised Code. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation to the extent provided by section 5727.06 of the Revised Code.

(2) For such a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is

ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development services for certification of an energy project as a qualified energy project on or before the following dates:

(i) December 31, 2015, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology.

(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of five megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any board that receives from the director a copy of an application submitted under this division shall adopt a resolution approving or rejecting the application unless it has adopted a resolution under division (E)(1)(c) of this section. A resolution adopted under division (E)(1)(b) or (c) of this section may require an annual service payment to be made in addition to the service payment required under division (G) of this section. The sum of the service payment required in the resolution and the service payment required under division (G) of this section shall not

exceed nine thousand dollars per megawatt of nameplate capacity located in the county. The resolution shall specify the time and manner in which the payments required by the resolution shall be paid to the county treasurer. The county treasurer shall deposit the payment to the credit of the county's general fund to be used for any purpose for which money credited to that fund may be used.

The board shall send copies of the resolution by certified mail to the owner of the facility and the director within thirty days after receipt of the application, or a longer period of time if authorized by the director.

(c) A board of county commissioners may adopt a resolution declaring the county to be an alternative energy zone and declaring all applications submitted to the director of development services under this division after the adoption of the resolution, and prior to its repeal, to be approved by the board.

All tangible personal property and real property of an energy project with a nameplate capacity of five megawatts or greater is taxable if it is located in a county in which the board of county commissioners adopted a resolution rejecting the application submitted under this division or failed to adopt a resolution approving the application under division (E)(1)(b) or (c) of this section.

(2) The director shall certify an energy project if all of the following circumstances exist:

(a) The application was timely submitted.

(b) For an energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E)(1)(b) or

(c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development services a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development services, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each year after completion of the energy facility's construction or installation indicating the project's nameplate capacity as of the preceding thirty-first day of December. Not later than sixty days after June 17, 2010, the owner

or lessee of an energy project, the construction of which was completed before June 17, 2010, shall file a certificate indicating the project's nameplate capacity.

(3) File with the director of development services, in a manner prescribed by the director, a report of the total number of full-time equivalent employees, and the total number of full-time equivalent employees domiciled in Ohio, who are employed in the construction or installation of the energy facility;

(4) For energy projects with a nameplate capacity of five megawatts or greater, repair all roads, bridges, and culverts affected by construction as reasonably required to restore them to their preconstruction condition, as determined by the county engineer in consultation with the local jurisdiction responsible for the roads, bridges, and culverts. In the event that the county engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the energy facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established by the county engineer and to be held by the board of county commissioners to ensure funding for repairs of roads, bridges, and culverts affected during the construction. The bond shall be released by the board not later than one year after the date the repairs are completed. The energy facility owner or lessee pursuant to a sale and leaseback transaction shall post a bond, as may be required by the Ohio power siting board in the certificate authorizing commencement of construction issued pursuant to section 4906.10 of the Revised Code, to ensure funding for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or

lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of five megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for

renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess of two megawatts, establish a relationship with a member of the university system of Ohio as defined in section 3345.011 of the Revised Code or with a person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code, to educate and train individuals for careers in the wind or solar energy industry. The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion

of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development services and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of December 31, 2010, for tax year 2011, as of December 31, 2011, for tax year 2012, as of December 31, 2012, for tax year 2013, as of December 31, 2013, for tax year 2014, as of December 31, 2014, for tax year 2015, as of December 31, 2015, for tax year

2016, and as of December 31, 2016, for tax year 2017 and each tax year thereafter;

(2) In the case of any other energy project using renewable energy resources, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled

full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(H) The director of development services in consultation with the tax commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code to implement and enforce this section."

In line 110550, after "319.63," insert "321.24,"

In line 110652, after "4905.95," insert "4909.161,"

In line 110676, after "5705.214," insert "5705.34,"

In line 110677, after "5727.031," insert "5727.06, 5727.11,"; after "5727.111," insert "5727.15, 5727.75,"

Between lines 122919 and 122920, insert:

"XXXX	110xxx	Production Equipment Property Tax	$ 95,000,000	$ 95,000,000"

Replacement

In lines 122921 and 122937, add $95,000,000 in each of fiscal years 2016 and 2017

In line 126508, delete "sections" and insert "section"

In line 126509, delete "5727.031 and"; after "5727.80" insert "and division (A) of section 5727.031"; delete "are" and insert "is"

Between lines 126870 and 126871, insert:

"**Section 803.____.** The amendment by this act of sections 5727.06, 5727.11, 5727.15, and 5727.75 and divisions (B) and (C) of section 5727.031 of the Revised Code applies to tax years beginning on or after January 1, 2016."

Between lines 127004 and 127005, insert:

"Section 321.24 of the Revised Code as amended by both Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly."

Between lines 127042 and 127043, insert:

"Section 5705.34 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly."

The motion was _____ agreed to.

SYNOPSIS

Repeal of tax on electric company generation property

R.C. 321.24, 4909.161, 5705.34, 5709.92, 5709.93, 5727.031, 5727.06, 5727.11, 5727.111, 5727.15, and 5727.75 (amended); R.C. 5727.94 and 5727.09 (enacted); Sections 375.10 and 803.__

Exempts electric company generation and "other" tangible personal property that is not transmission and distribution ("T&D") property or energy conversion equipment from property taxation. Under current law, the assessment rate for such property is 24%.

Requires the Tax Commissioner to annually calculate an increased assessment rate for electric company transmission and distribution property and energy conversion equipment. The current assessment rate is 85%. Each year, the Commissioner must increase that rate by the percentage necessary to raise the amount of taxes that would have been collected with respect to generation and "other" property that tax year.

Uses the revenue from the increased assessment rate to reimburse local governments for the revenue they will lose due to the repeal of the tax on generation and "other" property. Under continuing law, taxes on public utility tangible personal property are collected at the county level. The reimbursement mechanism requires counties to collect the additional tax revenue resulting from the assessment rate increase on transmission and distribution property and forward that additional revenue to the state. The Tax Commissioner is required to distribute that revenue to the appropriate local governments as reimbursement for the exemption of generation and other non-T&D, non-energy-conversion property.

Permits electric companies to recover from customers outside of a rate case the increased tax on transmission and distribution property and energy conversion equipment resulting from the amendment.

Establishes RDF appropriation item 110xxx, Production Equipment Property Tax Replacement (Fund XXXX) and appropriates $95,000,000 in each of FY 2016 and FY 2017.

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_____ moved to amend as follows:

In line 65 of the title, after "2967.14," insert "2967.193,"

In line 270 of the title, after "5108.022," insert "5120.035,"

In line 396, after "2967.14," insert "2967.193,"

In line 547, after "5108.022," insert "5120.035,"

Between lines 38655 and 38656, insert:

"**Sec. 2967.193.** (A)(1) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(2) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1), (2), (3), (4), or (5) of this section in which the person is included, toward satisfaction of the person's stated prison term for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department with specific standards for performance by prisoners or during which the person,

if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(2) of this section, a person so confined in a state correctional institution who successfully completes two programs or activities of that type may, in addition, provisionally earn up to five days of credit toward satisfaction of the person's stated prison term for the successful completion of the second program or activity. The person shall not be awarded any provisional days of credit for the successful completion of the first program or activity or for the successful completion of any program or activity that is completed after the second program or activity. At the end of each calendar month in which a ~~prisoner~~ person productively participates in a program or activity listed in this division or successfully completes a program or activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that the ~~prisoner~~ person provisionally earned in that calendar month. If the ~~prisoner~~ person in a state correctional institution violates prison rules or the person in the substance use disorder treatment program violates program or department rules, the department may deny the ~~prisoner~~ person a credit that otherwise could have been provisionally awarded to the ~~prisoner~~ person or may withdraw one or more credits previously provisionally earned by the ~~prisoner~~ person. Days of credit provisionally earned by a ~~prisoner~~ person shall be finalized and awarded by the department subject to administrative review by the department of the ~~prisoner's~~ person's conduct.

(2) The aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of

credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.

(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.

(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:

(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment

without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D)(1)(a) of this section.

(2) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this

section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(3) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance.

(4) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D)(1), (2), and (3) of this section do not apply to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011.

(5) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony and neither division (D)(2) nor (3) of this section applies to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011.

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association,

the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) As used in this section~~, "sexually~~:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code."

Between lines 83816 and 83817, insert:

"**Sec. 5120.035.** (A) As used in this section:

(1) "Community treatment provider" means a program that provides substance use disorder assessment and treatment for persons and that satisfies all of the following:

(a) It is located outside of a state correctional institution.

(b) It shall provide the assessment and treatment for qualified prisoners referred and transferred to it under this section in a suitable facility that is licensed pursuant to division (C) of section 2967.14 of the Revised Code.

(c) All qualified prisoners referred and transferred to it under this section shall reside initially in the suitable facility specified in division (A)(1)(b) of this section while undergoing the assessment and treatment.

(2) "Electronic monitoring device" has the same meaning as in section 2929.01 of the Revised Code.

(3) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(4) "Qualified prisoner" means a person who satisfies all of the following:

(a) The person is confined in a state correctional institution under a prison term imposed for a felony of the fourth or fifth degree that is not an offense of violence.

(b) The person has not previously been convicted of or pleaded guilty to an offense of violence.

(c) The department of rehabilitation and correction determines, using a standardized assessment tool, that the person has a substance use disorder.

(d) The person has not more than twelve months remaining to be served under the prison term described in division (A)(4)(a) of this section.

(e) The person is not serving any prison term other than the term described in division (A)(4)(a) of this section.

(f) The person is eighteen years of age or older.

(g) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification.

(h) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section.

(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use

disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety.

(C)(1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C)(3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 2967.193 of the Revised Code, but otherwise neither the placement nor the prisoner's participation in or completion of the program shall result in any reduction of the prisoner's prison term.

(2) If the department places a prisoner in the substance use disorder treatment program, the prisoner does not satisfactorily participate in the program, and the prisoner has not served the prisoner's entire prison term, the department may remove the prisoner from the program and return the prisoner to a state

correctional institution.

(3) If the department places a prisoner in the substance use disorder treatment program and the prisoner is satisfactorily participating in the program, the department may permit the prisoner to reside at a residence approved by the department if the department determines, with input from the community treatment provider, that residing at the approved residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner. If a prisoner is permitted under this division to reside at a residence approved by the department, the prisoner shall be monitored during the period of that residence by an electronic monitoring device.

(D)(1) When a prisoner has been placed in the substance use disorder treatment program established under division (B) of this section, before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the department shall conduct and prepare an evaluation of the prisoner, the prisoner's participation in the program, and the prisoner's needs regarding substance use disorder treatment upon release. Before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the parole board or the court acting pursuant to an agreement under section 2967.29 of the Revised Code shall consider the evaluation, in addition to all other information and materials considered, as follows:

(a) If the prisoner is a prisoner for whom post-release control is mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining which post-release control sanction or sanctions to impose upon the

prisoner under that section.

(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section.

(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing the record of the conviction, the director may issue a letter to the court in support of the application.

(E)(1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E)(2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state.

(2) Each community treatment provider that applies under division (E)(1) of this section to participate in the program shall be certified by the department of mental health and addiction services under section 5119.36 of the Revised Code to provide substance use disorder treatment, but shall not be required to be certified by the department of mental health and addiction services to provide halfway house or residential

treatment.

(F) The department of rehabilitation and correction shall adopt rules for the operation of the substance use disorder treatment program it establishes under division (B) of this section and shall operate the program in accordance with this section and those rules. The rules shall establish, at a minimum, all of the following:

(1) Criteria that establish which qualified prisoners are eligible for the program;

(2) Criteria that must be satisfied to transfer a qualified prisoner to a residence pursuant to division (C)(3) of this section;

(3) Criteria for the removal of a prisoner from the program pursuant to division (C)(2) of this section;

(4) Criteria for determining when an offender has successfully completed the program for purposes of division (D)(2) of this section;

(5) Criteria for community treatment providers to provide assessment and treatment, including minimum standards for treatment."

In line 110582, after "2967.14," insert "2967.193,"

The motion was _____ agreed to.

SYNOPSIS

Community-based Substance Use Disorder Treatment Program

R.C. 2967.193 and 5120.035

Requires the Department of Rehabilitation and Correction (DRC) to establish and operate a community-based substance use disorder treatment program for qualified prisoners, establishes criteria to be a "qualified prisoner" (including that the prisoner's term is for a fourth or fifth degree felony offense that is not an offense of violence), and, regarding the program, specifies that:

(1) Its purpose is to provide assessment and treatment to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety;

(2) DRC has full discretion in determining which qualified prisoners to place in it;

(3) DRC may transfer a qualified prisoner whom it determines should be placed in the program to the approved and licensed halfway house, reentry center, or community residential center of a DRC-approved community treatment provider, which must be located outside of any prison, and the transferred prisoner receives credit against the prisoner's prison term for time served in the facility and may earn days of credit under DRC's earned credit program.

(4) If a prisoner placed in the program is successfully participating, DRC may permit the prisoner to reside at an approved residence, with electronic monitoring, if it determines that residing there will help the prisoner prepare for reentry into the community and help reduce substance use relapses and recidivism for the prisoner.

(5) A qualified prisoner's program placement, participation, or completion otherwise does not reduce the prisoner's prison term, but the prisoner's participation and substance abuse

recovery needs must be considered in making post-release control decisions regarding the prisoner.

SC4824

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 147 of the title, delete "4725.03,"

Delete line 148 of the title

In line 149 of the title, delete "4725.20, 4725.34,"; delete "4725.41,"

Delete line 150 of the title

In line 151 of the title, after "4725.51," delete the balance of the line

In line 152 of the title, delete everything before "4729.51,"

In line 160 of the title, delete "4776.10,"

In line 238 of the title, delete "4725.44 (4725.42),"

Delete lines 239 through 243 of the title

In line 244 of the title, delete everything before "5108.05 (5108.041),"

In line 293 of the title, delete "4725.42, 4725.43,"

In line 294 of the title, delete everything before "4731.283,"

In line 456, delete everything after "4723.88,"

In line 457, delete "4725.19, 4725.20, 4725.34,"; delete "4725.41,"; delete 4725.44,"

Delete line 458

In line 459, delete everything before "4729.51,"

In line 465, delete "4776.10,"

In line 520, delete "4725.44,"

Delete lines 521 through 524

In line 525, delete everything before "5108.05"

In line 8709, after "~~(13)~~" insert "(12)"; reinsert "~~Ohio optical dispensers board;~~"

In line 8710, delete "(12)" and insert "(13)"

In line 8711, delete "(13)" and insert "(14)"

In line 8713, delete "(14)" and insert "(15)"

In line 8714, delete "(15)" and insert "(16)"

In line 8715, delete "(16)" and insert "(17)"

In line 8716, delete "(17)" and insert "(18)"

In line 8717, delete "(18)" and insert "(19)"

In line 8718, delete "(19)" and insert "(20)"

Delete lines 73379 through 73817

In line 73818, reinsert "4725.59"; delete "4725.55"

In line 73834, reinsert "Ohio optical"

In line 73835, reinsert "dispensers"; delete "state"; delete "of optometry"

In line 73849, reinsert "4725.47"; delete "4725.53"

In line 73850, reinsert "4725.51"; delete "4725.47"

In line 73873, reinsert "4725.48"; delete "4725.43"; reinsert "4725.51"

In line 73874, delete "4725.47"

Delete lines 73877 through 73890

In line 73893, delete "state board of optometry" and insert "Ohio optical dispensers board"

Delete lines 73912 through 74096

In line 74097, reinsert "4725.51" and delete "4725.47"

In line 74101, reinsert "Ohio optical dispensers"; delete "state"; delete "of optometry"

In line 74124, delete "4725.59" and insert "4725.55"

In line 74130, reinsert "4725.48" and delete "4725.43"

Delete lines 74148 through 74377

Delete lines 78350 through 78382

In line 107451, reinsert "~~4725.51~~"; delete "4725.47"

In line 110642, delete everything after "4723.88,"

In line 110643, delete "4725.19, 4725.20, 4725.34,"; delete "4725.41"; delete 4725.44,"

In line 110644, delete "4725.48, 4725.49, 4725.50, 4725.501,"; delete "4725.52, 4725.53,"

Delete line 110645

In line 110646, delete "4725.99,"

In line 110651, delete "4776.10,"

In line 110705, delete everything after "4709.27,"

In line 110706, delete "4725.531,"

Between lines 120855 and 120856, insert:

"**Section 347.10.** ODB OHIO OPTICAL DISPENSERS BOARD

Dedicated Purpose Fund Group

4K90 894609 Program Support $373,000 $375,400

TOTAL DPF Dedicated Purpose Fund Group $373,000 $375,400

TOTAL ALL BUDGET FUND GROUPS $373,000 $375,400"

In line 120858, delete "$612,237 $505,875" and insert "$347,278 $347,278"

In lines 120859 and 120860, subtract $264,959 from fiscal year 2016 and $158,597 from fiscal year 2017

Delete lines 124178 through 124221

Delete lines 126861 through 126866

The motion was _____ agreed to.

SYNOPSIS

Merger of State Board of Optometry and Optical Dispensers Board

R.C. Chapter 4725. with conforming changes in R.C. 109.572, 125.22, 4776.10, and 5903.12; Sections 515.80 and 803.320

Removes from the bill provisions to abolish the Ohio Optical Dispensers Board, the entity responsible for licensing and regulating opticians and ocularists, and to transfer its duties to the State Board of Optometry, the entity responsible for licensing and regulating optometrists.

Ohio Optical Dispensers Board

Section 347.10

Restores appropriations to the Ohio Optical Dispensers Board.

State Board of Optometry

Section 349.10

Reduces appropriations to the amounts in the As Passed by the House version of the bill to eliminate funding related to a board merge between the State Board of Optometry and the Optical Dispensers Board.

SC4832

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 123186, delete "$305,834 $304,547" and insert "$294,072 $294,072"

In lines 123187 and 123194, subtract $11,762 from fiscal year 2016 and $10,475 from fiscal year 2017

The motion was _____ agreed to.

SYNOPSIS

Commission on Service and Volunteerism

Section 387.20

Decreases appropriations to GRF line item 866321, CSV Operations, by $11,762 in FY 2016 and $10,475 in FY 2017.

SC4835

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 118142 and 118143, insert:

"Section 305.__. OHIO PARENTING AND PREGNANCY PROGRAM

Of the foregoing appropriation item 600410, TANF State/Maintenance of Effort, $500,000 in each fiscal year shall be used to support the Ohio Parenting and Pregnancy Program."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 305.__

Restores a House provision that earmarks $500,000 in each fiscal year from GRF appropriation item 600410, TANF State/Maintenance of Effort, to support the Ohio Parenting and Pregnancy Program.

SC4836

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 126535 and 126536, insert:

"(C) Nothing in this section shall affect the right of the General Assembly to reconsider and repass any provision of this act in accordance with Section 16, Article II of the Ohio Constitution."

The motion was _____ agreed to.

SYNOPSIS

Income tax rate reduction based on vetoed provisions

Section 757.100

Adds, to a provision of the Committee-pending bill that requires the Tax Commissioner to reduce income tax rates based upon any savings realized if the Governor vetoes expenditures included in the bill, a statement that nothing in that provision affects the right of the General Assembly to override a veto of the Governor.

SC4840X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 120459, delete "$1,100,000 $1,100,000" and insert "$1,000,000 $1,000,000"

Between lines 120461a and 120462, insert:

"GRF 725512 Portage County Stormwater $150,000 $150,000"

In lines 120470 and 120554, add $50,000 to each fiscal year

Delete lines 120608 through 120611

Between lines 120619 and 120620, insert:

"PORTAGE COUNTY STORMWATER

The foregoing appropriation item 725512, Portage County Stormwater, shall be used by the Director of Natural Resources to support the Portage County stormwater project."

The motion was _____ agreed to.

SYNOPSIS

Department of Natural Resources

Sections 337.10 and 337.30

Removes an earmark for $100,000 in each fiscal year for the Portage County stormwater project under GRF appropriation item 725505, Healthy Lake Erie Program, and instead requires the

Director of Natural Resources to use new GRF appropriation item 725512, Portage County Stormwater, to support the project.

Decreases appropriations under GRF appropriation item 725505, Healthy Lake Erie Program by $100,000 in each fiscal year to a total of $1,000,000 in each fiscal year. Appropriates a total of $150,000 in each fiscal year under new GRF line item 725512, Portage County Stormwater.

SC4841

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 113362, delete "$8,000,000 $8,000,000" and insert "$9,000,000 $10,000,000"

In line 113369, add $1.0 million to fiscal year 2016 and $2.0 million to fiscal year 2017

In line 113413, add $1.0 million to fiscal year 2016 and $2.0 million to fiscal year 2017

The motion was _____ agreed to.

SYNOPSIS

Development Services Agency

Section 257.10

Increases appropriations to Tourism Fund (Fund 5MJ0) appropriation item 195683, TourismOhio Administration, by $1 million in FY 2016 and $2 million in FY 2017, so that appropriations to the line item total $9 million in FY 2016 and $10 million in FY 2017.

_____ moved to amend as follows:

In line 114547, delete "division" and insert "divisions"; after "(C)" insert "and (D)"; delete "both of the"

In line 114548, delete "following apply with respect to"

In line 114550, delete the colon

Delete lines 114551 through 114555

In line 114556, delete "during the first half of calendar year 2017, the rate shall" and insert "and provided during the period beginning January 1, 2016, and ending June 30, 2017, may"

In line 114559, after "(C)" insert "The rate increase authorized by this section is subject to the availability of funds.

(D)"

In line 114563, after "increase" insert ", if any,"

The motion was _____ agreed to.

SYNOPSIS

Medicaid rate for homemaker/personal care services

Section 259.213

Revises, as follows, the Senate substitute bill-added provision regarding the Medicaid rate for homemaker/personal care services available under Medicaid waiver programs administered by the Department of Developmental Disabilities:

(1) Permits the rates for the second half of fiscal year 2016 and all of fiscal year 2017 to be 6% higher than the rate in effect on June 30, 2015, rather than requiring the rate for the second half of fiscal year 2016 to be 3% higher than the June 30, 2015, rate and the rate for all of fiscal year 2017 to be 6% higher than the June 30, 2015, rate;

(2) Makes the rate increase subject to the availability of funds.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 124 of the title, delete "4116.01, 4116.02, 4116.03, 4116.04,"

In line 250 of the title, after "135.731," insert "153.83,"

In line 263 of the title, delete "4116.031,"

In line 439, delete "4116.01, 4116.02, 4116.03, 4116.04,"

In line 531, after "135.731," insert "153.83,"

In line 541, delete "4116.031,"

Between lines 14395 and 14396, insert:

"**Sec. 153.83.** (A) As used in this section, "public improvement" means any of the following:

(1) A road, bridge, highway, street, or tunnel;

(2) A waste water treatment system or water supply system;

(3) A solid waste disposal facility or a storm water and sanitary collection, storage, and treatment facility;

(4) Any structure or work constructed by a state agency or by another person on behalf of a state agency pursuant to a contract with the state agency.

(B) Before a state agency may issue a bid specification for a

proposed public improvement that requires a contractor or subcontractor to enter into a project labor agreement, the state agency shall hold a public hearing on the matter.

(C) The state agency shall publish notice of the hearing not less than thirty days before the date of the hearing.

(D) A state agency shall decide whether to include the requirement described in division (B) of this section for a proposed public improvement not earlier than thirty days after the hearing required under that division."

Delete lines 65262 through 65381

In line 110625, delete "4116.01, 4116.02, 4116.03, 4116.04,"

The motion was _____ agreed to.

SYNOPSIS

Project labor agreements in public improvement contracts

R.C. 153.83, 4116.01, 4116.02, 4116.03, 4116.031, and 4116.04

Removes provisions from the bill that proposed the following changes to the Unlawful Requirements in Public Improvement Contracts Law (R.C. Chapter 4116.), which is currently unconstitutional and therefore not enforced:

-- Prohibit a state agency, in the bid specifications for a contract related to a public improvement to be constructed by or on behalf of the agency, from requiring a contractor or subcontractor to enter into (as under current law) or prohibiting a contractor or subcontractor from entering into certain agreements with labor organizations or regarding labor

organization membership and dues (essentially, project labor agreements).

-- Prohibit a state agency from discriminating against a bidder, contractor, or subcontractor for refusing or electing to become a party to such an agreement.

-- Prohibit any state funds from being distributed for constructing a public improvement by or for a political subdivision if the subdivision, in its bid specifications, requires a contractor or subcontractor to enter into, or prohibits a contractor or subcontractor from entering into, agreements with labor organizations or regarding labor organization membership and dues.

-- Allow an interested party to bring an action against a state agency or political subdivision to have a prohibited contract voided.

Requires, before a state agency issues bid specifications for a proposed public improvement that require a contractor or subcontractor to enter into a project labor agreement, the state agency to hold a public hearing.

Requires the state agency to decide whether to include that requirement in the bid specifications not earlier than 30 days after the hearing.

SC4851X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 16433, delete "A" and insert "Commencing on January 1, 2017, a"

In line 16434, after "individual" insert "who is not eligible for a federally issued veterans identification card, and"

The motion was _____ agreed to.

SYNOPSIS

Ohio Veterans identification card; County recorders

R.C. 317.241

Requires a County Recorder, commencing on January 1, 2017, to issue a veterans identification card to an individual who has met the requirements under Ohio law for the Ohio card if the federally issued veterans identification card program has not been established by that date. Thus, the amendment modifies a provision in the bill that establishes a program requiring county recorders to issue an identification card to a veteran upon the effective date of the bill, regardless of whether or not the veteran is eligible for a federally issued identification card.

Current legislation pending in Congress would require that the Secretary of Veterans Affairs issue a veterans identification card to a covered veteran who was discharged under honorable conditions. This federal legislation would increase substantially the number of veterans eligible for a federally issued identification card.

SC4855

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 79070, after "is" insert "or winning bids are"

In line 79071, after "bid" insert "or bids"

In line 79087, after "bidder" insert "or bidders"

The motion was _____ agreed to.

SYNOPSIS

Percentage of Income Payment Plan

R.C. 4928.541, 4928.542, and 4928.543

Expressly states that there may be multiple winning bids in the competitive procurement process required by the bill for Percentage of Income Payment Plan customers.

SC4865

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 123657, delete "For" and insert:

"For"

In line 123658, after "that" insert "has available and has certified it will supply, at least fifty per cent of the cost of the project funded under this section and that"

In line 123659, after "following" insert "other"

In line 123705, after "grants" insert ", including provisions for the ownership and disposal of the facilities funded under this section in the event the community school closes at any time"

The motion was _____ agreed to.

SYNOPSIS

Community school classroom facilities grants

Section 501.10

Regarding the bill's provision for grants to community schools for classroom facilities projects, requires (1) that each community school funded under the provision must have available, and certify that it will supply at least 50% of the cost of the project, and (2) that the School Facilities Commission's guidelines or rules for administration of the grants must include provisions for the ownership and disposal of the facilities in the event the community school closes at any time.

SC4868

Sub. H.B. 64
LSC 131 0001-6
JFS048

_____ moved to amend as follows:

In line 118058, delete "$6,542,517 $6,542,517" and insert "$7,428,670 $7,428,670"

In line 118069, delete "$3,526,153 $3,526,153" and insert "$2,640,000 $2,640,000"

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 305.10

Increases the appropriation of GRF line item 600423, Family and Children Programs, by $886,153 in each fiscal year. Reduces the appropriation of GRF line item 600534, Adult Protective Services, by $886,153 in each fiscal year.

_____ moved to amend as follows:

Between lines 126870 and 126871, insert:

"Section 803.____. The developmental center closure process, established in the amendment by this act to section 5123.032 of the Revised Code, applies to a developmental center for which the Governor has given notice of the Governor's intention to close the developmental center, but for which the closure of the center has not been completed. Not later than seven days after the effective date of the amendment to section 5123.032 of the Revised Code by this act, the officials who are to appoint members to a developmental center closure commission shall appoint members to a developmental center closure commission for each center for which the Governor has given the closure notice."

The motion was _____ agreed to.

SYNOPSIS

Closure of developmental centers

R.C. 5123.032; Section 803.___

Specifies that the new closure process established by the bill applies to a developmental center for which the Governor has given notice of the Governor's intention to close the

developmental center, but for which the closure of the center has not been completed.

Requires the officials who are to appoint members to a developmental center closure must appoint those members not later than seven days after the effective date of the new closure process.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 126891, after "5165.151," insert "5165.152, 5165.192,"

The motion was _____ agreed to.

SYNOPSIS

Nursing facilities' Medicaid rates for low acuity residents

R.C. 5165.152; Section 812.10

Delays, until July 1, 2016, the effective date of the provision added by the House that revises the Medicaid payment rates for nursing facility services provided to low resource utilization residents.

Resource utilization group IV

R.C. 5165.192; Section 812.10

Delays, until July 1, 2016, the effective date of the provision added by the House that requires the Department of Medicaid, when determining nursing facilities' case-mix scores, to use the grouper methodology designated by the federal government as the resource utilization group (RUG)-IV, 48 group model.

SC4873

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 118724, delete "$148,579,296" and insert "$148,675,157"; delete "$155,465,301" and insert "$155,660,506"

In lines 118727 and 118742, add $95,861 to fiscal year 2016 and add $195,205 to fiscal year 2017

The motion was _____ agreed to.

SYNOPSIS

The Judiciary/Supreme Court

Section 311.10

Increases GRF appropriation item 005321, Operating Expenses - Judiciary/Supreme Court, by $95,861 in FY 2016 and by $195,205 in FY 2017.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 18 of the title, after "145.114," insert "145.56, 145.571,"

In line 28 of the title, after "742.116," insert "742.462, 742.47,"

In line 62 of the title, after "2305.231," insert "2919.21,"

In line 70 of the title, after "3305.052," insert "3305.08, 3305.21,"; after "3307.154," insert "3307.371, 3307.41,"; after "3309.159," insert "3309.66, 3309.671,"

In line 191 of the title, after "5505.0610," insert "5505.22, 5505.261,"

In line 255 of the title, after "1739.141," insert "3115.101, 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 3115.616, 3115.701,

3115.702, 3115.703, 3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 3115.902, 3115.903,"

In line 289 of the title, after "1511.99," insert "3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, 3115.59,"

In line 362, after "145.116," insert "145.56, 145.571,"

In line 369, after "742.116," insert "742.462, 742.47,"

In line 394, after "2305.231," insert "2919.21,"

In line 399, after "3305.052," insert "3305.08, 3305.21,"

In line 400, after "3307.154," insert "3307.371, 3307.41,"; after "3309.159," insert "3309.66, 3309.671,"

In line 488, after "5505.0610," insert "5505.22, 5505.261,"

In line 535, after "1739.141," insert "3115.101, 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 3115.606,

3115.607, 3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 3115.902, 3115.903,"

Between lines 13390 and 13391, insert:

"**Sec. 145.56.** The right of an individual to a pension, an annuity, or a retirement allowance itself, the right of an individual to any optional benefit, any other right accrued or accruing to any individual, under this chapter, or under any municipal retirement system established subject to this chapter under the laws of this state or any charter, the various funds created by this chapter, or under such municipal retirement system, and all moneys, investments, and income from moneys or investments are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code, and are exempt from any county, municipal, or other local tax, except income taxes imposed pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as provided in sections 145.57, 145.572, 145.573, 145.574, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter and sections 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of the Revised Code.

Sec. 145.571. (A) As used in this section, "alternate payee," "benefit," "lump sum payment," "participant," and "public

retirement program" have the same meanings as in section 3105.80 of the Revised Code.

(B) On receipt of an order issued under section 3105.171 or 3105.65 of the Revised Code, the public employees retirement system shall determine whether the order meets the requirements of sections 3105.80 to 3105.90 of the Revised Code. The system shall retain in the participant's record an order the system determines meets the requirements. Not later than sixty days after receipt, the system shall return to the court that issued the order any order the system determines does not meet the requirements.

(C) The system shall comply with an order retained under division (B) of this section at the following times as appropriate:

(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment.

(D) If the system transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the system shall do both of the following:

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the public retirement program to which the transfer was made;

(2) Send a copy of the order to the public retirement program to which the transfer was made.

(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the system shall administer the order as if it were the public retirement program named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under section 3111.23 or 3113.21 of the Revised Code, the system shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the system;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section."

Between lines 19993 and 19994, insert:

"**Sec. 742.462.** (A) As used in this section, "alternate payee," "benefit," "lump sum payment," "participant," and "public retirement program" have the same meanings as in section 3105.80 of the Revised Code.

(B) On receipt of an order issued under section 3105.171 or 3105.65 of the Revised Code, the Ohio police and fire pension fund shall determine whether the order meets the requirements of sections 3105.80 to 3105.90 of the Revised Code. The fund shall retain in the participant's record an order the fund determines meets the requirements. Not later than sixty days after receipt, the fund shall return to the court that issued the order any order the fund determines does not meet the requirements.

(C) The fund shall comply with an order retained under division (B) of this section at the following times as appropriate:

(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment.

(D) If the fund transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the fund shall

do both of the following:

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the public retirement program to which the transfer was made;

(2) Send a copy of the order to the public retirement program to which the transfer was made.

(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the fund shall administer the order as if it were the public retirement program named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under section 3111.23 or 3113.21 of the Revised Code, the fund shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the fund in accordance with division (G) of this section;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all

other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the fund. The fund is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The fund is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

Sec. 742.47. Except as provided in sections 742.461, 742.463, 742.464, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of the Revised Code, sums of money due or to become due to any individual from the Ohio police and fire pension fund are not liable to attachment, garnishment, levy, or seizure under any legal or equitable process or any other process of law whatsoever, whether those sums remain with the treasurer of the fund or any officer or agent of the board of trustees of the fund or are in the course of transmission to the individual entitled to them, but shall inure wholly to the benefit of that individual."

Between lines 34465 and 34466, insert:

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

(1) The person's spouse, as required by law;

(2) The person's child who is under age eighteen, or mentally or physically handicapped child who is under age twenty-one;

(3) The person's aged or infirm parent or adoptive parent, who from lack of ability and means is unable to provide adequately

for the parent's own support.

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

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

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

(E) It is an affirmative defense to a charge under division (A)(3) of this section that the parent abandoned the accused or failed to support the accused as required by law, while the accused was under age eighteen, or was mentally or physically handicapped and under age twenty-one.

(F) It is not a defense to a charge under division (B) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused.

(G)(1) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to

a violation of division (A)(2) or (B) of this section or if the offender has failed to provide support under division (A)(2) or (B) of this section for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive, then a violation of division (A)(2) or (B) of this section is a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a felony violation of this section, a violation of division (A)(2) or (B) of this section is a felony of the fourth degree.

If the violation of division (A) or (B) of this section is a felony, all of the following apply to the sentencing of the offender:

(a) Except as otherwise provided in division (G)(1)(b) of this section, the court in imposing sentence on the offender shall first consider placing the offender on one or more community control sanctions under section 2929.16, 2929.17, or 2929.18 of the Revised Code, with an emphasis under the sanctions on intervention for nonsupport, obtaining or maintaining employment, or another related condition.

(b) The preference for placement on community control sanctions described in division (G)(1)(a) of this section does not apply to any offender to whom one or more of the following applies:

(i) The court determines that the imposition of a prison term on the offender is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(ii) The offender previously was convicted of or pleaded guilty to a violation of this section that was a felony, and the offender was sentenced to a prison term for that violation.

(iii) The offender previously was convicted of or pleaded guilty to a violation of this section that was a felony, the offender was sentenced to one or more community control sanctions of a type described in division (G)(1)(a) of this section for that violation, and the offender failed to comply with the conditions of any of those community control sanctions.

(2) If the offender is guilty of nonsupport of dependents by reason of failing to provide support to the offender's child as required by a child support order issued on or after April 15, 1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, or former section 3115.31 of the Revised Code, the court, in addition to any other sentence imposed, shall assess all court costs arising out of the charge against the person and require the person to pay any reasonable attorney's fees of any adverse party other than the state, as determined by the court, that arose in relation to the charge.

(3) Whoever violates division (C) of this section is guilty of contributing to the nonsupport of dependents, a misdemeanor of the first degree. Each day of violation of division (C) of this section is a separate offense."

Between lines 39329 and 39330, insert:

"**Sec. 3115.101.** This chapter may be cited as the "Uniform Interstate Family Support Act of 2008." This chapter uses the numbering system of the national conference of commissioners on uniform state laws. The digits to the right of the decimal point are sequential and not supplemental to any preceding Revised Code section.

Sec. 3115.102. As used in this chapter:

(A) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(B) "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

(C) "Convention" means the convention on the international recovery of child support and other forms of family maintenance, concluded at The Hague on November 23, 2007.

(D) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(E) "Foreign country" means a country, including a political subdivision of the country, other than the United States, that authorizes the issuance of support orders to which at least one of the following applies:

(1) It has been declared under the law of the United States to be a foreign reciprocating country;

(2) It has established a reciprocal arrangement for child support with this state as provided in section 3115.308 of the Revised Code;

(3) It has enacted a law or established procedures for the issuance and enforcement of support orders that are substantially similar to the procedures under this chapter;

(4) It is a country in which the convention is in force with respect to the United States.

(F) "Foreign support order" means a support order of a foreign tribunal.

(G) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country that is authorized to establish, enforce, or modify support orders or to determine parentage of a child. "Foreign tribunal" includes a competent authority under the convention.

(H) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(I) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(J) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other payor, in accordance with Chapter 3121. of the Revised Code, to withhold support from the income of the obligor.

(K) "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

(L) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

(M) "Issuing state" means the state in which a tribunal issues a support order or a judgment determining parentage of a child.

(N) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.

(O) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(P) "Obligee" means any of the following:

(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;

(2) A foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee in place of child support;

(3) An individual seeking a judgment determining parentage of the individual's child;

(4) A person that is a creditor in a proceeding under sections 3115.701 to 3115.713 of the Revised Code.

(Q) "Obligor" means an individual, or the estate of a decedent, to whom or to which any of the following applies:

(1) The individual or estate owes or is alleged to owe a duty of support.

(2) The individual or decedent is alleged but has not been adjudicated to be a parent of a child.

(3) The individual or estate is liable under a support order.

(4) The individual or estate is a debtor in a proceeding under sections 3115.701 to 3115.713 of the Revised Code.

(R) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.

(S) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(T) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(U) "Register" means to file in a tribunal of this state a support order or judgment determining parentage of a child issued in another state or a foreign country.

(V) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

(W) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.

(X) "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

(Y) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

(Z) "State" means a state of the United States, the District

of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe.

(AA) "Support enforcement agency" means a public official, governmental entity, or private agency authorized to do any of the following:

(1) Seek enforcement of support orders or laws relating to the duty of support;

(2) Seek establishment or modification of child support;

(3) Request determination of parentage of a child;

(4) Attempt to locate obligors or their assets; or

(5) Request determination of the controlling child-support order.

(BB) "Support order" means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. "Support order" may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

(CC) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

Sec. 3115.103. (A) For purposes of carrying out the duties and responsibilities under this chapter, the juvenile court or the division of the court of common pleas that has jurisdiction over

disputes arising under this chapter is the tribunal of this state and for the purposes of initiating a petition an agency designated under section 3125.10 of the Revised Code is also a tribunal of this state.

(B) The agencies designated under section 3125.10 of the Revised Code are the support enforcement agencies of this state.

Sec. 3115.104. (A) Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

(B) This chapter does not do either of the following:

(1) Provide the exclusive method of establishing or enforcing a support order under the law of this state;

(2) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

Sec. 3115.105. (A) A tribunal of this state shall apply sections 3115.102 to 3115.616 of the Revised Code and, as applicable, sections 3115.701 to 3115.713 of the Revised Code, to a support proceeding involving any of the following:

(1) A foreign support order;

(2) A foreign tribunal;

(3) An obligee, obligor, or child residing in a foreign country.

(B) A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the

procedural and substantive provisions of sections 3115.102 to 3115.616 of the Revised Code.

(C) Sections 3115.701 to 3115.713 of the Revised Code apply only to a support proceeding under the convention. In such a proceeding, if a provision of sections 3115.701 to 3115.713 of the Revised Code is inconsistent with sections 3115.102 to 3115.616 of the Revised Code, sections 3115.701 to 3115.713 of the Revised Code control.

Sec. 3115.201. (A) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal or support enforcement agency of this state may exercise personal jurisdiction over a nonresident individual if any of the following apply:

(1) The individual is personally served with summons within this state.

(2) The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

(3) The individual resided with the child in this state.

(4) The individual resided in this state and provided prenatal expenses or support for the child.

(5) The child resides in this state as a result of the acts or directives of the individual.

(6) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

(7) The individual asserted parentage of a child in the

putative father registry maintained in this state by the department of job and family services.

(8) There is any other basis consistent with the Constitutions of this state and the United States for the exercise of personal jurisdiction.

(B) The bases of personal jurisdiction set forth in division (A) of this section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child-support order of another state unless the requirements of section 3115.611 of the Revised Code are met or, in the case of a foreign support order, unless the requirements of section 3115.615 of the Revised Code are met.

Sec. 3115.202. Personal jurisdiction acquired by a tribunal of this state in a proceeding under this chapter or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 3115.205, 3115.206, and 3115.211 of the Revised Code.

Sec. 3115.203. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or a foreign country.

Sec. 3115.204. (A) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if all of the following apply:

(1) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.

(2) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country.

(3) If relevant, this state is the home state of the child.

(B) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

(1) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

(2) The contesting party timely challenges the exercise of jurisdiction in this state.

(3) If relevant, the other state or foreign country is the home state of the child.

Sec. 3115.205. (A) A tribunal of this state that has issued a child-support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its child-support order if the order is the controlling order and either of the following applies:

(1) At the time of the filing of a request for modification, this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is

issued.

(2) Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.

(B) A tribunal or support enforcement agency of this state that has issued a child-support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if either of the following applies:

(1) All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction.

(2) Its order is not the controlling order.

(C) If a tribunal of another state has issued a child-support order pursuant to the uniform interstate family support act or a law substantially similar to that act that modifies a child-support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(D) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(E) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create

continuing, exclusive jurisdiction in the issuing tribunal.

Sec. 3115.206. (A) A tribunal of this state that has issued a child-support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce either of the following:

(1) The order, if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to its uniform interstate family support act;

(2) A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

(B) A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

Sec. 3115.207. (A) If a proceeding is brought under this chapter and only one tribunal has issued a child-support order, the order of that tribunal controls and must be recognized.

(B) If a proceeding is brought under this chapter and two or more child-support orders have been issued by tribunals of this state, another state, or a foreign country with regard to the same obligor and same child, a court of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and must be recognized:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, whichever of the following is relevant applies:

(a) An order issued by a tribunal in the current home state of the child controls;

(b) If an order has not been issued in the current home state of the child, the order most recently issued controls.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the court of this state shall issue a child-support order, which order controls.

(C) If two or more child-support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a court of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under division (B) of this section. The request may be filed with a registration for enforcement or registration for modification pursuant to sections 3115.601 to 3115.616 of the Revised Code, or may be filed as a separate proceeding.

(D) A request to determine which is the controlling order must be accompanied by a copy of every child-support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(E) The tribunal that issued the controlling order under division (A), (B), or (C) of this section has continuing jurisdiction to the extent provided in section 3115.205 or 3115.206 of the Revised Code.

(F) A court of this state that determines by order which is

the controlling order under division (B)(1) or (2) of this section, or that issues a new controlling order under division (B)(3) of this section, shall state all of the following in that order:

(1) The basis upon which the court made its determination;

(2) The amount of prospective support, if any;

(3) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by section 3115.209 of the Revised Code.

(G) Within thirty days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(H) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this chapter.

Sec. 3115.208. In responding to registrations or petitions for enforcement of two or more child-support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this state.

Sec. 3115.209. A tribunal of this state shall credit amounts collected for a particular period pursuant to any child-support order against the amounts owed for the same period under any other child-support order for support of the same child issued by a tribunal of this state, another state, or a foreign country.

Sec. 3115.210. A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of this state relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to section 3115.316 of the Revised Code, communicate with a tribunal outside this state pursuant to section 3115.317 of the Revised Code, and obtain discovery through a tribunal outside this state pursuant to section 3115.318 of the Revised Code. In all other respects, sections 3115.301 to 3115.616 of the Revised Code do not apply, and the tribunal shall apply the procedural and substantive law of this state.

Sec. 3115.211. (A) A tribunal of this state issuing a spousal-support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of the support obligation.

(B) A tribunal of this state may not modify a spousal-support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

(C) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal-support order may serve as either of the following:

(1) An initiating tribunal to request a tribunal of another state to enforce the spousal-support order issued in this state;

(2) A responding tribunal to enforce or modify its own spousal-support order.

Sec. 3115.301. (A) Except as otherwise provided in this chapter, sections 3115.301 to 3115.319 of the Revised Code apply to all proceedings under this chapter.

(B) An individual petitioner or a support enforcement agency may initiate a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country that has or can obtain personal jurisdiction over the respondent.

Sec. 3115.302. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Sec. 3115.303. Except as otherwise provided in this chapter, a responding tribunal of this state shall do both of the following:

(A) Apply the procedural and substantive law generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings;

(B) Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 3115.304. (A) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward the petition and its accompanying documents to whichever of the following is relevant:

(1) The responding tribunal or appropriate support enforcement agency in the responding state;

(2) If the identity of the responding tribunal is unknown, the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(B) If requested by the responding tribunal, a tribunal of this state shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the tribunal of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal.

Sec. 3115.305. (A) When a responding support enforcement agency of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to division (B) of section 3115.301 of the Revised Code, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(B) A responding tribunal of this state, to the extent not prohibited by other law, may do one or more of the following:

(1) Establish or enforce a support order, modify a

child-support order, determine the controlling child-support order, or determine parentage of a child;

(2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) Order income withholding;

(4) Determine the amount of any arrearages and specify a method of payment;

(5) Enforce orders by civil or criminal contempt or both;

(6) Set aside property for satisfaction of the support order;

(7) Place liens and order execution on the obligor's property;

(8) Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic-mail address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias in any local and state computer systems for criminal warrants;

(10) Order the obligor to seek appropriate employment by specified methods;

(11) Award reasonable attorney's fees and other fees and costs;

(12) Grant any other available remedy.

(C) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support

order is based.

(D) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

(E) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

(F) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Sec. 3115.306. If a petition or comparable pleading is received by an inappropriate tribunal or support enforcement agency of this state, the tribunal or support enforcement agency shall forward the pleading and accompanying documents to an appropriate tribunal or support enforcement agency of this state or another state and notify the petitioner where and when the pleading was sent.

Sec. 3115.307. (A) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter.

(B) A support enforcement agency of this state that is providing services to the petitioner shall do all of the following:

(1) Take all steps necessary to enable an appropriate

tribunal of this state, another state, or a foreign country to obtain jurisdiction over the respondent;

(2) Request an appropriate tribunal to set a date, time, and place for a hearing;

(3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner;

(6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(C) A support enforcement agency of this state that requests registration of a child-support order in this state for enforcement or for modification shall make reasonable efforts to do whichever of the following is relevant:

(1) Ensure that the order to be registered is the controlling order;

(2) If two or more child-support orders exist and the identity of the controlling order has not been determined, ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(D) A support enforcement agency of this state that requests

registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(E) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child-support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 3115.319 of the Revised Code.

(F) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 3115.308. (A) If the department of job and family services determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the department may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

(B) The department of job and family services may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

Sec. 3115.309. An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

Sec. 3115.310. (A) The department of job and family services is the state information agency under this chapter.

(B) The state information agency shall do all of the following:

(1) Compile and maintain a current list, including addresses, of the tribunals in this state that have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(2) Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(3) Forward to the appropriate support enforcement agency in the county in this state in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from another state or a foreign country;

(4) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Sec. 3115.311. (A) In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine

parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition. Unless otherwise ordered under section 3115.312 of the Revised Code, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

(B) The petition must specify the relief sought. The petition and accompanying documents must conform substantially to the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Sec. 3115.312. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

Sec. 3115.313. (A) The petitioner may not be required to pay

a filing fee or other costs.

(B) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(C) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under sections 3115.601 to 3115.616 of the Revised Code, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 3115.314. (A) Participation by a petitioner in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(B) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

(C) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under

this chapter committed by a party while physically present in this state to participate in the proceeding.

Sec. 3115.315. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

Sec. 3115.316. (A) The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

(B) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this state.

(C) A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(D) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(E) Documentary evidence transmitted from outside this state to a tribunal of this state by telephone, telecopier, or other

electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

(F) In a proceeding under this chapter, a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal or support enforcement agency of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

(G) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(H) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

(I) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

(J) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

Sec. 3115.317. A tribunal of this state may communicate with a tribunal outside this state in a record or by telephone, electronic mail, or other means to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal and the status of a proceeding. A tribunal of this state may furnish similar information by similar means to a tribunal outside this state.

Sec. 3115.318. A tribunal of this state may do both of the following:

(A) Request a tribunal outside this state to assist in obtaining discovery;

(B) Upon request, compel a person over which it has jurisdiction to respond to a discovery order issued by a tribunal outside this state.

Sec. 3115.319. (A) A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

(B) If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the support enforcement agency of this state or a tribunal of this state shall do both of the following:

(1) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

(2) Issue and send to the obligor's employer or other payor a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(C) The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to division (B) of this section shall furnish to a requesting

party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Sec. 3115.401. (A) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if either of the following applies:

(1) The individual seeking the order resides outside this state.

(2) The support enforcement agency seeking the order is located outside this state.

(B) The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is any of the following:

(1) A presumed father of the child;

(2) Petitioning to have his paternity adjudicated;

(3) Identified as the father of the child through genetic testing;

(4) An alleged father who has declined to submit to genetic testing;

(5) Shown by clear and convincing evidence to be the father of the child;

(6) An acknowledged father as provided by section 3111.20 to 3111.35 of the Revised Code;

(7) The mother of the child;

(8) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or

vacated.

(C) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 3115.305 of the Revised Code.

Sec. 3115.402. A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.

Sec. 3115.501. An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person defined as the obligor's employer or other payor under Chapter 3121. of the Revised Code without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

Sec. 3115.502. (A) Upon receipt of an income-withholding order, the obligor's employer or other payor shall immediately provide a copy of the order to the obligor.

(B) The employer or other payor shall treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this state.

(C) Except as otherwise provided in division (D) of this section and section 3115.503 of the Revised Code, the employer or other payor shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order that

specify any of the following:

(1) The duration and amount of periodic payments of current child support, stated as a sum certain;

(2) The person designated to receive payments and the address to which the payments are to be forwarded;

(3) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain;

(5) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(D) An employer or other payor shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to all of the following:

(1) The employer's or other payor's fee for processing an income-withholding order;

(2) The maximum amount permitted to be withheld from the obligor's income;

(3) The times within which the employer or other payor must implement the withholding order and forward the child-support payment.

Sec. 3115.503. If an obligor's employer or other payor receives two or more income-withholding orders with respect to the earnings of the same obligor, the employer or other payor

satisfies the terms of the orders if the employer or other payor complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more child-support obligees.

Sec. 3115.504. An employer or other payor that complies with an income-withholding order issued in another state in accordance with sections 3115.501 to 3115.507 of the Revised Code is not subject to civil liability to an individual or agency with regard to the employer's or other payor's withholding of child support from the obligor's income.

Sec. 3115.505. An employer or other payor that willfully fails to comply with an income-withholding order issued in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Sec. 3115.506. (A) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer or other payor in this state by registering the order in a court of this state and filing a contest to that order as provided in sections 3115.601 to 3115.616 of the Revised Code, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state.

(B) The obligor shall give notice of the contest to all of the following:

(1) A support enforcement agency providing services to the

obligee;

(2) Each employer or other payor that has directly received an income-withholding order relating to the obligor;

(3) The person designated to receive payments in the income-withholding order or, if no person is designated, the obligee.

Sec. 3115.507. (A) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

(B) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

Sec. 3115.601. A support order or income-withholding order issued in another state or a foreign support order may be registered in this state for enforcement.

Sec. 3115.602. (A) Except as otherwise provided in section 3115.706 of the Revised Code, a support order or income-withholding order of another state or a foreign support order may be registered in this state by sending the following

records to the appropriate tribunal in this state:

(1) A letter of transmittal to the tribunal requesting registration and enforcement;

(2) Two copies, including one certified copy, of the order to be registered, including any modification of the order;

(3) A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) The name of the obligor and, if known, all of the following:

(a) The obligor's address and social security number;

(b) The name and address of the obligor's employer or other payor and any other source of income of the obligor;

(c) A description and the location of property of the obligor in this state not exempt from execution.

(5) Except as otherwise provided in section 3115.312 of the Revised Code, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

(B) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state or a foreign support order, together with one copy of the documents and information, regardless of their form.

(C) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later.

The pleading must specify the grounds for the remedy sought.

(D) If two or more orders are in effect, the person requesting registration shall do all of the following:

(1) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

(2) Specify the order alleged to be the controlling order, if any; and

(3) Specify the amount of consolidated arrears, if any.

(E) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Sec. 3115.603. (A) A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

(B) A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(C) Except as otherwise provided in this chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

Sec. 3115.604. (A) Except as otherwise provided in division (D) of this section, the law of the issuing state or foreign

country governs all of the following:

(1) The nature, extent, amount, and duration of current payments under a registered support order;

(2) The computation and payment of arrearages and accrual of interest on the arrearages under the support order;

(3) The existence and satisfaction of other obligations under the support order.

(B) In a proceeding for arrears under a registered support order, the statute of limitation of this state, or of the issuing state or foreign country, whichever is longer, applies.

(C) A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.

(D) After a tribunal of this state or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

Sec. 3115.605. (A) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(B) A notice must inform the nonregistering party of all of the following:

(1) That a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(2) That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after notice unless the registered order is under section 3115.707 of the Revised Code;

(3) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages;

(4) The amount of any alleged arrearages.

(C) If the registering party asserts that two or more orders are in effect, a notice must also do all of the following:

(1) Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(2) Notify the nonregistering party of the right to a determination of which is the controlling order;

(3) State that the procedures provided in division (B) of this section apply to the determination of which is the controlling order;

(4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

(D) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer or other payor pursuant to Chapter 3121. of the Revised Code.

Sec. 3115.606. (A) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within the time required by section 3115.605 of the Revised Code. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 3115.607 of the Revised Code.

(B) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

(C) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

Sec. 3115.607. (A) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) The issuing tribunal lacked personal jurisdiction over the contesting party.

(2) The order was obtained by fraud.

(3) The order has been vacated, suspended, or modified by a

later order.

(4) The issuing tribunal has stayed the order pending appeal.

(5) There is a defense under the law of this state to the remedy sought.

(6) Full or partial payment has been made.

(7) The statute of limitation under section 3115.604 of the Revised Code precludes enforcement of some or all of the alleged arrearages.

(8) The alleged controlling order is not the controlling order.

(B) If a party presents evidence establishing a full or partial defense under division (A) of this section, a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

(C) If the contesting party does not establish a defense under division (A) of this section to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

Sec. 3115.608. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Sec. 3115.609. A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued

in another state shall register that order in this state in the same manner provided in sections 3115.601 to 3115.608 of the Revised Code if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Sec. 3115.610. A tribunal of this state may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of section 3115.611 or 3115.613 of the Revised Code have been met.

Sec. 3115.611. (A) If section 3115.613 of the Revised Code does not apply, upon petition a tribunal of this state may modify a child-support order issued in another state which is registered in this state if, after notice and hearing, the tribunal finds either of the following:

(1) That all of the following requirements are met:

(a) Neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

(b) A petitioner who is a nonresident of this state seeks modification; and

(c) The respondent is subject to the personal jurisdiction of the tribunal of this state.

(2) That this state is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are

individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

(B) Modification of a registered child-support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

(C) A tribunal of this state may not modify any aspect of a child-support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child-support orders for the same obligor and same child, the order that controls and must be so recognized under section 3115.207 of the Revised Code establishes the aspects of the support order which are nonmodifiable.

(D) In a proceeding to modify a child-support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

(E) On the issuance of an order by a tribunal of this state modifying a child-support order issued in another state, the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

(F) Notwithstanding divisions (A) to (E) of this section and division (B) of section 3115.201 of the Revised Code, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if both of the following apply:

(1) One party resides in another state.

(2) The other party resides outside the United States.

Sec. 3115.612. If a child-support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to its uniform interstate family support act, a tribunal of this state:

(A) May enforce its order that was modified only as to arrears and interest accruing before the modification;

(B) May provide appropriate relief for violations of its order that occurred before the effective date of the modification;

(C) Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Sec. 3115.613. (A) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a court of this state has jurisdiction to enforce and to modify the issuing state's child-support order in a proceeding to register that order.

(B) A court of this state exercising jurisdiction under this section shall apply the provisions of sections 3115.102 to 3115.211 and sections 3115.601 to 3115.616 of the Revised Code and the procedural and substantive law of this state to the proceeding for enforcement or modification. Sections 3115.301 to 3115.507 and sections 3115.701 to 3115.802 of the Revised Code do not apply.

Sec. 3115.614. Within thirty days after issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier

order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

Sec. 3115.615. (A) Except as otherwise provided in section 3115.711 of the Revised Code, if a foreign country lacks or refuses to exercise jurisdiction to modify its child-support order pursuant to its laws, a court of this state may assume jurisdiction to modify the child-support order and bind all individuals subject to the personal jurisdiction of the court whether the consent to modification of a child-support order otherwise required of the individual pursuant to section 3115.611 of the Revised Code has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

(B) An order issued by a court of this state modifying a foreign child-support order pursuant to this section is the controlling order.

Sec. 3115.616. A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child-support order not under the convention may register that order in this state under sections 3115.601 to 3115.608 of the Revised Code if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for

modification.

Sec. 3115.701. As used in sections 3115.701 to 3115.713 of the Revised Code:

(A) "Application" means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

(B) "Central authority" means the entity designated by the United States or a foreign country described in division (E)(4) of section 3115.102 of the Revised Code to perform the functions specified in the convention.

(C) "Convention support order" means a support order of a tribunal of a foreign country described in division (E)(4) of section 3115.102 of the Revised Code.

(D) "Direct request" means a petition filed by an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or child residing outside the United States.

(E) "Foreign central authority" means the entity designated by a foreign country described in division (E)(4) of section 3115.102 of the Revised Code to perform the functions specified in the convention.

(F) "Foreign support agreement" means an agreement that meets the following criteria:

(1) It is an agreement for support in a record to which all of the following apply:

(a) It is enforceable as a support order in the country of origin.

(b) One of the following applies:

(i) It has been formally drawn up or registered as an authentic instrument by a foreign tribunal; or

(ii) It has been authenticated by, or concluded, registered, or filed with a foreign tribunal.

(c) It may be reviewed and modified by a foreign tribunal.

(2) It includes a maintenance arrangement or authentic instrument under the convention.

(G) "United States central authority" means the secretary of the United States department of health and human services.

Sec. 3115.702. Sections 3115.701 to 3115.713 of the Revised Code apply only to a support proceeding under the convention. In such a proceeding, if a provision of sections 3115.701 to 3115.713 of the Revised Code is inconsistent with sections 3115.102 to 3115.616 of the Revised Code, sections 3115.701 to 3115.713 control.

Sec. 3115.703. The department of job and family services is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

Sec. 3115.704. (A) In a support proceeding under sections 3115.701 to 3115.713 of the Revised Code, the support enforcement agency shall do both of the following:

(1) Transmit and receive applications;

(2) Initiate or facilitate the institution of a proceeding regarding an application in a court of this state.

(B) The following support proceedings are available to an obligee under the convention:

(1) Recognition or recognition and enforcement of a foreign support order;

(2) Enforcement of a support order issued or recognized in this state;

(3) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(4) Establishment of a support order if recognition of a foreign support order is refused under division (B)(2), (4), or (9) of section 3115.708 of the Revised Code;

(5) Modification of a support order of a tribunal of this state;

(6) Modification of a support order of a tribunal of another state or a foreign country.

(C) The following support proceedings are available under the convention to an obligor against which there is an existing support order:

(1) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;

(2) Modification of a support order of a tribunal of this state;

(3) Modification of a support order of a tribunal of another state or a foreign country.

(D) A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

Sec. 3115.705. (A) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.

(B) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 3115.706 to 3115.713 of the Revised Code apply.

(C) In a direct request for recognition and enforcement of a convention support order or foreign support agreement, both of the following apply:

(1) A security, bond, or deposit is not required to guarantee the payment of costs and expenses.

(2) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

(D) A petitioner filing a direct request is not entitled to assistance from the support enforcement agency.

(E) Sections 3115.701 to 3115.713 of the Revised Code do not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

Sec. 3115.706. (A) Except as otherwise provided in sections 3115.701 to 3115.713 of the Revised Code, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state

as provided in sections 3115.601 to 3115.616 of the Revised Code.

(B) Notwithstanding sections 3115.311 and division (A) of section 3115.602 of the Revised Code, a request for registration of a convention support order must be accompanied by all of the following:

(1) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague conference on private international law;

(2) A record stating that the support order is enforceable in the issuing country;

(3) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(4) A record showing the amount of arrears, if any, and the date the amount was calculated;

(5) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(6) If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(C) A request for registration of a convention support order may seek recognition and partial enforcement of the order.

(D) A court of this state may vacate the registration of a convention support order without the filing of a contest under

section 3115.707 of the Revised Code only if, acting on its own motion, the court finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(E) The court shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

Sec. 3115.707. (A) Except as otherwise provided in sections 3115.701 to 3115.713 of the Revised Code, sections 3115.605 to 3115.608 of the Revised Code apply to a contest of a registered convention support order.

(B) A party contesting a registered convention support order shall file a contest not later than thirty days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than sixty days after notice of the registration.

(C) If the nonregistering party fails to contest the registered convention support order by the time specified in division (B) of this section, the order is enforceable.

(D) A contest of a registered convention support order may be based only on grounds set forth in section 3115.708 of the Revised Code. The contesting party bears the burden of proof.

(E) In a contest of a registered convention support order, both of the following apply:

(1) A court of this state is bound by the findings of fact on which the foreign tribunal based its jurisdiction.

(2) A court of this state may not review the merits of the order.

(F) A court of this state deciding a contest of a registered

convention support order shall promptly notify the parties of its decision.

(G) A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.

Sec. 3115.708. (A) Except as otherwise provided in division (B) of this section, a court of this state shall recognize and enforce a registered convention support order.

(B) The following grounds are the only grounds on which a court of this state may refuse recognition and enforcement of a registered convention support order:

(1) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.

(2) The issuing tribunal lacked personal jurisdiction consistent with section 3115.201 of the Revised Code.

(3) The order is not enforceable in the issuing country.

(4) The order was obtained by fraud in connection with a matter of procedure.

(5) A record transmitted in accordance with section 3115.706 of the Revised Code lacks authenticity or integrity.

(6) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed.

(7) The order is incompatible with a more recent support order involving the same parties and having the same purpose if

the more recent support order is entitled to recognition and enforcement under this chapter in this state.

(8) Payment, to the extent alleged arrears have been paid in whole or in part;

(9) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country either of the following applies:

(a) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.

(b) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

(10) The order was made in violation of section 3115.711 of the Revised Code.

(C) If a court of this state does not recognize a convention support order under division (B)(2), (4), or (9) of this section, both of the following apply:

(1) The court may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order.

(2) The support enforcement agency shall take all appropriate measures to request a child-support order for the obligee if the application for recognition and enforcement was received under section 3115.704 of the Revised Code.

Sec. 3115.709. If a court of this state does not recognize and enforce a convention support order in its entirety, it shall

enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

Sec. 3115.710. (A) Except as otherwise provided in divisions (C) and (D) of this section, a court of this state shall recognize and enforce a foreign support agreement registered in this state.

(B) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by both of the following:

(1) A complete text of the foreign support agreement;

(2) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

(C) A court of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the court finds that recognition and enforcement would be manifestly incompatible with public policy.

(D) In a contest of a foreign support agreement, a court of this state may refuse recognition and enforcement of the agreement if it finds any of the following:

(1) Recognition and enforcement of the agreement is manifestly incompatible with public policy.

(2) The agreement was obtained by fraud or falsification.

(3) The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this state.

(4) The record submitted under division (B) of this section lacks authenticity or integrity.

(E) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

Sec. 3115.711. (A) A court of this state may not modify a convention child-support order if the obligee remains a resident of the foreign country where the support order was issued unless one of the following applies:

(1) The obligee submits to the jurisdiction of a court of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity.

(2) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(B) If a court of this state does not modify a convention child-support order because the order is not recognized in this state, division (C) of section 3115.708 of the Revised Code applies.

Sec. 3115.712. Personal information gathered or transmitted under sections 3115.701 to 3115.713 of the Revised Code may be used only for the purposes for which it was gathered or transmitted.

Sec. 3115.713. A record filed with a court of this state under sections 3115.701 to 3115.713 of the Revised Code must be in

the original language and, if not in English, must be accompanied by an English translation.

Sec. 3115.801. (A) For purposes of sections 3115.801 to 3115.802 of the Revised Code, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

(B) The governor of this state may do either of the following:

(1) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee;

(2) On the demand of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(C) A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Sec. 3115.802. (A) Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this

chapter or that the proceeding would be of no avail.

(B) If, under this chapter or a law substantially similar to this chapter, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(C) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

Sec. 3115.901. In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 3115.902. This chapter applies to proceedings begun on or after January 1, 2016, to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

Sec. 3115.903. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable."

Between lines 41694 and 41695, insert:

"**Sec. 3305.08.** Any payment, benefit, or other right accruing to any electing employee under a contract entered into for purposes of an alternative retirement plan and all moneys, investments, and income of those contracts are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code, are exempt from any county, municipal, or other local tax, except income taxes imposed pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3305.09, and 3305.12 of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency law, or other process of law, and shall be unassignable except as specifically provided in this section and sections 3105.171, 3105.65, 3119.80, 3119.81, 3121.02, 3121.03, ~~3115.32~~ 3115.501, and 3123.06 of the Revised Code or in any contract the electing employee has entered into for purposes of an alternative retirement plan.

Sec. 3305.21. (A) As used in this section, "alternate payee," "benefit," "lump sum payment," and "participant" have the same meanings as in section 3105.80 of the Revised Code.

(B) On receipt of an order issued under section 3105.171 or 3105.65 of the Revised Code, an entity providing a participant's alternative retirement plan shall determine whether the order meets the requirements of sections 3105.80 to 3105.90 of the Revised Code~~, the~~. The entity shall retain in the ~~particant's~~ participant's record an order the entity determines meets the requirements. Not later than ten days after receipt, the entity shall return to the court that issued the order any order the entity determines does not meet the requirements.

(C) The entity shall comply with an order retained under division (B) of this section at the following times as appropriate:

(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment.

(D) If an entity providing an alternative retirement plan is required to transfer a participant's account balance to an entity providing an alternative retirement plan that is not named in the order, the transferring entity shall do both of the following:

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the entity to which the transfer was made.

(2) Send a copy of the order to the entity to which the transfer was made.

(E) An entity that receives a participant's account balance and a copy of an order as provided in division (D) of this

section, shall administer the order as if it were the entity named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under section 3111.23 or 3113.21 of the Revised Code, the entity providing the alternative retirement plan shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the entity providing a participant's alternative retirement plan. The entity is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) An entity providing an alternative retirement plan is not

liable in civil damages for loss resulting from any action or failure to act in compliance with this section."

Between lines 41812 and 41813, insert:

"**Sec. 3307.371.** (A) As used in this section, "alternate payee," "benefit," "lump sum payment," "participant," and "public retirement program" have the same meanings as in section 3105.80 of the Revised Code.

(B) On receipt of an order issued under section 3105.171 or 3105.65 of the Revised Code, the state teachers retirement system shall determine whether the order meets the requirements of sections 3105.80 to 3105.90 of the Revised Code. The system shall retain in the participant's record an order the board determines meets the requirements. Not later than sixty days after receipt, the system shall return to the court that issued the order any order the system determines does not meet the requirements.

(C) The system shall comply with an order retained under division (B) of this section at the following times as appropriate:

(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment.

(D) If the system transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the system shall do both of the following:

(1) Notify the court that issued the order by sending to the court a copy of the order and the name and address of the public retirement program to which the transfer was made.

(2) Send a copy of the order to the public retirement program to which the transfer was made.

(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the system shall administer the order as if it were the public retirement program named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in that section and an order issued in accordance with Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the system shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the system in accordance with division (G) of this section;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued in accordance with Chapter 3119., 3121., 3123., or 3125. of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code

has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

Sec. 3307.41. The right of an individual to a pension, an annuity, or a retirement allowance itself, the right of an individual to any optional benefit, or any other right or benefit accrued or accruing to any individual under this chapter, the various funds created by section 3307.14 of the Revised Code, and all moneys, investments, and income from moneys or investments are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code, and are exempt from any county, municipal, or other local tax, except income taxes imposed pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3307.37, 3307.372, and 3307.373 and Chapters 3119., 3121., 3123., and 3125. of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter and sections 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of the Revised Code."

Between lines 41937 and 41938, insert:

"**Sec. 3309.66.** The right of an individual to a pension, an annuity, or a retirement allowance itself, the right of an individual to any optional benefit, any other right accrued or accruing to any individual under this chapter, the various funds created by section 3309.60 of the Revised Code, and all moneys, investments, and income from moneys and investments are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code, and are exempt from any county, municipal, or other local tax, except income taxes imposed pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3309.67, 3309.672, and 3309.673 of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter and in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code.

Sec. 3309.671. (A) As used in this section, "alternate payee," "benefit," "lump sum payment," "participant," and "public retirement program" have the same meanings as in section 3105.80 of the Revised Code.

(B) On receipt of an order issued under section 3105.171 or 3105.65 of the Revised Code, the school employees retirement system shall determine whether the order meets the requirements of sections 3105.80 to 3105.90 of the Revised Code. The system shall retain in the participant's record an order the system determines meets the requirements. Not later than sixty days after receipt, the system shall return to the court that issued the order any

order the system determines does not meet the requirements.

(C) The system shall comply with an order retained under division (B) of this section at the following times as appropriate:

(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment.

(D) If the system transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the system shall do both of the following:

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the public retirement program to which the transfer was made.

(2) Send a copy of the order to the public retirement program to which the transfer was made.

(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the system shall administer the order as if it were the public retirement program named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under section 3111.23 or 3113.21 of the Revised Code, the system shall, after determining that the amounts that are or will be withheld will cause the

benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the system;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section."

Between lines 90302 and 90303, insert:

"**Sec. 5505.22.** The right of any individual to a pension, or to the return of accumulated contributions, payable as provided under this chapter, and all moneys and investments of the state highway patrol retirement system and income from moneys or investments are exempt from any state tax, except the tax imposed

by section 5747.02 of the Revised Code, and are exempt from any county, municipal, or other local tax, except income taxes imposed pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 5505.26, 5505.262, and 5505.263 of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter.

Sec. 5505.261. (A) As used in this section, "alternate payee," "benefit," "lump sum payment," "participant," and "public retirement program" have the same meanings as in section 3105.80 of the Revised Code.

(B) On receipt of an order issued under section 3105.171 or 3105.65 of the Revised Code, the state highway patrol retirement system shall determine whether the order meets the requirements of sections 3105.80 to 3105.90 of the Revised Code. The system shall retain in the participant's record an order the system determines meets the requirements. Not later than sixty days after receipt, the system shall return to the court that issued the order any order the system determines does not meet the requirements.

(C) The system shall comply with an order retained under division (B) of this section at either of the following times as appropriate:

(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;

(2) If the participant has not applied for a benefit or lump

sum payment, on application by the participant for a benefit or lump sum payment.

(D) If the system transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the system shall do both of the following:

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the public retirement program to which the transfer was made.

(2) Send a copy of the order to the public retirement program to which the transfer was made.

(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the system shall administer the order as if it were the public retirement program named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under section 3111.23 or 3113.21 of the Revised Code, the system shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the retirement system in accordance with division (G) of this section;

(2) Reduce the amount paid to an alternate payee based on the

priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section."

In line 110547, after "145.116," insert "145.56, 145.571,"

In line 110554, after "742.116," insert "742.462, 742.47,"

In line 110580, after "2305.231," insert "2919.21,"

In line 110585, after "3305.052," insert "3305.08, 3305.21,"

In line 110586, after "3307.154," insert "3307.371, 3307.41,"; after "3309.159," insert "3309.66, 3309.671,"

In line 110674, after "5505.0610," insert "5505.22, 5505.261,"

In line 110702, after "1511.99," insert "3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29,

3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, 3115.59,"

Between lines 126904 and 126905, insert:

"The amendment or enactment of sections 145.56, 145.571, 742.462, 742.47, 2919.21, 3115.101 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 3115.902, 3115.903, 3305.08, 3305.21, 3307.371, 3307.41, 3309.66, 3309.671, 5505.22, and 5505.261 and the repeal of sections 3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, and 3115.59 of the Revised Code take

effect on January 1, 2016."

The motion was _____ agreed to.

SYNOPSIS

Uniform Interstate Family Support Act

R.C. 145.56, 145.571, 742.462, 742.47, 2919.21, 3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, 3115.59, 3115.101, 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 3115.902, 3115.903, 3305.08, 3305.21, 3307.371, 3307.41, 3309.66,

3309.671, 5505.22, and 5505.261

Repeals the existing Uniform Interstate Family Support Act and replaces it with the Uniform Interstate Family Support Act of 2008.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 154 of the title, after "4730.14," insert "4730.25, 4731.07, 4731.141,"

In line 155 of the title, after "4731.24," insert "4731.26,"

In line 159 of the title, after "4745.01," insert "4760.02, 4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 4760.131, 4760.132, 4760.15, 4760.16, 4760.18, 4762.06, 4762.13,"; after "4763.07," insert "4774.06, 4774.13,"

In line 160 of the title, after "4778.06," insert "4778.14,"

In line 265 of the title, after "4730.252," insert "4731.071,"

In line 460, after "4730.14," insert "4730.25, 4731.07, 4731.141,"

In line 461, after "4731.24," insert "4731.26,"

In line 464, after "4745.01," insert "4760.02, 4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 4760.131, 4760.132, 4760.15, 4760.16, 4760.18, 4762.06, 4762.13,"

In line 465, after "4763.07," insert "4774.06, 4774.13,"; after "4778.06," insert "4778.14,"

In line 542, after "4730.252," insert "4731.071,"

In line 74928, strike through "send" and insert "provide"

In line 74930, strike through "on forms" and insert "in a manner prescribed by"

In line 74931, strike through "shall prescribe and furnish"

In line 74990, after "(G)" reinsert the balance of the line

Reinsert lines 74991 through 75022

In line 75023, reinsert "requisite continuing medical education, the"; delete "The"

In line 75024, delete "if, through a"

Delete lines 75025 through 75029

In line 75030, delete "requirement"

In line 75035, reinsert "shall deposit"

In line 75036, reinsert "civil penalties in accordance with section 4731.24" and insert "of the Revised Code. The board"

Delete lines 75039 through 75065 and insert:

"**Sec. 4730.25.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to practice as a physician assistant or a certificate to prescribe to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice as a physician assistant or certificate to prescribe, refuse to issue a certificate to an applicant, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the

holder of a certificate for any of the following reasons:

(1) Failure to practice in accordance with the conditions under which the supervising physician's supervision agreement with the physician assistant was approved, including the requirement that when practicing under a particular supervising physician, the physician assistant must practice only according to the physician supervisory plan the board approved for that physician or the policies of the health care facility in which the supervising physician and physician assistant are practicing;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice 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;

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(6) Administering drugs for purposes other than those authorized under this chapter;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a

physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor committed in the course of practice;

(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;

(20) Violation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to

prescribe, a physician supervisory plan, or supervision agreement;

(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an

allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate issued under this chapter, or applies for a

certificate issued under this chapter, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(4) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a certificate issued under this chapter or who has applied for a certificate pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a physician assistant unable to practice because of the reasons set forth in division (B)(4) of this section, the board shall require the physician assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certificate. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(5) of this section, if the board has reason to believe that any individual who holds a certificate issued under this chapter or any applicant for a certificate suffers such impairment, the board may compel the

individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed certification to practice or prescribe, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the physician assistant shall demonstrate to the board the ability to resume practice or prescribing in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and

prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a certificate suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the physician assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's certificate to practice or prescribe without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by

certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the physician assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the physician assistant requests the hearing, unless otherwise agreed to by both the board and the certificate holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the certificate to practice or prescribe. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of

this section.

(I) The certificate to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A)

or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's certificate may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue to an applicant a certificate to practice as a physician assistant or a certificate to prescribe, revokes an individual's certificate, refuses to ~~issue a~~ renew an individual's certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the certificate and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a certificate, approval of a physician supervisory plan, or approval of a supervision agreement may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in accordance with section 4730.14 or section 4730.48 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual."

Delete lines 75089 through 75871 and insert:

"**Sec. 4731.07.** (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings.

(B) The board shall keep a register of applicants for ~~certificates of registration and~~ certificates to practice issued under this chapter and Chapters 4730., 4760., 4762., and 4774. of the Revised Code and licenses issued under Chapter 4778. of the Revised Code. The register shall show the name of the applicant and whether the applicant was granted or refused a certificate or license. With respect to applicants to practice medicine and surgery or osteopathic medicine and surgery, the register shall show the name of the institution that granted the applicant the degree of doctor of medicine or osteopathic medicine. The books and records of the board shall be prima-facie evidence of matters therein contained.

Sec. 4731.071. The state medical board shall develop and publish on its internet web site a directory containing the names of, and contact information for, all persons who hold current, valid certificates or licenses issued by the board under this chapter or Chapter 4730., 4760., 4762., 4774., or 4778. of the Revised Code. Except as provided in section 4731.10 of the Revised Code, the directory shall be the sole source for verifying that a person holds a current, valid certificate or license issued by the

board.

Sec. 4731.141. Any person who was authorized in practice limited osteopathic medicine and surgery on January 1, 1980, may continue to practice in accordance with the statutory limitations in effect on that date. The board shall regulate such practitioners and shall require them to ~~register on or before the first day of June, 1983, and on or before the first day of June every second year thereafter, on a form prescribed by the board and pay at such time a biennial registration fee of twenty-five dollars. At least one month in advance of the date of registration, a written notice shall be sent to such practitioners, whether a resident of the state or not, at the last known address, that the biennial registration fee is due on or before the first day of June. All such practitioners shall provide the board written notice of any change of address. A holder of a certificate to practice under this section shall have the certificate automatically suspended if the registration fee is not paid by the first day of September of the same year, and continued practice after the suspension shall be considered as practicing without a license in violation of section 4731.43 of the Revised Code. An applicant for reinstatement of a certificate to practice suspended for failure to register shall submit the applicant's current and delinquent registration fees and a penalty in the sum of twenty-five dollars~~ renew their certificates to practice in a manner that is substantially similar to the system the board uses under section 4731.281 of the Revised Code.

Any certificate to practice issued pursuant to this section may be ~~refused,~~ limited, revoked, or suspended, an applicant may be denied certification or refused renewal or reinstatement, or the holder of a certificate may be reprimanded, or placed on

probation as provided in section 4731.22 of the Revised Code.

Sec. 4731.15. (A)(1) The state medical board also shall regulate the following limited branches of medicine: massage therapy and cosmetic therapy, and to the extent specified in section 4731.151 of the Revised Code, naprapathy and mechanotherapy. The board shall adopt rules governing the limited branches of medicine under its jurisdiction. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) As used in this chapter:

(a) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the board for use in cosmetic therapy, and additionally may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.

(b) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.

(B) A certificate to practice a limited branch of medicine issued by the state medical board is valid for a two-year period, except when an initial certificate is issued for a shorter period or when division (C)(2) of this section is applicable. The certificate may be renewed in accordance with division (C) of this section.

(C)(1) Except as provided in division (C)(2) of this section, all of the following apply with respect to the renewal of certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a limited branch of medicine shall apply for biennial ~~registration~~ renewal with the state medical board ~~on a renewal application form~~ in a manner prescribed by the board. An applicant for renewal shall pay a biennial ~~registration~~ renewal fee of one hundred dollars.

(b) At least six months before a certificate expires, the board shall ~~mail or cause to be mailed~~ provide a renewal notice to the certificate ~~holder's last known address~~ holder.

(c) At least three months before a certificate expires, the certificate holder shall submit the renewal application and biennial ~~registration~~ renewal fee to the board.

(2) ~~Beginning with the 2009 registration period, the~~ The board shall implement a staggered renewal system that is substantially similar to the staggered renewal system the board uses under division ~~(B)~~(A) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited branch of medicine issued by the state medical board shall provide the board ~~written~~ notice of any change of address. The notice shall be submitted to the board not later than thirty days after the change of address.

(E) A certificate to practice a limited branch of medicine shall be automatically suspended if the certificate holder fails to renew the certificate in accordance with division (C) of this section. Continued practice after the suspension of the

certificate to practice shall be considered as practicing in violation of sections 4731.34 and 4731.41 of the Revised Code.

If a certificate to practice has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate the certificate upon an applicant's submission of a renewal application and payment of the biennial ~~registration~~ renewal fee and the applicable monetary penalty. With regard to reinstatement of a certificate to practice cosmetic therapy, the applicant also shall submit with the application a certification that the number of hours of continuing education necessary to have a suspended certificate reinstated have been completed, as specified in rules the board shall adopt in accordance with Chapter 119. of the Revised Code. The penalty for reinstatement shall be twenty-five dollars.

If a certificate has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore the certificate upon an applicant's submission of a restoration application, the biennial ~~registration~~ renewal fee, and the 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 certificate to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4731.17 of the Revised Code. The penalty for restoration is fifty dollars.

Sec. 4731.22. (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend an individual's certificate to practice, refuse to grant a certificate to an individual, refuse to ~~register an individual~~

renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate if the individual or certificate holder is found by the board to have committed fraud during the administration of the examination for a certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any certificate to practice ~~or certificate of registration~~ issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to ~~register an individual~~ issue a certificate to an individual, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(1) Permitting one's name or one's certificate to practice ~~or certificate of registration~~ to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports ~~to a child fatality review board~~ under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include a report to a drug task force or law enforcement agency under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by ~~that~~ section 2305.33 or 4731.62 of the Revised Code upon a physician who makes ~~either type of~~ a report in accordance with ~~division (B)~~ either of ~~that section~~ those sections. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice ~~or certificate of registration~~ issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely

to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;

(16) Failure to pay license renewal fees specified in this chapter;

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in

division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.

In enforcing this division, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and

prevailing standards under the provisions of the individual's certificate. For the purpose of this division, any individual who applies for or receives a certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except when civil penalties are imposed under section 4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the ~~public health council~~ director

of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section;

(26) Impairment of ability to practice according to

acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated,

or renewed certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under

penalty of perjury stating whether the individual has maintained sobriety.

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a

standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;

(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;

(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;

(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;

(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;

(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;

(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain

management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea

of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's certificate to practice.

(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(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 4731.39 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, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, 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.

(a) 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.

(b) 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.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee 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 certificate 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.

(d) 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 or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code 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 or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

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 certificate to practice, 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.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice without a prior hearing:

(1) That there is clear and convincing evidence that an

individual has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(9), (11), or (13) of this section and the judicial finding of guilt, guilty

plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition of that nature and supporting court documents, the board shall reinstate the individual's certificate to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (B) of this section.

(I) The certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, or the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a certificate.

The board shall notify the individual subject to the

suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall do whichever of the following is applicable:

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the board shall enter an order suspending the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for

reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a certificate to practice to an applicant, revokes an individual's certificate to practice, refuses to ~~register an applicant~~ renew an individual's certificate to practice, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate ~~of registration~~ to practice in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a certificate holder shall immediately surrender to the board a certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service

providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program."

Delete lines 75970 through 76208 and insert:

"**Sec. 4731.26.** Upon application by the holder of a certificate to practice ~~or certificate of registration~~ issued under this chapter, the state medical board shall issue a duplicate certificate to replace one missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate certificate to practice ~~or duplicate certificate of registration~~ shall be thirty-five dollars.

Sec. 4731.281. (A) ~~On or before the deadline established under division (B) of this section for applying for renewal of a certificate of registration, each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall certify to the state medical board that in the preceding two years~~

~~the person has completed one hundred hours of continuing medical education. The certification shall be made upon the application for biennial registration submitted pursuant to division (B) of this section. The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education required for persons who are in their first registration period, who have been disabled due to illness or accident, or who have been absent from the country.~~

~~In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all continuing medical education taken by persons holding a certificate to practice medicine and surgery that is certified by the Ohio state medical association, all continuing medical education taken by persons holding a certificate to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association, and all continuing medical education taken by persons holding a certificate to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association. Each person holding a certificate to practice under this chapter 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.~~

~~The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.~~

~~(B)~~(1) ~~Every~~ Each person holding a certificate under this

chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery wishing to renew that certificate shall apply to the board for ~~a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a~~ 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 three hundred five dollars~~,~~. Applications shall be submitted according to the following schedule:

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;

(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(f) Persons whose last name begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October of every

odd-numbered year thereafter;

(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter.

The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.

(2) The board shall ~~mail or cause to be mailed~~ provide to every person ~~registered~~ holding a certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a renewal notice ~~of registration renewal addressed to the person's last known address~~ or may ~~cause~~ provide the notice ~~to be sent~~ to the person through the secretary of any recognized medical, osteopathic, or podiatric society, according to the following schedule:

(a) To persons whose last name begins with the letters "A" through "B," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(e) To persons whose last name begins with the letters "L" through "M," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter;

(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd-numbered year thereafter.

(3) 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.

(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for ~~registration~~ renewal in a form determined by the board.

(5) The applicant shall provide in the application the applicant's full name~~, principal practice address and~~; the applicant's residence address, business address, and electronic mail address; the number of the applicant's certificate to practice~~,~~; and any other information required by the board.

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this section, in the case of an applicant who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of

pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state.

(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code.

(7) The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code. ~~Every person registered under this section shall give written notice to the state medical board of any change of principal practice address or residence address or in the list within thirty days of the change.~~

(8) 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 filing an

application for a certificate of registration.

(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board.

~~(C)~~(B) The board shall ~~issue to any person holding~~ renew a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery~~,~~ upon application and qualification therefor in accordance with this section~~, a certificate of registration under the seal of the board~~. A ~~certificate of registration~~ renewal shall be valid for a two-year period.

~~(D)~~(C) Failure of any certificate holder to register and comply with this section shall operate automatically to suspend the holder's certificate to practice. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of section 4731.41, 4731.43, or 4731.60 of the Revised Code. If the certificate has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate a certificate to practice suspended for failure to register upon an applicant's submission of a renewal application, the biennial registration fee, and the applicable monetary penalty. The penalty for reinstatement shall be ~~fifty~~ one hundred dollars. If the certificate has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore a certificate to practice suspended for failure to register upon an applicant's submission of a restoration application, the biennial registration fee, and the 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 certificate to practice unless the board, in its discretion, decides that the

results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4731.14, 4731.56, or 4731.57 of the Revised Code. The penalty for restoration shall be ~~one~~ two hundred dollars. The board shall deposit the penalties in accordance with section 4731.24 of the Revised Code.

~~(E)~~(D) If an individual certifies completion of the number of hours and type of continuing medical education required to receive a certificate of registration or reinstatement of a certificate to practice, and the board finds through the random samples it conducts under 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. 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 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

~~(F)~~(E) The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

~~(G)~~(F) Each mailing sent by the board under division ~~(B)~~(A)(2) of this section to a person ~~registered~~ holding a certificate to practice medicine and surgery or osteopathic medicine and surgery shall inform the applicant 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 ~~registration~~ renewal or on an accompanying page.

(G) Each person holding a certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of any of the following changes not later than thirty days after the change occurs:

(1) A change in the certificate holder's residence address, business address, or electronic mail address;

(2) A change in the list provided under division (B)(7) of this section of names and addresses of the nurses with whom the certificate holder is collaborating."

In line 76253, delete "registration" and insert "renewal"

In line 76269, delete "of registration" and insert "to practice"

Delete lines 76385 through 76470 and insert:

"**Sec. 4731.295.** (A)(1) As used in this section, "indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license or certificate has expired with the person's intention of ceasing to practice medicine and surgery or osteopathic medicine and surgery for remuneration.

(B) The state medical board may issue, without examination, a volunteer's certificate to a person who is retired from practice

so that the person may provide medical services to indigent and uninsured persons. The board shall deny issuance of a volunteer's certificate to a person who is not qualified under this section to hold a volunteer's certificate.

(C) An application for a volunteer's certificate shall include all of the following:

(1) A copy of the applicant's degree of medicine or osteopathic medicine.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license or certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued.

(3) Evidence of one of the following, as applicable:

(a) That the applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services.

(4) A notarized statement from the applicant, on a form

prescribed by the board, that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate.

(D) The holder of a volunteer's certificate may provide medical services only to indigent and uninsured persons. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the certificate.

(E)(1) A volunteer's certificate shall be valid for a period of three years, unless earlier revoked under division (D) of this section or pursuant to section 4731.22 of the Revised Code. A volunteer's certificate may be renewed upon the application of the holder. The board shall maintain a register of all persons who hold volunteer's certificates. The board shall not charge a fee for issuing or renewing a certificate pursuant to this section.

(2) To be eligible for renewal of a volunteer's certificate the holder of the certificate shall certify to the board completion of one hundred fifty hours of continuing medical education that meets the requirements of section ~~4731.281~~ 4731.282 of the Revised Code regarding certification by private associations and approval by the board. The board may not renew a certificate if the holder has not complied with the continuing medical education requirements. Any entity for which the holder provides medical services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing medical education credits.

(3) The board shall issue a volunteer's certificate to each person who qualifies under this section for ~~a volunteer's~~ the certificate ~~a wallet certificate and a wall~~. The certificate ~~that~~ shall state that the certificate holder is authorized to provide medical services pursuant to the laws of this state. The holder shall ~~keep the wallet certificate on the holder's person while providing medical services and shall~~ display the ~~wall~~ certificate prominently at the location where the holder primarily practices.

(4) The holder of a volunteer's certificate issued pursuant to this section is subject to the immunity provisions in section 2305.234 of the Revised Code.

(F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section."

Between lines 78036 and 78037, insert:

"**Sec. 4760.02.** (A) Except as provided in division (B) of this section, no person shall practice as an anesthesiologist assistant unless the person holds a current, valid certificate ~~of registration~~ issued under this chapter to practice as an anesthesiologist assistant.

(B) Division (A) of this section does not apply to either of the following:

(1) A person participating in a training program leading toward certification by the national commission for certification of anesthesiologist assistants, as long as the person is supervised by an anesthesiologist, an individual participating in a hospital residency program in preparation to practice as an anesthesiologist, or an anesthesiologist assistant who holds a current, valid certificate ~~of registration~~ to practice issued under this chapter;

(2) Any person who otherwise holds professional authority granted pursuant to the Revised Code to perform any of the activities that an anesthesiologist assistant is authorized to perform.

Sec. 4760.03. (A) An individual seeking a certificate ~~of registration~~ to practice as an anesthesiologist 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 information:

(1) Evidence satisfactory to the board that the applicant is at least twenty-one years of age and of good moral character;

(2) Evidence satisfactory to the board that the applicant has successfully completed the training necessary to prepare individuals to practice as anesthesiologist assistants, as specified in section 4760.031 of the Revised Code;

(3) Evidence satisfactory to the board that the applicant holds current certification from the national commission for certification of anesthesiologist assistants and that the requirements for receiving the certification included passage of an examination to determine the individual's competence to practice as an anesthesiologist assistant;

(4) Any other information the board considers necessary to process the application and evaluate the applicant's qualifications.

(B) At the time of making application for a certificate ~~of registration~~ to practice, the applicant shall pay the board a fee of one hundred dollars, no part of which shall be returned.

(C) The board shall review all applications received under

this section. Not later than sixty days after receiving a complete application, the board shall determine whether an applicant meets the requirements to receive a certificate ~~of registration~~ to practice. The affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate. The board shall not issue a certificate ~~of registration~~ to an applicant unless the applicant is certified by the national commission for certification of anesthesiologist assistants or a successor organization that is recognized by the board.

Sec. 4760.031. As a condition of being eligible to receive a certificate ~~of registration~~ to practice as an anesthesiologist assistant, an individual must successfully complete the following training requirements:

(A) A baccalaureate or higher degree program at an institution of higher education accredited by an organization recognized by the board of regents. The program must have included courses in the following areas of study:

(1) General biology;

(2) General chemistry;

(3) Organic chemistry;

(4) Physics;

(5) Calculus.

(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to ~~the effective date of this section~~ May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the

program is completed on or after ~~the effective date of this section~~ May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health education programs or any of the commission's successor organizations. In either case, the training program must have included at least all of the following components:

(1) Basic sciences of anesthesia: physiology, pathophysiology, anatomy, and biochemistry. The courses must be presented as a continuum of didactic courses designed to teach students the foundations of human biological existence on which clinical correlations to anesthesia practice are based.

(2) Pharmacology for the anesthetic sciences. The course must include instruction in the anesthetic principles of pharmacology, pharmacodynamics, pharmacokinetics, uptake and distribution, intravenous anesthetics and narcotics, and volatile anesthetics.

(3) Physics in anesthesia.

(4) Fundamentals of anesthetic sciences, presented as a continuum of courses covering a series of topics in basic medical sciences with special emphasis on the effects of anesthetics on normal physiology and pathophysiology.

(5) Patient instrumentation and monitoring, presented as a continuum of courses focusing on the design of, proper preparation of, and proper methods of resolving problems that arise with anesthesia equipment. The courses must provide a balance between the engineering concepts used in anesthesia instruments and the clinical application of anesthesia instruments.

(6) Clinically based conferences in which techniques of anesthetic management, quality assurance issues, and current professional literature are reviewed from the perspective of practice improvement.

(7) Clinical experience consisting of at least two thousand hours of direct patient contact, presented as a continuum of courses throughout the entirety of the program, beginning with a gradual introduction of the techniques for the anesthetic management of patients and culminating in the assimilation of the graduate of the program into the work force. Areas of instruction must include the following:

(a) Preoperative patient assessment;

(b) Indwelling vascular catheter placement, including intravenous and arterial catheters;

(c) Airway management, including mask airway and orotracheal intubation;

(d) Intraoperative charting;

(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;

(f) Administration and maintenance of volatile anesthetics;

(g) Administration of blood products and fluid therapy;

(h) Patient monitoring;

(i) Postoperative management of patients;

(j) Regional anesthesia techniques;

(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;

(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.

(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The

course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.

(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.

Sec. 4760.032. In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate ~~of registration~~ to practice as an anesthesiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate ~~of registration~~ to practice as an anesthesiologist assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4760.04 of the Revised Code.

Sec. 4760.04. If the state medical board determines under section 4760.03 of the Revised Code that an applicant meets the requirements for a certificate ~~of registration~~ to practice as an anesthesiologist assistant, the secretary of the board shall register the applicant as an anesthesiologist assistant and issue to the applicant a certificate ~~of registration~~ to practice as an anesthesiologist assistant. The certificate shall expire biennially and may be renewed in accordance with section 4760.06 of the Revised Code.

Sec. 4760.05. On application by the holder of a certificate ~~of registration~~ to practice as an anesthesiologist assistant, the state medical board shall issue a duplicate certificate to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate certificate is thirty-five dollars.

Sec. 4760.06. (A) A person seeking to renew a certificate ~~of registration~~ to practice as an anesthesiologist assistant shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall ~~send~~ provide renewal notices at least one month prior to the expiration date.

Applications shall be submitted to the board ~~on forms~~ in a manner prescribed by the board ~~shall prescribe and supply~~. Each application shall be accompanied by a biennial renewal fee of one hundred dollars.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a certificate ~~of registration~~ to practice under section 4760.13 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 certificate ~~of registration~~ to practice as an anesthesiologist assistant.

(B) To be eligible for renewal, an anesthesiologist assistant must certify to the board that the assistant has maintained certification by the national commission for the certification of anesthesiologist assistants.

(C) 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~~ renew the certificate ~~of registration~~ to practice as an anesthesiologist assistant.

(D) A certificate ~~of registration~~ to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. If a certificate has been suspended pursuant to this division for two years or less, the board shall reinstate the certificate upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. If a certificate has been suspended pursuant to this division for more than two years, it may be restored upon an applicant's submission of a restoration application, the biennial ~~registration~~ renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a certificate to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4760.04 of the Revised Code. The penalty for restoration is fifty dollars.

Sec. 4760.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate ~~of registration~~ to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or

suspend an individual's certificate ~~of registration~~ to practice as an anesthesiologist assistant, refuse to issue a certificate to an applicant, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons:

(1) Permitting the holder's name or certificate to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice 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;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate ~~of~~

~~registration~~ to practice as an anesthesiologist assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the

jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a certificate ~~of registration~~ to practice;

(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(20) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(21) Failure to comply with any code of ethics established by

the national commission for the certification of anesthesiologist assistants;

(22) Failure to notify the state medical board of the revocation or failure to maintain certification from the national commission for certification of anesthesiologist assistants.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an anesthesiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of

this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate ~~of registration~~ to practice issued under this chapter, or applies for a certificate ~~of registration~~ to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a certificate ~~of registration~~ to practice issued under this chapter or who has applied for a certificate ~~of registration~~ to practice pursuant to this chapter to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an anesthesiologist assistant unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the anesthesiologist

assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certificate ~~of registration~~ to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a certificate ~~of registration~~ to practice issued under this chapter or any applicant for a certificate ~~of registration~~ to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed certificate ~~of registration~~ to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the anesthesiologist

assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a certificate suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired anesthesiologist assistant resumes practice, the board shall require continued monitoring of the anesthesiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the anesthesiologist assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that an anesthesiologist

assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's certificate ~~or registration~~ without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the anesthesiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the anesthesiologist assistant requests the hearing, unless otherwise agreed to by both the board and the certificate holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty

plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the certificate ~~of registration~~ to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(I) The certificate ~~of registration~~ to practice of an anesthesiologist assistant and the assistant's practice in this state are automatically suspended as of the date the anesthesiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose

certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate ~~of registration~~ to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the anesthesiologist assistant's certificate may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a certificate ~~of registration~~ to practice as an anesthesiologist assistant to an applicant, revokes an individual's certificate ~~of registration~~, refuses to renew ~~a~~ an individual's certificate ~~of registration~~, or refuses to reinstate an individual's certificate ~~of registration~~, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate ~~of registration~~ to

practice as an anesthesiologist assistant and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate ~~of registration~~ to practice issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a certificate ~~of registration~~ to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate ~~of registration~~ to practice in accordance with section 4760.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4760.131. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate ~~of registration~~ to practice as an anesthesiologist assistant issued pursuant to this chapter.

Sec. 4760.132. If the state medical board has reason to believe that any person who has been granted a certificate ~~of registration~~ to practice as an anesthesiologist assistant under this chapter is mentally ill or mentally incompetent, it may file

in the probate court of the county in which the person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section.

If any person who has been granted a certificate ~~of registration~~ to practice is adjudged by a probate court to be mentally ill or mentally incompetent, the person's certificate shall be automatically suspended until the person has filed with the state medical board a certified copy of an adjudication by a probate court of the person's subsequent restoration to competency or has submitted to the board proof, satisfactory to the board, that the person has been discharged as having a restoration to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of the probate court shall forthwith notify the state medical board of an adjudication of mental illness or mental incompetence, and shall note any suspension of a certificate in the margin of the court's record of such certificate."

Between lines 78059 and 78060, insert:

"**Sec. 4760.15.** (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid certificate issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal

corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the certificate under section 4760.13 of the Revised Code.

(C) The prosecutor in any case against any person holding a valid certificate ~~of registration~~ to practice issued pursuant to this chapter, on forms prescribed and provided by the state medical board, shall notify the board of any of the following:

(1) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, a finding of guilt by a jury or court of, or judicial finding of eligibility for intervention in lieu of conviction for a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

The report shall include the name and address of the

certificate holder, the nature of the offense for which the action was taken, and the certified court documents recording the action.

Sec. 4760.16. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by an insuring corporation, ambulatory surgical facility, or similar facility, against any individual holding a valid certificate ~~of registration~~ to practice as an anesthesiologist assistant, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. On request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that reviewed the case or by the governing board of the facility.

The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a health care facility from taking disciplinary action against an anesthesiologist assistant.

In the absence of fraud or bad faith, no individual or entity that provides patient records to the board shall be liable in damages to any person as a result of providing the records.

(B) An anesthesiologist assistant, professional association or society of anesthesiologist assistants, physician, or professional association or society of physicians that believes a violation of any provision of this chapter, Chapter 4731. of the Revised Code, or rule of the board has occurred shall report to the board the information on which the belief is based. This

division does not require any treatment provider approved by the board under section 4731.25 of the Revised Code or any employee, agent, or representative of such a provider to make reports with respect to an anesthesiologist assistant participating in treatment or aftercare for substance abuse as long as the anesthesiologist assistant maintains participation in accordance with the requirements of section 4731.25 of the Revised Code and the treatment provider or employee, agent, or representative of the provider has no reason to believe that the anesthesiologist assistant has violated any provision of this chapter or rule adopted under it, other than being impaired by alcohol, drugs, or other substances. This division does not require reporting by any member of an impaired practitioner committee established by a health care facility or by any representative or agent of a committee or program sponsored by a professional association or society of anesthesiologist assistants to provide peer assistance to anesthesiologist assistants with substance abuse problems with respect to an anesthesiologist assistant who has been referred for examination to a treatment program approved by the board under section 4731.25 of the Revised Code if the anesthesiologist assistant cooperates with the referral for examination and with any determination that the anesthesiologist assistant should enter treatment and as long as the committee member, representative, or agent has no reason to believe that the anesthesiologist assistant has ceased to participate in the treatment program in accordance with section 4731.25 of the Revised Code or has violated any provision of this chapter or rule adopted under it, other than being impaired by alcohol, drugs, or other substances.

(C) Any professional association or society composed primarily of anesthesiologist assistants that suspends or revokes an individual's membership for violations of professional ethics,

or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision, shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken.

The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization from taking disciplinary action against an anesthesiologist assistant.

(D) Any insurer providing professional liability insurance to any person holding a valid certificate ~~of registration~~ to practice as an anesthesiologist assistant or any other entity that seeks to indemnify the professional liability of an anesthesiologist assistant shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its

attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the anesthesiologist assistant.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving an anesthesiologist assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an anesthesiologist assistant or supervising physician, or in any subsequent trial or appeal of a board action or order.

The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing an anesthesiologist assistant or supervising physician or reviewing their privilege to practice within a particular facility. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any

reports or summaries it receives pursuant to this section to the anesthesiologist assistant. The anesthesiologist assistant shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that reports to the board or refers an impaired anesthesiologist assistant to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

(I) In the absence of fraud or bad faith, a professional association or society of anesthesiologist assistants that sponsors a committee or program to provide peer assistance to an anesthesiologist assistant with substance abuse problems, a representative or agent of such a committee or program, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer an anesthesiologist assistant to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

Sec. 4760.18. 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 engaged either directly or by complicity in practicing as an anesthesiologist assistant without having first obtained a certificate ~~of registration~~ to practice pursuant to this chapter, 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 unlawfully practicing as an anesthesiologist assistant by applying for an injunction in any court of competent

jurisdiction.

Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this 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 in this chapter.

Sec. 4762.06. (A) A person seeking to renew a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall ~~send~~ provide renewal notices at least one month prior to the expiration date.

Applications shall be submitted to the board ~~on forms~~ in a

manner prescribed by the board ~~shall prescribe and supply~~. Each application shall be accompanied by a biennial renewal fee of one hundred dollars.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a certificate under section 4762.13 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 certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist.

(B)(1) To be eligible for renewal of a certificate to practice as an oriental medicine practitioner, an applicant shall certify to the board both of the following, as applicable:

(a) That the applicant has maintained a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed one six-hour course in herb and drug interaction approved by the national certification commission for acupuncture and oriental medicine in the four years immediately preceding the expiration date of the applicant's current and active designation from the commission as a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology.

(2) To be eligible for renewal of a certificate to practice as an acupuncturist, an applicant shall certify to the board that the acupuncturist has maintained a current and active designation from the national certification commission for acupuncture and

oriental medicine as a diplomate in acupuncture.

(C) 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 certificate to practice.

(D) A certificate to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. If a certificate has been suspended pursuant to this division for two years or less, the board shall reinstate the certificate upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. If a certificate has been suspended pursuant to this division for more than two years, it may be restored upon an applicant's submission of a restoration application, the biennial ~~registration~~ renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a certificate to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4762.04 of the Revised Code. The penalty for restoration is fifty dollars.

Sec. 4762.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to issue a certificate to an applicant, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons:

(1) Permitting the holder's name or certificate to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice 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;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading

statement in soliciting or advertising for patients or in securing or attempting to secure a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(14) A plea of guilty to, a judicial finding of guilt of, or

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(19) Violation of the conditions placed by the board on a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist;

(20) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(21) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including

failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(22) Failure to comply with the standards of the national certification commission for acupuncture and oriental medicine regarding professional ethics, commitment to patients, commitment to the profession, and commitment to the public;

(23) Failure to have adequate professional liability insurance coverage in accordance with section 4762.22 of the Revised Code;

(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the commission of the individual's designation, failure by the individual to meet the commission's requirements for redesignation, or failure to notify the board that the appropriate designation has not been maintained.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an oriental medicine practitioner or acupuncturist or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when

ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or entered into a consent agreement prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate to practice issued under this chapter, or applies for a certificate to practice, shall be deemed to have given consent

to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a certificate to practice issued under this chapter or who has applied for a certificate pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an oriental medicine practitioner or acupuncturist unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certificate to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a certificate to practice issued under this chapter or any applicant for a certificate suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or

both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed certificate, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the oriental medicine practitioner or acupuncturist shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by

individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a certificate suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired individual resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the individual has maintained sobriety.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice without a prior hearing:

(1) That there is clear and convincing evidence that an oriental medicine practitioner or acupuncturist has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the oriental medicine practitioner or acupuncturist requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the hearing is requested, unless otherwise agreed to by both the board and the certificate holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the certificate to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it

may order any of the sanctions specified in division (B) of this section.

(I) The certificate to practice of an oriental medicine practitioner or acupuncturist and the practitioner's or acupuncturist's practice in this state are automatically suspended as of the date the practitioner or acupuncturist pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final

order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the certificate to practice may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a certificate to practice to an applicant, revokes an individual's certificate, refuses to renew ~~a~~ an individual's certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a certificate may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in accordance with section 4762.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual."

Between lines 78326 and 78327, insert:

"**Sec. 4774.06.** (A) An individual seeking to renew a certificate to practice as a radiologist assistant shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall ~~send~~ provide renewal notices 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 specified by the board in rules adopted under section 4774.11 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a certificate under section 4774.13 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 certificate to practice as a radiologist assistant.

(B) To be eligible for renewal, a radiologist assistant shall certify to the board that the assistant has maintained both of the following:

(1) A license as a radiographer under Chapter 4773. of the

Revised Code;

(2) Certification as a registered radiologist assistant from the American registry of radiologic technologists by meeting the registry's requirements for annual registration, including completion of the continuing education requirements established by the registry.

(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 certificate to practice as a radiologist assistant.

(D) A certificate to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date, subject to the provisions of section 119.06 of the Revised Code specifying that an applicant who appropriately files a renewal application is not required to discontinue practicing merely because the board has failed to act on the application. If a certificate has been suspended pursuant to this division for two years or less, the board shall reinstate the certificate upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. If a certificate has been suspended pursuant to this division for more than two years, it may be restored upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a certificate unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section

4774.04 of the Revised Code. The penalty for restoration is fifty dollars.

Sec. 4774.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to practice as a radiologist assistant to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice as a radiologist assistant, refuse to issue a certificate to an applicant, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons:

(1) Permitting the holder's name or certificate to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice 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;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate to practice as a radiologist assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a certificate to practice as a radiologist assistant;

(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of

the Revised Code;

(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code;

(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;

(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted

under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate to practice as a radiologist assistant issued under this chapter, or applies for a certificate to practice, shall be

deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a certificate to practice as a radiologist assistant issued under this chapter or who has applied for a certificate to practice to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a radiologist assistant unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the radiologist assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certificate to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a certificate to practice as a radiologist assistant issued under this chapter or any applicant for a certificate to practice suffers such impairment, the board may compel the individual to

submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed certificate to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the radiologist assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and

prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a certificate suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired radiologist assistant resumes practice, the board shall require continued monitoring of the radiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the radiologist assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that a radiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's certificate to practice without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of

the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the radiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the radiologist assistant requests the hearing, unless otherwise agreed to by both the board and the certificate holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(10), (12), or (13) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the certificate to practice as a radiologist assistant. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(I) The certificate to practice of a radiologist assistant and the assistant's practice in this state are automatically suspended as of the date the radiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the radiologist assistant's certificate may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a certificate to practice as a radiologist assistant to an applicant, revokes an individual's certificate, refuses to renew ~~a~~ an individual's certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice as a radiologist assistant and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate to practice as a radiologist assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a certificate to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate to practice in accordance with section 4774.06 of the Revised Code

shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual."

In line 78386, strike through "send" and insert "provide"

Between lines 78429 and 78430, insert:

"**Sec. 4778.14.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a genetic counselor to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a genetic counselor, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or

similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice 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;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this

state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a

license to practice as a genetic counselor;

(19) Failure to cooperate in an investigation conducted by the board under section 4778.18 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Failure to maintain the individual's status as a certified genetic counselor;

(21) Failure to comply with the code of ethics established by the national society of genetic counselors.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the

Revised Code.

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or took other formal action under Chapter 119. of the Revised Code prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a license to practice as a genetic counselor, or applies for a license, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board,

on a showing of a possible violation, may compel any individual who holds a license to practice as a genetic counselor or who has applied for a license to practice as a genetic counselor to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a genetic counselor unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the genetic counselor to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice as a genetic counselor or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the genetic counselor shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has maintained sobriety.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the genetic counselor requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days,

after the genetic counselor requests the hearing, unless otherwise agreed to by both the board and the genetic counselor.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(10), (12), or (13) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice as a genetic counselor. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(I) The license to practice as a genetic counselor and the counselor's practice in this state are automatically suspended as of the date the genetic counselor pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding

of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing

conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an individual's license, refuses to renew ~~a~~ an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a genetic counselor and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as a genetic counselor is not effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4778.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual."

In line 110647, after "4730.14," insert "4730.25, 4731.07, 4731.141,"; after "4731.24," insert "4731.26,"

In line 110651, after "4745.01," insert "4760.02, 4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 4760.131, 4760.132, 4760.15, 4760.16, 4760.18, 4762.06, 4762.13,"; after "4763.07," insert "4774.06, 4774.13,"; after "4778.06," insert "4778.14,"

The motion was _____ agreed to.

SYNOPSIS

State Medical Board certificates of registration

R.C. 4731.07, 4731.071, 4731.141, 4731.22, 4731.26, 4731.281, 4731.282, 4731.295, 4760.02, 4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 4760.131, 4760.132, 4760.15, 4760.16, 4760.18, and 4762.06

Eliminates the requirement that the State Medical Board, in its regulation of physicians and anesthesiology assistants, issue certificates of registration and instead authorizes the Board to renew certificates to practice.

Requires the Board to develop and publish on its web site a directory of all persons holding certificates or licenses issued by the Board and specifies that the directory is the sole source for verifying that a person holds a current, valid certificate or license.

Failure to renew certificates

R.C. 4730.14 and 4731.281

Removes the Executive version's proposal to repeal the law allowing for the automatic suspension of a certificate to practice when a physician assistant or physician, including a podiatrist, fails to renew the certificate.

Refusal to renew as a disciplinary action

R.C. 4730.25, 4731.22, 4760.13, 4762.13, 4774.13, and 4778.14

Specifies, within the list of disciplinary actions to be imposed by the Board, that the Board may refuse to renew a certificate or license.

Renewal notices

R.C. 4730.14, 4731.141, 4731.15, 4731.281, 4760.06, 4762.06, 4774.06, and 4778.06

Requires the Board to provide, rather than send or mail as required by current law, renewal notices to certificate and license holders.

Notice of address changes

R.C. 4731.281

Clarifies that each physician (including a podiatrist) must give notice to the Board of any of the following changes not later than 30 days after the change occurs: a change in the physician's residence, business, or email address or in the list of the names and addresses of advanced practice registered nurses with whom the physician collaborates.

_____ moved to amend as follows:

Between lines 118207 and 118208, insert:

"Section 305.___. MENTORING CARE AND JOB CONNECT PILOT PROJECT FUNDING

Of the foregoing appropriation item 600688, Workforce Innovation and Opportunity Act Programs, $1,000,000 in eligible funds in each fiscal year shall be provided for the purposes of the Mentoring Care and Job Connect Pilot Project under the Section of this act entitled "MENTORING CARE AND JOB CONNECT PILOT PROJECT.""

Between lines 126422 and 126423, insert:

"Section 751.__. MENTORING CARE AND JOB CONNECT PILOT PROJECT

(A) The Governor's Office of Health Transformation, in consultation with the Department of Job and Family Services, Department of Medicaid, and the Governor's Office of Workforce Transformation, shall establish and monitor the Mentoring Care and Job Connect Pilot Project to be in effect during fiscal years 2016 and 2017.

(B) The purpose of the pilot project shall be to help pilot project participants find meaningful employment through the

assistance of mentoring services that help participants access, connect, and coordinate their benefits and services from federal, state, and local government programs and programs offered by nonprofit or not-for-profit entities. The pilot project shall connect and coordinate such programs and services as the following:

(1) Health care services;

(2) Educational programs;

(3) Job training, placement, and retention programs;

(4) Transportation options;

(5) Child care services;

(6) Disability services;

(7) Other benefits and services that would maximize employment opportunities for participants.

(C) Not later than September 1, 2015, the Executive Director of the Office of Health Transformation shall release a request for grant applications to seek private, nonprofit or for-profit entities who can demonstrate effective strategies to meet the purposes outlined in division (B) of this section and to increase job placement for both of the following:

(1) Long-term unemployed individuals who, for purposes of this initiative, are individuals who have been out of the workforce for fifteen weeks or longer and who are unlikely or

unable to obtain permanent, full-time employment that will lead to economic self-sufficiency;

(2) Individuals who are receiving benefits under the Supplemental Nutrition Assistance Program under the Food and Nutrition Act of 2008.

(D) Not later than December 1, 2015, the Executive Director shall select an entity to administer the pilot project from among the entities that respond to the request for grant applications under division (C) of this section.

(E) The entity selected to administer the pilot project under division (D) of this section shall establish an application process for the pilot project and shall select pilot project participants from among eligible applicants.

(F) The pilot project shall operate in a minimum of one urban region and one rural region of the state as determined by the Executive Director.

(G) The Executive Director, in consultation with the Department of Job and Family Services, Department of Medicaid, and the Governor's Office of Workforce Transformation, shall establish a system to evaluate the pilot project. The evaluation, at a minimum, shall include aggregate measurements of participants' employment outcomes, healthy practices, and personal responsibility."

The motion was _____ agreed to.

SYNOPSIS

Mentoring Care and Job Connect Pilot Project

Section 751.___

Establishes the Mentoring Care and Job Connect Pilot Project in a minimum of one urban region and one rural region of Ohio for fiscal years 2016 and 2017 to be created and monitored by the Governor's Office of Health Transformation, in consultation with the Department of Job and Family Services, the Department of Medicaid, and the Governor's Office of Workforce Transformation.

Requires the Executive Director of the Office of Health Transformation to release a request for grant applications not later than September 1, 2015, to seek a private entity to administer the Pilot Project.

Requires the Executive Director to select an administrator from among the responsive entities not later than December 1, 2015.

Requires the entity selected to administer the Pilot Project to establish an application process for the Pilot Project and to select participants from among eligible applicants.

Requires the Executive Director, in consultation with the Department of Job and Family Services, the Department of Medicaid, and the Governor's Office of Workforce Transformation, to evaluate the Pilot Project.

Department of Job and Family Services

Section 305.___

Earmarks a total of $1,000,000 in each fiscal year from FED appropriation item 600688, Workforce Innovation and Opportunity Act Programs, for the purposes of the Mentoring Care and Job Connect Pilot Project.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 126348 and 126349, insert:

"**Section 749.___.** Notwithstanding division (B)(2)(b)(ii) of section 4906.20 of the Revised Code and division (B)(2) of section 4906.201 of the Revised Code, the setback requirement that applies to the existing certificate for an electric generating plant, as described in section 4906.201 of the Revised Code, or for an economically significant wind farm, as defined in section 4906.13 of the Revised Code, shall apply to an amendment to that certificate if all of the following apply regarding the amendment:

(A) The sole purpose of the amendment is to make changes to one or more turbines that are approved under the existing certificate but have not yet been installed.

(B) The amendment does not increase the number of turbines to be installed under the existing certificate.

(C) The person seeking the amendment applies to make the amendment not later than ninety days after the effective date of this section.

(D) The type of turbine to be installed is more efficient or otherwise more technologically advanced, as determined by the Power Siting Board, than the type planned to be installed under the existing certificate.

(E) The type of turbine to be installed is not more than eight per cent taller, as measured from its base to the tip of its highest blade, than the height of the type of turbine, measured in the same manner, that is approved to be installed under the existing certificate.

(F) The amendment applies to an economically significant wind farm or an electric generating plant, as applicable, that is obligated by contract to provide wind energy to one mercantile customer that consumes at least seven million kilowatt-hours per year. For purposes of this section, "mercantile customer" has the same meaning as in section 4928.01 of the Revised Code.

(G) The turbine or turbines to be installed will be installed in the same spot where it is or they are approved to be installed under the existing certificate."

The motion was _____ agreed to.

SYNOPSIS

Wind farm setback exception

Section 749.___

Exempts a wind farm facility with an existing Power Siting Board certificate from being subject to the current setback requirements for amendments to the certificate if the certificate is sought to be amended within 90 days after the exemption provision takes effect and the amendment meets certain requirements.

SC4908

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 119207, delete "$4,850,280,989" and insert "$4,847,280,989"

In line 119208, delete "$12,294,334,888" and insert "$12,289,332,754"

In line 119209, delete "$17,144,615,877" and insert "$17,136,613,743"

In line 119214, subtract $3,000,000 in fiscal year 2016

In line 119215, subtract $5,002,134 in fiscal year 2016

In line 119216, subtract $8,002,134 in fiscal year 2016

In line 119238, subtract $8,002,134 in fiscal year 2016

The motion was _____ agreed to.

SYNOPSIS

Department of Medicaid

Section 327.10

Reduces the appropriation for GRF item 651525, Medicaid/Health Care Services, by $8,002,134 ($3,000,000 state share) in FY 2016 to reflect savings associated with placing nursing facilities in Allen and Trumbull counties in the peer groups used to determine the Medicaid payment rates for nursing facilities in Mahoning County or Stark County.

SC4910X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 121251, delete "$737,366 $737,366" and insert "$837,366 $837,366"

In lines 121288 and 121314, add $100,000 to each fiscal year

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 369.10

Increases GRF appropriation item 235428, Appalachian New Economy Partnership, by $100,000 in each fiscal year.

SC4911

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 107435, delete "Veteran" and insert "Eligible veteran"; after "means" insert "a"

In line 107436, after "States" insert "who has a service-connected disability rated at one hundred per cent by the United States department of veterans affairs and"

In line 107437, after "is" insert "such"

In line 107441, delete "A" and insert "An eligible"

The motion was _____ agreed to.

SYNOPSIS

Limitation on free public transportation for United States armed forces veterans

R.C. 5902.10

Limits the free public transportation for veterans of the armed forces of the United States established by the bill to those veterans who have a service-connected disability rated at 100% by the United States Department of Veterans Affairs.

SC4912

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 34 of the title, delete "1346.03,"

In line 126 of the title, delete "4301.441,"

In line 129 of the title, delete "4513.241,"

In line 159 of the title, delete "4743.05, 4745.01,"

In line 193 of the title, delete "5703.21"

In line 212 of the title, delete "5749.17,"

In line 295 of the title, delete "4775.01, 4775.02, 4775.03, 4775.04,"

Delete line 296 of the title

In line 297 of the title, delete "4775.10, 4775.11, 4775.99,"

In line 374, delete "1346.03,"

In line 441, delete "4301.441,"

In line 443, delete "4513.241,"

In line 464, delete "4743.05, 4745.01,"

In line 489, delete "5703.21"

In line 503, delete "5749.17,"

Delete lines 24838 through 24843

In line 26024, reinsert "(12)"; delete "(11)"

Delete lines 66633 through 66639

Delete lines 69836 through 69952

Delete lines 77929 through 77948

Delete lines 78001 through 78036

Delete lines 90611 through 90749

Delete lines 105171 through 105178

In line 110558, delete "1346.03,"

In line 110627, delete "4301.441,"

In line 110629, delete "4513.241,"

In line 110650, delete "4743.05,"

In line 110651, delete "4745.01,"

In line 110675, delete "5703.21"

In line 110689, delete "5749.17,"

In line 110706, delete "4775.01, 4775.02, 4775.03, 4775.04,"

Delete line 110707

In line 110708, delete "4775.99,"

Between lines 120451 and 120453, insert:

"**Section 335.10.** CRB MOTOR VEHICLE REPAIR BOARD

Dedicated Purpose Fund Group

4K90	865601	Operating Expenses	$ 484,292	$ 484,292
TOTAL DPF Dedicated Purpose Fund Group			$ 484,292	$ 484,292
TOTAL ALL BUDGET FUND GROUPS			$ 484,292	$ 484,292"

The motion was _____ agreed to.

SYNOPSIS

Motor Vehicle Repair Board

R.C. 1346.03, 1509.11, 4301.441, 4513.241, 4743.05, 4745.01, 4775.01 (repealed), 4775.02 (repealed), 4775.03 (repealed), 4775.04 (repealed), 4775.05 (repealed), 4775.06 (repealed), 4775.07 (repealed), 4775.08 (repealed), 4775.09 (repealed), 4775.10 (repealed), 4775.11 (repealed), 4775.99 (repealed), 5703.21, and 5749.17; Section 335.10

Removes provisions of the bill that eliminate the Motor Vehicle Repair Board, which regulates motor vehicle collision repair and motor vehicle window tint operators under current law.

Motor Vehicle Repair Board

Section 335.10

Restores the Motor Vehicle Repair Board's entire FY 2016-2017 biennial operating budget, including DPF Fund 4K90 appropriation item 865601, Operating Expenses, totaling $484,292 in each of FYs 2016 and 2017.

SC4926

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Delete lines 114731 through 114746

The motion was _____ agreed to.

SYNOPSIS

Department of Developmental Disabilities

Section 259.300

Removes a provision that would permit, if the Director of Developmental Disabilities determines that there is a shortfall in funding and a need for additional Medicaid services to be provided through GRF appropriation item 653407, Medicaid Services, the Director to certify in fiscal year 2016 and fiscal year 2017 to the Director of Budget and Management the amount of any shortfall.

Removes a provision that would permit the Director of Budget and Management to transfer, in the amount certified, state share appropriations from GRF appropriation item 651525, Medicaid/Health Care Services, within the Department of Medicaid to GRF appropriation item 653407, Medicaid Services, within the Department of Developmental Disabilities. Removes a provision that would require the Director of Budget and Management to adjust the federal share appropriations in the Departments of Medicaid and Developmental Disabilities accordingly if state share appropriations are transferred.

SC4930X2

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 274 of the title, after "5703.361," insert "5703.85,"

In line 550, after "5703.361," insert "5703.85,"

Between lines 90763 and 90764, insert:

"**Sec. 5703.85.** On or before September 1, 2015, and on or before the first day of every third month thereafter, the tax commissioner shall prepare a report that includes all of the following information:

(A) The number of inspections and investigations conducted during the preceding four months in relation to the enforcement of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code;

(B) The number of violations of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code found during the preceding four months, organized by the type of violation;

(C) The number of prosecutions brought during the preceding four months in relation to violations of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code;

(D) The number of agents designated for enforcement of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code during the preceding four months.

The commissioner shall submit the report to the chairperson of the standing committee of each house of the general assembly which normally considers tax legislation."

In line 123232, delete "$68,905,605 $68,905,605" and insert "$69,155,605 $69,155,605"

In lines 123234 and 123267, add $250,000 to each fiscal year

Between lines 123302 and 123303, insert:

"CIGARETTE AND OTHER TOBACCO PRODUCTS TAX ENFORCEMENT

In each of fiscal year 2016 and fiscal year 2017, $250,000 of the foregoing appropriation item 110321, Operating Expenses, is to be used to hire employees under Section 5743.45 of the Revised Code to serve as agents for the purposes of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code, and to support the enforcement activities of such agents."

The motion was _____ agreed to.

SYNOPSIS

Cigarette and other tobacco tax enforcement

R.C. 5703.85

Requires the Tax Commissioner to prepare a quarterly report that details (1) the number of tobacco tax-related inspections and investigations conducted during the preceding three months, (2) the number of tobacco tax-related violations found during those months, (3) the number of prosecutions brought during those months in relation to tobacco tax-related violations, and (4) the number of agents designated to enforce tobacco-tax related violations in those months. The Commissioner must submit the report to the chairpersons of the House and Senate standing committees that are normally responsible for tax legislation.

Cigarette and other tobacco tax enforcement

Section 397.10

Earmarks an additional $250,000 of the Department of Taxation's budget in each fiscal year for cigarette and other tobacco tax enforcement. Increases GRF appropriation item 110321 by $250,000 in each fiscal year.

SC4945X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 113845, delete "$5,932,758 $5,932,758" and insert "$5,982,758 $5,982,758"

In lines 113853 and 113884, add $50,000 to each fiscal year

Between lines 113924 and 113925, insert:

"(C) Of the foregoing appropriation item 322451, Family Support Services, $50,000 in each fiscal year shall be provided to the Beck Center for the Performing Arts."

The motion was _____ agreed to.

SYNOPSIS

Department of Developmental Disabilities

Sections 259.10 and 259.40

Increases GRF appropriation item 322451, Family Support Services, by $50,000 in each fiscal year. Requires that the increase in funding be provided to the Beck Center for the Performing Arts.

SC4955

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 123391, delete "$550,000 $550,000" and insert "$1,050,000 $1,050,000"

In lines 123396 and 123400, add $500,000 in each of fiscal year 2016 and fiscal year 2017

The motion was _____ agreed to.

SYNOPSIS

Treasurer of State

Section 401.10

Increases DPF appropriation item 090605, Investment Pool Reimbursement (Fund 5770), by $500,000 in each of FY 2016 and FY 2017. Restores appropriation amounts to the House-passed level.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 16 of the title, delete "135.143,"

In line 20 of the title, delete "166.01, 166.02,"

In line 23 of the title, delete "193.05,"

In line 251 of the title, delete "193.08,"

In line 252 of the title, delete "193.11,"; after "193.16," insert "193.17,"

In line 360, delete "135.143,"

In line 363, delete "166.01, 166.02,"

In line 365, delete "193.05,"

In line 532, delete "193.08, 193.11,"; after "193.16," insert "193.17,"

Delete lines 11367 through 11587

Delete lines 14661 through 14993

Delete lines 15660 through 15850 and insert:

"**Sec. 193.15.** (A) As used in sections 193.15 to 193.17 of the Revised Code, "infrastructure capital improvement" includes projects involving buildings, utilities, roadways, runways, railways, ramps, gates, fencing, and facilities other than

buildings, including new construction, renovations, energy conservation measures, security upgrades, site preparation, land acquisition, clearance, demolition, removal, furnishings, equipment, design, engineering, and planning studies.

(B) There is hereby created the Ohio military facilities commission for the purpose of developing and implementing a program to finance or assist in the financing of infrastructure capital improvements on military and defense installations in the state, including but not limited to those facilities operated by the United States department of veterans affairs, the Ohio department of veterans services, the national aeronautics and space administration, and the Ohio national guard.

Sec. 193.16. (A) The Ohio military facilities commission shall consist of the following members:

(1) Three members of the house of representatives appointed by the speaker of the house of representatives, two of whom are members of the majority party and one of whom is a member of the minority party;

(2) Three members of the senate appointed by the president of the senate, two of whom are members of the majority party and one of whom is a member of the minority party;

(3) The adjutant general or a designee of the adjutant general;

(4) The director of budget and management or a designee of the director;

(5) The director of administrative services or a designee of the director.

(B)(1) Initial appointments to the commission shall be made

not later than December 31, 2015. The appointed members shall serve four-year terms.

(2) Members may be reappointed to the commission.

(3) Vacancies on the commission shall be filled in the same manner as the original appointments.

(4) Members serve at the pleasure of, and may be removed for just cause by, the member's appointing authority.

(C) The development services agency shall provide administrative assistance to the commission.

Sec. 193.17. (A) The Ohio military facilities commission shall accept applications for financial assistance under the program. The financial assistance may be in the form of grants, loans, and loan guarantees. It may also be provided for rental or lease payments that enable new construction in support of the purposes of sections 193.15 to 193.17 of the Revised Code.

(B) Upon receipt of an application, the commission shall examine the proposed infrastructure capital improvement to determine if it will support job creation, increase opportunities for long-term economic development, or increase the military value of the installation as described in section 2913 of the "Defense Base Closure and Realignment Act of 1990," Public Law Number 101-510, as amended. Only those improvements that meet at least one of those conditions are eligible to receive financial assistance under the program."

In line 110545, delete "135.143,"

In line 110548, delete "166.01, 166.02,"

In line 110550, delete "193.05,"

Delete lines 117564 through 117577

Between lines 120438 and 120439, insert:

"**Section 332.10.** MFC OHIO MILITARY FACILITIES COMMISSION

Dedicated Purpose Fund Group				
5RV0	232601	Ohio Military Facilities Support	$ 2,500,000	$ 2,500,000
TOTAL DPF Dedicated Purpose Fund Group			$ 2,500,000	$ 2,500,000
TOTAL ALL BUDGET FUND GROUPS			$ 2,500,000	$ 2,500,000

OHIO MILITARY FACILITIES SUPPORT

The Director of Budget and Management shall transfer $2,500,000 in cash in each fiscal year from the Economic Development Programs Fund (Fund 5JC0) used by the Department of Higher Education to the Ohio Military Facilities Fund (Fund 5RV0), which is hereby created, to be used by the Ohio Military Facilities Commission. The transferred funds shall be used for the foregoing appropriation item 232601, Ohio Military Facilities Support, for the purposes described in sections 193.15 to 193.17 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Ohio Military Facilities Commission

R.C. 193.15, 193.16, and 193.17

Restores a provision of the House-passed bill establishing the Ohio Military Facilities Commission for the purpose of

developing and implementing a program to finance or assist in the financing of infrastructure capital improvements on military and defense installations in the state.

Specifies that the financial assistance may be in the form of grants, loans, and loan guarantees.

Removes a provision of the committee-pending bill that did all of the following:

(1) Change the Ohio Military Facility Commission's structure from its own agency to a subcommittee of the existing Federal-Military Jobs Commission;

(2) Modified the membership of the subcommittee;

(3) Provided that awards of financial assistance and the process for distributing such awards must be approved by the Federal-Military Jobs Commission.

Ohio Military Facilities Commission and Federal-Military Jobs Commission

Sections 286.10 and 332.10

Transfers $2.5 million cash in each of FY 2016 and FY 2017 from the Economic Development Programs Fund (Fund 5JC0) to the newly-created Ohio Military Facilities Fund (Fund 5RV0).

Removes a provision from the committee-pending bill that transfers $2.5 million cash in each of FY 2016 and FY 2017 from the Economic Development Programs Fund (Fund 5JC0) to the Federal-Military Jobs Fund (Fund 5RR0).

Establishes appropriations of $2.5 million in each of FY 2016 and FY 2017 under the budget of the Ohio Military Facilities Commission through Fund 5RV0 appropriation item 232601, Ohio Military Facilities Support, to be used for military facilities

projects as described under sections 193.15 and 193.17 of the Revised Code.

Removes a provision from the committee-pending bill that establishes appropriations of $2.5 million in each year under the budget of the Federal-Military Jobs Commission through Fund 5RR0 appropriation item 128602, Ohio Military Facilities Support, to be used for military facilities projects.

SC4959

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 95907, after the period insert "As used in this division, "cleaning" does not include sanitation services necessary for an establishment described in 21 U.S.C. 608 to comply with rules and regulations adopted pursuant to that section."

In line 126868, after "(v)" insert ", (II),"

The motion was _____ agreed to.

SYNOPSIS

Sales and use tax exemption: meat sanitation services

R.C. 5739.01(II); Section 803.330

Exempts from sales and use tax the provision of sanitation services to a meat slaughtering or processing operation necessary for the operation to comply with federal meat safety regulations beginning October 1, 2015.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 76 of the title, after "3314.38," insert "3314.50,"

In line 405, after "3314.38," insert "3314.50,"

Between lines 46471 and 46472, insert:

"**Sec. 3314.50.** No community school shall, on or after the effective date of this ~~section~~ amendment, open for operation ~~in any school year~~ unless the governing authority of the school has posted a surety bond in the amount of fifty thousand dollars with the auditor of state. ~~In lieu of a surety bond, a community school governing authority may deposit with the auditor of state cash in the amount of fifty thousand dollars as a guarantee of payment.~~ The bond or cash guarantee shall be used, in the event the school closes, to pay the auditor of state any moneys owed or that become owed by the school for the costs of audits conducted by the auditor of state or a public accountant under Chapter 117. of the Revised Code.

~~Immediately upon~~ The department of education shall notify the auditor of state of the proposed initiation of operations of any community school and shall provide the auditor of state with the certification of the sponsor of the community school of the compliance by the community school with all legal preconditions to

the initiation of its operations, including compliance with this section.

In lieu of the surety bond, the governing authority of the school, the school's sponsor, or an operator that has a contract with the school may deposit with the auditor of state cash in the amount of fifty thousand dollars as guarantee of payment under the provisions of this section. In lieu of a surety bond or a cash deposit, the school's sponsor or an operator that has a contract with the school may provide a written guarantee of payment, which shall obligate the school's sponsor or the operator that provides the written guarantee to pay the cost of audits of the school under this section up to the amount of fifty thousand dollars. Any such written guarantee shall be binding upon any successor entity which enters into a contract to sponsor or to operate the school, and any such entity, as a condition of its undertaking shall acknowledge and accept such obligation.

In the event that a sponsor or operator has provided a written guarantee under this section, and, subsequent to the provision of the guarantee, the governing authority of the school posts a surety bond under this section, or the governing authority of the school, a sponsor, or an operator provides a cash deposit of fifty thousand dollars as required, the written guarantee shall cease to be of further effect.

As soon as it is practicable to do so after the filing of a surety bond or the deposit of cash, the auditor of state shall deliver the bond or cash to the treasurer of state, who shall hold it in trust for the purposes prescribed in this section. The treasurer of state shall be responsible for the safekeeping of all surety bonds filed or cash deposited under this section. The auditor of state shall notify the department of education when the school's governing authority has filed the bond or deposited the

cash guarantee.

When the auditor of state ~~finds that a community school has closed and cannot pay for the costs of audits~~, conducts an audit of a community school that has closed and is subject to the requirements of this section the auditor of state ~~shall declare the surety bond or cash deposit forfeited. The auditor of state~~ shall certify the amount of forfeiture to the treasurer of state, who shall assess the surety bond for the costs of the audit or shall pay money from the named surety or from the school's cash deposit ~~as needed~~ for the costs of the audit to reimburse the auditor of state or public accountant for costs incurred in conducting audits of the school.

To the extent that the amount of the surety bond or the cash deposit is not needed to cover audit costs, the surety bond shall be of no further effect, and any cash balance shall be refunded by the treasurer of state to the entity which provided the bond. When the auditor of state conducts an audit of a community school that has closed and is subject to the requirements of this section, and, as to which, a written guarantee has been given under this section, the entity that provided the guarantee shall be solely and fully liable for any such audit costs, and shall promptly pay the costs of the audit up to fifty thousand dollars.

No community school that is subject to the provisions of this section shall maintain or continue its operations absent the ongoing provision of a surety bond, a cash deposit, or a written guarantee as required by this section."

In line 110591, after "3314.38," insert "3314.50,"

The motion was _____ agreed to.

SYNOPSIS

Community school surety bond; cost of audits

R.C. 3314.50

Permits, in lieu of the surety bond or cash payment guarantee required under current law to be paid by a community school for the cost of audits conducted by the Auditor of State, a community school sponsor or operator that has a contract with the school to provide a written guarantee of payment that obligates the sponsor or operator to pay the costs of those audits up to the amount of $50,000

Specifies that any such written guarantee is binding upon any successor entity that enters into a contract to sponsor or to operate the school, and any such entity, as a condition of its undertaking must acknowledge and accept that obligation.

Requires the Department of Education to notify the Auditor of State of the proposed initiation of operations of any community school and to provide the Auditor of State with the certification of the sponsor of the community school of the compliance by the community school with all legal preconditions to the initiation of its operations, including the filing of a surety bond, deposit of cash guarantee, or written guarantee of payment.

Specifies that, in the event that a sponsor or operator has provided a written guarantee, and later, the governing authority of the school posts a surety bond, or the governing authority of the school, a sponsor, or an operator provides a cash deposit of $50,000, the written guarantee is cancelled.

Requires, when the Auditor of State conducts an audit of a community school that has closed and is subject to the

requirements of this provision, the Auditor of State must certify the costs of the audit to the Treasurer of State, who must assess the bond surety for the costs of the audit, or pay out of the cash deposit the costs of the audit to reimburse the Auditor of State for audit costs.

Specifies that when an entity provides a written guarantee in lieu of a surety bond or cash guarantee, that entity is solely and fully liable for the costs of any audits conducted and must promptly pay those costs up to $50,000.

Prohibits a community school that is subject to these provisions from maintaining or continuing its operations absent the ongoing provision of a surety bond, a cash deposit, or a written guarantee.

SC4962

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 4 of the title, delete "119.06,"

In line 130 of the title, delete "4703.01, 4703.02,"

Delete lines 131 through 133 of the title

In line 134 of the title, delete "4703.46, 4703.50, 4703.52, 4703.53,"

In line 291 of the title, delete "4703.31,"

Delete line 292 of the title

In line 350, delete "119.06,"

Delete lines 444 through 446

Delete lines 3367 through 3422

Delete lines 70170 through 70970

In line 110536, delete "119.06,"

Delete lines 110630 through 110632

In line 110704, delete all before "4709.04,"

Delete lines 126278 through 126307

The motion was _____ agreed to.

SYNOPSIS

Ohio Landscape Architecture Board and Architects Board

R.C. 119.06, 4703.01, 4703.02, 4703.03, 4703.04, 4703.06, 4703.08, 4703.18, 4703.19, 4703.30, 4703.31, 4703.32, 4703.33, 4703.331, 4703.332, 4703.34, 4703.35, 4703.36, 4703.37, 4703.38, 4703.41, 4703.411, 4703.44, 4703.46, 4703.49, 4703.50, 4703.52, and 4703.53.

Removes a provision from the bill that would eliminate the Ohio Landscape Architect Board and expand the duties and responsibilities of the Architect Board to include the regulation of landscape architects.

Removes a provision from the bill that would add a landscape architect to the Architects Board.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 259 of the title, after "3319.271," insert "3319.323,"

In line 538, after "3319.271," insert "3319.323,"

Between lines 48989 and 48990, insert:

"**Sec. 3319.323.** During the course of transferring a student's record to an educational institution for a legitimate educational purpose as specified under division (C) of section 3319.321 of the Revised Code, no school district or school shall alter, truncate, or redact any part of a student's record so that any information on the student's record is rendered unreadable or unintelligible."

The motion was _____ agreed to.

SYNOPSIS

Transfer of student records

R.C. 3319.323

Prohibits a school district or school from altering, truncating, or redacting any part of a student's record so that

any information on the record is rendered unreadable or unintelligible during the course of transferring that record to an educational institution for a legitimate educational purpose.

SC4969X2

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 16519, after "housing" insert "for the homeless, including homeless youth and homeless prevention, low income housing, housing assistance for people with disabilities, housing assistance for the elderly, housing assistance for youth in need, housing assistance for people in recovery, and housing assistance for people in need of alternatives to institutional settings"

In line 16520, after the underlined period insert "The county shall maintain a preference for projects serving persons with an annual household income of thirty-five per cent of the state median or below."

The motion was _____ agreed to.

SYNOPSIS

Housing Trust Fund

R.C. 317.36

Modifies a provision in the bill that requires half of the Housing Trust Fees collected by county recorders to be returned to the county for the purpose of housing, adding the criteria that the money must be used for the purpose of housing for the

homeless, including homeless youth and homeless prevention, low income housing, housing assistance for people with disabilities, housing assistance for the elderly, housing assistance for youth in need, housing assistance for people in recovery, and housing assistance for people in need of alternatives to institutional settings in that county.

Adds the provision that the county must give preference for projects serving persons at 35% of the median income or below.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 275 of the title, delete "5736.51,"

In line 551, delete "5736.51,"

In line 95008, after "(E)" insert "(1)"

In line 95010, strike through "(1)" and insert "(a)"

In line 95011, strike through "(a)" and insert "(i)"

In line 95012, strike through "(b)" and insert "(ii)"

In line 95018, strike through "(2)" and insert "(b)"

In line 95019, delete "(a)" and insert "(i)"

In line 95020, delete "(b)" and insert "(ii)"

In line 95025, delete "(3)" and insert "(c)"

In line 95026, strike through "(a)" and insert "(i)"

In line 95028, strike through "(b)" and insert "(ii)"

Between lines 95032 and 95033, insert:

"(2) A supplier that has acquired blend stocks or additives with respect to which the tax imposed by this chapter has previously been paid may exclude the product of the following amounts from the calculation of the supplier's "calculated gross receipts" under division (E) of this section, provided that the

supplier uses the blend stocks or additives for blending with motor fuel:

(a) The number of gallons of the blend stocks or additives;

(b) The average wholesale price of a gallon of such blend stocks or additives for the calendar quarter in which the tax was paid on the blend stocks or additives.

The supplier may rely upon an invoice issued by the seller of the blend stocks or additives as evidence that the tax imposed by this section has been remitted with respect to the blend stocks or additives, provided that the invoice lists the tax as a separate charge, the seller is included on the list maintained by the tax commissioner under section 5736.041 of the Revised Code, and the supplier maintains the invoice in accordance with section 5736.12 of the Revised Code."

Delete lines 95165 through 95177

Delete lines 126781 through 126783

The motion was _____ agreed to.

SYNOPSIS

Petroleum activity tax on blend stocks

R.C. 5736.51 (removed from bill) and 5736.01; Section 803.190

For purposes of calculating a motor fuel supplier's petroleum activity tax (PAT) liability, allows a supplier to exclude from the supplier's "calculated gross receipts" any receipts from the sale of blend stocks or additives used for blending with motor fuel, if the PAT has already been paid with respect to the blend

stocks or additives.

SC4975

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 252 of the title, after "317.241," insert "340.035,"

In line 533, after "317.241," insert "340.035,"

Delete lines 17166 through 17172

Between lines 17264 and 17265, insert:

"**Sec. 340.035.** A board of alcohol, drug addiction, and mental health services may advocate on behalf of medicaid recipients enrolled in medicaid managed care organizations and medicaid-eligible individuals, any of whom have been identified as needing addiction or mental health services."

Delete lines 111078 through 111084

The motion was _____ agreed to.

SYNOPSIS

ADAMHS boards – advocacy for Medicaid managed care enrollees and Medicaid-eligible individuals

R.C. 340.03 and 340.035

Replaces a Senate-added provision requiring boards of alcohol, drug addiction, and mental health services (ADAMHS boards) to advocate on behalf of Medicaid managed care enrollees

and Medicaid-eligible individuals who need addiction or mental health services, as well as the providers of those services, with a provision that *permits* ADAMHS boards to advocate only on behalf of enrollees and Medicaid-eligible individuals.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 316 of the title, after the comma insert "to amend Section 7 of Sub. H.B. 532 of the 129th General Assembly,"

Between lines 125106 and 125107, insert:

"**Section 610.___.** That Section 7 of Sub. H.B. 532 of the 129th General Assembly be amended to read as follows:

Sec. 7. (A) This section applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school.

(B) Notwithstanding ~~section~~ sections 3313.41 and 3313.413 of the Revised Code, the board of education of a school district to which this section applies may offer for sale an athletic field that it owns in its corporate capacity to the chartered nonpublic school that is the current leaseholder of that property prior to offering that property for sale under the provisions of ~~section~~ sections 3313.41 and 3313.413 of the Revised Code.

(C) This section shall expire on December 31, ~~2015~~ 2017.

Section 610.___. That existing Section 7 of Sub. H.B. 532 of the 129th General Assembly is hereby repealed."

The motion was _____ agreed to.

SYNOPSIS

Sale or lease of school district property

Section 7 of Sub. H.B. 532 of the 129th General Assembly

Extends the expiration of a provision of current law that temporarily permits a school district to offer highest priority to purchase an athletic field to the current leaseholder from December 31, 2015, to December 31, 2017.

Exempts that provision of law from a change made by the bill that gives first priority to high-performing community schools when a school district decides to dispose of a property and continues the exemption for the authorized sale to the nonpublic school from current right of refusal for other community schools and college-preparatory boarding schools located in the district.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 208 of the title, after "5741.23," insert "5743.01,"

In line 500, after "5741.23," insert "5743.01,"

Between lines 102321 and 102322, insert:

"**Sec. 5743.01.** As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, associations, joint-stock companies, corporations, combinations of individuals of any form, and the state and any of its political subdivisions.

(B) "Wholesale dealer" includes only those persons:

(1) Who bring in or cause to be brought into this state unstamped cigarettes purchased directly from the manufacturer, producer, or importer of cigarettes for sale in this state but does not include persons who bring in or cause to be brought into this state cigarettes with respect to which no evidence of tax payment is required thereon as provided in section 5743.04 of the Revised Code; or

(2) Who are engaged in the business of selling cigarettes or tobacco products to others for the purpose of resale.

"Wholesale dealer" does not include any cigarette

manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. 5713 if that person sells cigarettes in this state only to wholesale dealers holding valid and current licenses under section 5743.15 of the Revised Code or to an export warehouse proprietor or another manufacturer.

(C) "Retail dealer" includes:

(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity, amount, or number of sales;

(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products to ultimate consumers in this state, regardless of quantity, amount, or number of sales.

(D) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce.

(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.

(F) "Package" means the individual package, box, or other container in or from which retail sales of cigarettes are normally made or intended to be made.

(G) "Storage" includes any keeping or retention of cigarettes

or tobacco products for use or consumption in this state.

(H) "Use" includes the exercise of any right or power incidental to the ownership of cigarettes or tobacco products.

(I) "Tobacco product" or "other tobacco product" means any product made from tobacco, other than cigarettes, that is made for smoking or chewing, or both, and snuff.

(J) "Wholesale price" means the invoice price, including all federal excise taxes, at which the manufacturer of the tobacco product sells the tobacco product to unaffiliated distributors, excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice. If the taxpayer buys from other than a manufacturer, "wholesale price" means the invoice price, including all federal excise taxes and excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice.

(K) "Distributor" means:

(1) Any manufacturer who sells, barters, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barters, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which

the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(L) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(M) "Seller" means any person located outside this state engaged in the business of selling tobacco products to consumers for storage, use, or other consumption in this state.

(N) "Manufacturer" means any person who manufactures and sells cigarettes or tobacco products.

(O) "Importer" means any person that is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

(P) "Little cigar" means any roll for smoking, other than cigarettes, made wholly or in part of tobacco that uses an integrated cellulose acetate filter or other filter and is wrapped in any substance containing tobacco, other than natural leaf tobacco.

(Q) "Premium cigar" means any roll for smoking, other than cigarettes and little cigars, that is made wholly or in part of tobacco and that has all of the following characteristics:

(1) The binder and wrapper of the roll consist entirely of leaf tobacco.

(2) The roll contains no filter or tip, nor any mouthpiece consisting of a material other than tobacco.

(3) The weight of one thousand such rolls is at least six pounds.

(R) "Maximum tax amount" means fifty cents plus the tax adjustment factor computed under this division.

In April of each year beginning in 2016, the tax commissioner shall compute a tax adjustment factor by multiplying fifty cents by the cumulative percentage increase in the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor from January 1, 2015, to the last day of December of the preceding year and rounding the resulting product to the nearest one cent; provided, that the tax adjustment factor for any year shall not be less than that for the immediately preceding year. The maximum tax amount resulting from the computation of the tax adjustment factor applies on and after the ensuing first day of July through the thirtieth day of June thereafter."

In line 102424, after "cigars" insert "or premium cigars"

Between lines 102431 and 102432, insert:

"(3) For premium cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of twenty-two and one-half per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar."

In line 102459, after "cigars" insert "or premium cigars"

Between lines 102467 and 102468, insert:

"(3) For premium cigars, whenever the premium cigars are delivered to a consumer in this state for the storage, use, or other consumption of the premium cigars, the lesser of twenty-two and one-half per cent of the wholesale price of such premium

cigars or the maximum tax amount per each such premium cigar."

In line 102508, after "cigars" insert "or premium cigars"

In line 102511, reinsert "thirty-seven"; delete "forty-nine"

Between lines 102512 and 102513, insert:

"(3) For premium cigars, the lesser of twenty-two and one-half per cent of the wholesale price of the premium cigars or the maximum tax amount per each premium cigar."

In line 110686, after "5741.23," insert "5743.01,"

In line 126842, after "sections" insert "5743.01,"

The motion was _____ agreed to.

SYNOPSIS

Tax on premium cigars

R.C. 5743.01, 5743.51, 5743.62, and 5743.63; Section 803.280

Places a ceiling on the amount of excise tax on "premium cigars" of 50¢ per cigar, effective July 1, 2015. Under the pending bill, the rate of tax on other tobacco products is increased from 17% to 22.5% of the wholesale price of the product. The same rate would apply to premium cigars, but the maximum tax would be 50¢ per cigar.

Requires the Tax Commissioner to annually increase the 50¢ rate at the same rate as an increase in the Consumer Price Index.

Defines a premium cigar as a roll of tobacco with (1) a binder and wrapper consisting entirely of leaf tobacco, (2) no tip or filter or mouthpiece that is not made of tobacco, and (3) a weight of at least six pounds per 1,000 rolls.

SC4981

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 125619, delete "Build" and insert "Identify"

In line 125634, after "Council" insert ";

(i) Department of Insurance"

The motion was _____ agreed to.

SYNOPSIS

Joint Legislative Committee on Multi-system Youth

Section 701.80

Adds the Department of Insurance to the list of agencies the Joint Legislative Committee on Multi-system Youth may consult, in the performance of the Committee's duties.

Requires the Committee to "identify" rather than "build" a system of accountability to monitor the progress of multi-system youths in residential placement.

SC5008X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 123344, after "Transportation" delete the balance of the line and insert "to continue the Ohio Airport Grant Program in supporting capital improvements, maintaining infrastructure, and ensuring safety at publicly owned, public use airports in the state, provided that the airports receive neither Federal Aviation Administration Air Carrier Enplanement Funds nor Air Cargo Entitlements."

Delete lines 123345 through 123372

The motion was _____ agreed to.

SYNOPSIS

Department of Transportation

Section 399.15

Requires GRF appropriation item 777471, Airport Improvements – State, to be used by ODOT to continue the Ohio Airport Grant Program in supporting capital improvements, maintaining infrastructure, and ensuring safety at publicly owned, public use airports in the state, provided that the airports receive neither Federal Aviation Administration Air Carrier Enplanement Funds nor Air Cargo Entitlements.

Removes other temporary law provisions from the bill governing the use of GRF appropriation item 777471, Airport Improvements – State, including provisions that:

(A) Outline the use of the line item for the following three purposes: (1) matching funds for federal grants and funding under the Airport Improvement Program or similar federal programs administered by the Federal Aviation Administration (FAA), (2) loans and grants for capital improvements at Ohio airports or within Ohio airspace, including improvements for infrastructure and safety projects and the development and implementation of the FAA's "NextGen" programs and unmanned aerial systems technologies, and (3) loans and grants for economic development and job creation projects that may involve cooperation between airports and the Development Services Agency or a state or regional nonprofit entity engaged in economic development activities; and

(B) Require the Director of Transportation to (1) adopt rules to administer the grant and loan programs funded through line item 777471, (2) consult with interested parties in promulgating the rules, including seeking approval of proposed rules from the Ohio Aerospace and Aviation Technology Committee, and (3) submit the proposed rules to the Committee by October 1, 2015.

SC5009

Sub. H.B. 64
LSC 131 0001-6
BOR072

_____ moved to amend as follows:

In line 122357, delete everything after the comma

Delete line 122358

In line 122359, delete everything before "with"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 369.380

Removes a provision requiring the Chancellor of Higher Education to spend the full amounts appropriated under GRF appropriation item 235563, Ohio College Opportunity Grant, in each fiscal year.

SC5013

Sub. H.B. 64
LSC 131 0001-6
DAS066

_____ moved to amend as follows:

Between lines 112224 and 112225 insert:

"Upon request by the Director of Administrative Services, the Director of Budget and Management may transfer up to $6,037,000 in cash during the FY 2016-FY 2017 biennium from the Occupational Licensing and Regulatory Fund (Fund 4K90), the State Medical Board Operating Fund (Fund 5C60), and the Casino Control Commission – Operating Fund (Fund 5HS0), to the Professions Licensing System Fund (Fund 5JQ0). The amount transferred from each fund shall be in proportion to the number of current licenses issued by the licensing boards and commissions that use each fund, and for the Casino Control Commission, the number of current and anticipated licenses. The transferred amounts shall be used by the Director of Administrative Services for the initial acquisition and development of the Professions Licensing System. The transferred amounts are hereby appropriated to appropriation item 100658, Professionals Licensing System. The unobligated, unexpended amount of the cash transferred in FY 2016 is hereby reappropriated for the same purpose in FY 2017."

The motion was _____ agreed to.

SYNOPSIS

Department of Administrative Services

Section 207.190

Authorizes the Director of Budget and Management, upon request by the Director of Administrative Services, to transfer up to $6,037,000 in cash from the Occupational Licensing and Regulatory Fund (Fund 4K90), the State Medical Board Operating Fund (Fund 5C60), and the Casino Control Commission – Operating Fund (Fund 5HS0), to the Professions Licensing System Fund (Fund 5JQ0) during the FY 2016-FY 2017 biennium.

Requires the amounts to be transferred from each fund to be based on the number of current licenses issued by each licensing board and commission that uses the respective funds. Requires the number of anticipated licenses in addition to the number of current licenses issued by the Casino Control Commission to be included when determining the amount to be transferred from Fund 5HS0.

Appropriates the transferred amounts under appropriation item 100658, Professionals Licensing System.

Requires the transferred amounts to be used for the initial acquisition and development of the Professions Licensing System.

SC5015

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 265 of the title, delete "4743.09,"

In line 543, delete "4743.09"

Delete lines 77949 through 77994

In line 77995, delete "**4743.09.**" and insert "**4743.08.**"

Between lines 117871 and 117872, insert:

"**Section 289.___.** HOSPITAL COST ESTIMATES

(A) Within one year after the effective date of this section, all hospitals registered under section 3701.07 of the Revised Code shall have either of the following:

(1) A process in place under which the hospital can provide, upon a consumer's request, a reasonable, good faith estimate of a patient's out of pocket expenses associated with the hospital's one hundred most frequently provided non-emergency, outpatient services;

(2) A process under which the hospital can direct consumers to a source, including the consumer's health plan issuer, where the consumer can get that information.

(B) Within two years after the effective date of this section, all hospitals registered under section 3701.07 of the Revised Code shall have either of the following:

(1) A process in place under which the hospital can provide, upon a consumer's request, a reasonable, good faith estimate of a patient's out of pocket expense associated with the hospital's one hundred most frequently provided inpatient services;

(2) A process under which the hospital can direct consumers to a source, including the consumer's health plan issuer, where the consumer can get that information.

(C) A good faith estimate for health care services provided by a hospital pursuant to divisions (A)(1) and (B)(1) of this section shall include information for consumers that is conspicuously displayed, if the estimate is written, or shared verbally, if the estimate is oral, informing the patient that the information provided pursuant to divisions (A) and (B) of this section is a good faith estimate based on information available to the hospital at the time the estimate is given, and that the actual costs to the patient could be different than the estimate based on the services actually received by the patient, the patient's health insurance plan coverage, and other factors.

(D) Any health plan issuer contacted by a hospital in order for the hospital to obtain information regarding a health plan

enrollee's out of pocket expenses so that the hospital can comply with divisions (A) and (B) of this section shall provide such information to the hospital within a reasonable time of the hospital's request.

(E) On or about one year after the effective date of this section and on or about two years after the effective date of this section, a representative of the Ohio hospital association shall report to the joint medicaid oversight committee hospitals' experience in providing the information required by divisions (A) and (B) of this section.

(F) As used in this section, "health plan issuer" means an entity subject to the insurance laws and rules of this state, or subject to the jurisdiction of the superintendent of insurance, that contracts, or offers to contract, to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services under a health benefit plan, including a sickness and accident insurance company; a health insuring corporation; a fraternal benefit society; a self-funded multiple employer welfare arrangement; or a nonfederal, government health plan. "Health plan issuer" includes a third party administrator licensed under Chapter 3959. of the Revised Code to the extent that the benefits that such an entity is contracted to administer under a health benefit plan are subject to the insurance laws and rules of this state or subject to the

jurisdiction of the superintendent. "Health plan issuer" also includes a contracting entity as defined under Chapter 3963. of the Revised Code to the extent that the contracted for health care services are provided under a health benefit plan subject to the insurance laws and rules of this state or subject to the jurisdiction of the superintendent."

The motion was _____ agreed to.

SYNOPSIS

Hospital transparency

Section 289.___

Removes provisions of the bill related to requiring health services providers to obtain informed consent of a patient regarding costs before dispensing certain drugs or providing certain services.

Requires hospitals to either provide patients with an estimated out-of-pocket cost for certain common services or enable the patient to obtain this information from the patient's insurer.

SC5017

Sub. H.B. 64
LSC 131 0001-6
MHA017

_____ moved to amend as follows:

Between lines 119970 and 119972, insert:

"Section 331.___. TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS

All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services are transferred to the Department of Mental Health and Addiction Services. The Department of Mental Health and Addiction Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Department of Alcohol and Drug Addiction Services and the Department of Mental Health. The Director of Mental Health and Addiction Services assumes all of the duties, authorities, and responsibilities of the Director of Alcohol and Drug Addiction Services and the Director of Mental Health. Any action, license, or certification that was undertaken or issued by the Director of Alcohol and Drug Addiction Services or the Director of Mental Health that is current and valid on the effective date of the consolidation is deemed to be an action, license, or certification undertaken or

issued by the Department of Mental Health and Addiction Services under the statute creating that Department.

Any business commenced but not completed by July 1, 2013, by the Department of Mental Health or the Department of Alcohol and Drug Addiction Services shall be completed by the Department of Mental Health and Addiction Services. The business shall be completed in the same manner, and with the same effect, as if completed by the Department of Mental Health or by the Department of Alcohol and Drug Addiction Services prior to July 1, 2013.

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of this act's transfer of responsibility from the Department of Mental Health and the Department of Alcohol and Drug Addiction Services to the Department of Mental Health and Addiction Services. Each such validation, cure, right, remedy, obligation, or liability shall be administered by the Department of Mental Health and Addiction Services pursuant to the statute creating that department.

All rules, orders, and determinations made or undertaken pursuant to the authority and responsibilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services prior to July 1, 2013, shall continue in effect as rules, orders, and determinations of the Department of Mental Health and Addiction Services until modified or rescinded

by the Department of Mental Health and Addiction Services. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect the transfer of authority and responsibility to the Department of Mental Health and Addiction Services.

Any action or proceeding that is related to the functions or duties of the Department of Mental Health or the Department of Alcohol and Drug Addiction Services pending on July 1, 2013, is not affected by the transfer of responsibility to the Department of Mental Health and Addiction Services and shall be prosecuted or defended in the name of the Department of Mental Health and Addiction Services. In all such actions and proceedings, the Department of Mental Health and Addiction Services, on application to the court, shall be substituted as a party."

The motion was _____ agreed to.

SYNOPSIS

Department of Mental Health and Addiction Services

Section 331.___

Transfers all of the authority, functions, and assets and liabilities of the Ohio Department of Mental Health (ODMH) and the Ohio Department of Alcohol and Drug Addiction Services

(ODADAS) to the Ohio Department of Mental Health and Addiction Services (ODMHAS). Assumes any action, license, or certification issued by ODMH or ODADAS is an action, license, or certification issued by ODMHAS. Requires any business not completed by ODMH or ODADAS on July 1, 2013, be completed by ODMHAS. Prescribes that no validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by the consolidation. Continues all rules, orders, and determinations made or undertaken pursuant to the authority and responsibilities of ODMH and ODADAS prior to July 1, 2013, as rules, orders, and determinations of ODMHAS until modified or rescinded by ODMHAS.

Requires, if necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission to renumber the rules to reflect the transfer of authority and responsibility to ODMHAS.

Stipulates that any action or proceeding that is related to the functions or duties of ODMH or ODADAS pending on July 1, 2013, is not affected by the transfer of responsibility to ODMHAS and be prosecuted or defended in the name of ODMHAS. Requires ODMHAS, in all such actions and proceedings, on application to the court, to be substituted as a party.

SC5024

Sub. H.B. 64
LSC 131 0001-6
TAX049

_____ moved to amend as follows:

Between lines 126870 and 126871, insert:

"Section 803.__. Notwithstanding division (C) of section 5736.02 of the Revised Code as amended by this act, the Department of Taxation shall post the first average wholesale price of a gallon of propane not later than July 31, 2015, for the calendar quarter that begins July 1, 2015."

The motion was _____ agreed to.

SYNOPSIS

PAT on propane: extend date to publish first spot price

Section 803.__

Provides the Department of Taxation additional time to publish the first average market price of propane for the purpose of calculating the petroleum activity tax (PAT) on such fuel. The Committee-pending bill changes the base upon which the PAT is levied with respect to liquid petroleum gas (i.e., propane or LNG) by using the average market price of propane, instead of diesel, to calculate a taxpayer's gross receipts. The change takes effect on July 1, 2015. Under current law, the Department is required to publish average market prices 15 days before the first day of the tax period, so without the amendment, the Department would be required to publish the first average market price for propane on June 15, 2015. The amendment extends that deadline to July 31, 2015.

SC5025

Sub. H.B. 64
LSC 131 0001-6
TAX051

_____ moved to amend as follows:

In line 126913, after "5709.93," insert "5727.81, 5727.811,"; after "5727.86," insert "5751.02,"

The motion was _____ agreed to.

SYNOPSIS

Effective dates

Section 812.20

Clarifies that provisions increasing the percentage of revenue from the commercial activity tax to be credited to the GRF and directing nearly all revenue from the kilowatt-hour excise tax to the GRF become effective on July 1, 2015.

SC5033

Sub. H.B. 64
LSC 131 0001-6
TAX065

_____ moved to amend as follows:

In line 96790, after "agreement" insert an underlined comma

The motion was _____ agreed to.

SYNOPSIS

Sales tax: exempt rental vehicles provided by warrantor

R.C. 5739.02(B)(42)(p)

Clarifies a provision in the pending bill that exempts from sales and use tax any transaction by which a rental vehicle is provided to someone whose motor vehicle is undergoing repair or maintenance. Under the pending bill, the exemption applies only if the cost for the rental vehicle is reimbursed by the manufacturer, warrantor, or other provider of a maintenance or service contract or agreement with respect to the vehicle being repaired or maintained.

SC5038X1

Sub. H.B. 64
LSC 131 0001-6
BOR075

_____ moved to amend as follows:

In line 121944, delete "$428,205,070" and insert "$438,707,698"; delete "$436,769,171" and insert "$456,256,006"

In line 121949, delete "$1,429,546,937" and insert "$1,464,577,446"

In line 121950, delete "$1,458,137,876" and insert "$1,523,160,544"

Delete lines 121962 through 121970

In line 121971, delete everything before "shall" and insert:

"(C) The Chancellor of Higher Education shall develop a methodology in each fiscal year to reduce the state share of instruction formula allocations of institutions participating in an undergraduate tuition guarantee program pursuant to sections 3333.33 and 3345.48 of the Revised Code in recognition of and in proportion to the tuition growth that is authorized by the undergraduate tuition guarantee program. Formula amounts realized by this reduction"

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 369.160

Removes earmarks of $45.5 million in FY 2016 and $84.5 million in FY 2017 from GRF appropriation item 235501, State Share of Instruction, that would have been allocated to state-supported institutions proportionally based on each institution's share of total in-state undergraduate instructional and general fees for fiscal year 2015. Also, removes the requirement that an institution participating in an approved tuition guarantee program receive 70% of this allocation in each fiscal year and the requirement that the remaining 30% be distributed to institutions that are not participating in a tuition guarantee program in proportion and addition to these institutions' original allocations.

Instead, increases the earmarks from 235501 distributed to state institutions of higher education as follows:

(1) From $428,205,070 to $438,707,698 in FY 2016 and from $436,769,171 to $456,256,006 in FY 2017, the amount distributed to community colleges, state community colleges, and technical colleges; and

(2) From $1,429,546,937 to $1,464,577,446 in FY 2016 and from $1,458,137,876 to $1,523,160,544 in FY 2017, the amount distributed to university main and regional campuses.

Requires the Chancellor of Higher Education to develop a methodology in each fiscal year to reduce the SSI allocations of institutions participating in an undergraduate tuition guarantee program in recognition of and in proportion to the tuition growth that is authorized by the guarantee program. Requires that the amounts of SSI reduced under the methodology developed in each fiscal year be distributed to institutions that are not participating in a guarantee program in proportion and in addition to those institutions' original SSI allocations.

SC5040

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 54455, delete "forty" and insert "twenty-five"

The motion was _____ agreed to.

SYNOPSIS

On-campus student housing at state universities

R.C. 3345.47

Modifies a provision of the bill by specifying that if a student lives within 25 miles of campus (rather than 40 miles under the bill), a state university cannot require that student to live in on-campus student housing.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 25 of the title, after "343.01," insert "351.021, 353.06,"

In line 202 of the title, after "5739.061," insert "5739.08,"

In line 367, after "343.01," insert "351.021, 353.06,"

In line 496, after "5739.061," insert "5739.08,"

Between lines 17990 and 17991, 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 per cent of the total revenue from the tax in the preceding calendar year.

(G) A tax levied by a convention facilities authority under this section on transactions by which lodging by a hotel is or is to be furnished to transient guests shall include transactions done by or through a provider of hotel intermediary services, as defined in section 5739.01 of the Revised Code, and shall be levied on the basis of the total price paid by the consumer for hotel lodging as advertised by the provider of hotel intermediary services.

Sec. 353.06. As used in this section, "hotel," "hotel intermediary service," and "transient guests" have the same meanings as in section 5739.01 of the Revised Code.

A resolution creating a lake facilities authority under section 353.02 of the Revised Code, or any amendments or supplements thereto, may authorize the authority to levy an excise tax on transactions by which lodging in a hotel is or is to be furnished to transient guests to pay any costs authorized under this chapter; to pay principal, interest, and premium on lake facilities authority tax anticipation bonds issued to pay those

costs; to pay the operating costs of the authority; and to pay the costs of administering the tax.

Upon the affirmative vote of at least a majority of the qualified electors in a primary or general election within the impacted lake district voting at an election held for the purpose of authorizing the tax, the board of directors of a lake facilities authority authorized to levy a tax under this section may, by resolution, levy an additional excise tax within the territory of the impacted lake district on all transactions by which lodging in a hotel is or is to be furnished to transient guests. The rate of the tax, when added to the aggregate rate of excise taxes levied in the impacted lake district pursuant to section 351.021, 5739.08, or 5739.09 of the Revised Code, shall not cause the total aggregate rate to exceed five per cent on any such transaction.

The lake facilities authority shall provide for the administration and allocation of a tax levied pursuant to this section. All receipts arising from the tax shall be expended for the purposes provided in, and in accordance with, this section. An excise tax levied under 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 353.08 of the Revised Code.

The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as follows or in any other form acceptable to the secretary of state:

"An excise tax on all transactions by which lodging in a hotel is or is to be furnished to transient guests within the territory of the (name of impacted lake district) ..... for the purpose of ..... at a rate of ..... for .....

(number of years the tax is to be levied).

	For the Excise Tax
	Against the Excise Tax

"

A tax levied by a lake facilities authority under this section on transactions by which lodging by a hotel is or is to be furnished to transient guests shall include transactions done by or through a provider of hotel intermediary services, as defined in section 5739.01 of the Revised Code, and shall be levied on the basis of the total price paid by the consumer for hotel lodging as advertised by the provider of hotel intermediary services."

Between lines 99461 and 99462, insert:

"**Sec. 5739.08.** The levy of an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests pursuant to section 5739.02 and division (B) of section 5739.01 of the Revised Code does not prevent any of the following:

(A) A municipal corporation or township from levying an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by section 5739.02 of the Revised Code. If a municipal corporation or township repeals a tax imposed under division (A) of this section, and a county in which the municipal corporation or township has territory has a tax imposed under division (C) of section 5739.09 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the

Revised Code may not increase the rate of its tax levied under division (A) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(B) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such transactions pursuant to division (B) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (A) of this section.

(C) A county from levying an excise tax pursuant to division (A) of section 5739.09 of the Revised Code;

(D) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.09 of the Revised Code. Such a tax is in addition to any tax imposed under division (C) of this section.

(E) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in divisions (B) and (C) of section 351.021 of the Revised Code;

(F) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (C) or (D) of this section.

(G) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.09 of the Revised Code. Such a tax is in addition to any tax imposed under division (C), (D), or (F) of this section.

A tax levied by the legislative authority of a municipal

corporation pursuant to this section on transactions by which lodging by a hotel is or is to be furnished to transient guests shall include transactions done by or through a provider of hotel intermediary services, as defined in section 5739.01 of the Revised Code, and shall be levied on the basis of the total price paid by the consumer for hotel lodging as advertised by the provider of hotel intermediary services."

Between lines 100312 and 100313, insert:

"(N) A tax levied by a county, township, or municipal corporation under this section on transactions by which lodging by a hotel is or is to be furnished to transient guests shall include transactions done by or through a provider of hotel intermediary services, as defined in section 5739.01 of the Revised Code, and shall be levied on the basis of the total price paid by the consumer for hotel lodging as advertised by the provider of hotel intermediary services."

In line 110552, after "343.01," insert "351.021, 353.06,"

In line 110682, after "5739.061," insert "5739.08,"

In line 126867, after "of" insert "sections 351.021, 353.06, and 5739.08,"

In line 126868, after "5739.01" insert ", division (N) of section 5739.09, and"

The motion was _____ agreed to.

SYNOPSIS

Lodging taxes on transactions conducted through hotel

intermediaries

R.C. 351.021, 353.06, 5739.08, and 5739.09; Section 803.330

Requires that hotel lodging taxes levied by political subdivisions, convention facilities authorities, and lake facilities authorities apply to transactions conducted through a provider of hotel intermediary services (defined under the pending bill as, "acting as a person, other than a hotel, that brokers, coordinates, or otherwise arranges for the purchase, sale, use, or possession of lodging at hotels to or by transient guests").

Requires that such hotel lodging taxes apply to the total price paid by the consumer for lodging as advertised by the provider of hotel intermediary services.

SC5049X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 121304, delete "$10,000,000 $15,000,000" and insert "$5,000,000 $5,000,000"

In line 121305, subtract $5.0 million from FY 2016 and $10.0 million from FY 2017

In line 121314, subtract $5.0 million from FY 2016 and $10.0 million from FY 2017

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 369.10

Decreases appropriations to Third Frontier Research & Development Fund (Fund 7011) appropriation item 235699, Federal Research Center Network, by $5 million in FY 2016 and by $10.0 million in FY 2017.

SC5051

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 105745, delete "business"

Delete lines 150746 and 150747 and insert "within a qualified integrated supply chain district either 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, or to a retailer."

In line 105751, delete everything after "that"

Delete lines 105752 through 105754

In line 105755, delete everything before "systemically"

Between lines 105770 and 105771, insert:

"(viii) "Qualified integrated supply chain district" means a parcel or parcels of land composed of a total of between one hundred and five hundred acres and all of which are located in a county having a population of greater than one hundred fifty thousand but less than two hundred thousand."

The motion was _____ agreed to.

SYNOPSIS

CAT exclusion: qualifying integrated supply chain receipts

R.C. 5751.01(F)(2)(jj)

Modifies a provision in the pending bill that excludes, for purposes of calculating the base of the commercial activity tax (CAT), certain taxable gross receipts of a manufacturer, supplier, or distributor of beauty, health, personal care, or aromatic products, provided the receipts are from sales of such products to another such vendor or a retailer in that supply chain, and provided the vendor is part of an integrated supply chain and has a business location in Ohio located within ten miles of another such vendor. Instead of the 10-mile radius limit, to qualify for the exclusion under the amendment both vendors must be located on the same parcel or collection of parcels and those parcels must be located in a county with a population between 150,000 and 200,000 according to the most recent federal decennial census. Such counties include Clermont, Delaware, Greene, Licking, Medina, and Portage County according to the 2010 census.

SC5052X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 125693, after "Court" insert ";

(c) By any other method the advisory committee considers to be appropriate"

The motion was _____ agreed to.

SYNOPSIS

Ohio Judicial Conference Advisory Committee

Section 701.100

Allows the advisory committee formed by the Ohio Judicial Conference to recommend any other method in which the current functions of the Conference should be performed.

SC5056X1

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 122451 and 122452, insert:

"Of the foregoing appropriation item 235591, Co-Op Internship Program, $100,000 in each fiscal year shall be used to support the Children's Museum of Cleveland Fellowship Program in collaboration with Cleveland State University."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 369.393

Earmarks $100,000 in each fiscal year from GRF appropriation item 235591, Co-Op Internship Program, to be used to support the Children's Museum of Cleveland Fellowship Program in collaboration with Cleveland State University.

SC5060

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 180 of the title, delete "5126.055,"

In line 480, delete "5126.055,"

Delete lines 86386 through 86521

In line 110666, delete "5126.055,"

The motion was _____ agreed to.

SYNOPSIS

Restriction on county DD boards recommending reduced or terminated service

R.C. 5126.055

Removes the Senate substitute bill-added provision that would have prohibited a county board of developmental disabilities from recommending that a service included in an individualized service plan be reduced or terminated if the individual's eligibility and need for the service had been upheld at least twice through appeals.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 196 of the title, after "5727.111," insert "5727.75,"

In line 491, after "5727.111," insert "5727.75,"

Between lines 93686 and 93687, insert:

"**Sec. 5727.75.** (A) For purposes of this section:

(1) "Qualified energy project" means an energy project certified by the director of development services pursuant to this section.

(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.

(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.

(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours.

(5) "Solar energy project" means an energy project composed

of an energy facility using solar panels to generate electricity.

(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through ~~2016~~ 2021 if all of the following conditions are satisfied:

(a) On or before December 31, ~~2015~~ 2020, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, ~~2016~~ 2021. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B)(1)(a) of this section, or the date the contract for the construction or installation of the energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011~~, 2012, 2013, 2014, 2015, or 2016~~ through 2021, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for tax year ~~2017~~ 2022 and all ensuing tax years if the property was placed into service before January 1, ~~2017~~ 2022, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the

property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development services for certification of an energy project as a qualified energy project on or before the following dates:

(i) December 31, ~~2015~~ 2020, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology.

(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of five megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any

board that receives from the director a copy of an application submitted under this division shall adopt a resolution approving or rejecting the application unless it has adopted a resolution under division (E)(1)(c) of this section. A resolution adopted under division (E)(1)(b) or (c) of this section may require an annual service payment to be made in addition to the service payment required under division (G) of this section. The sum of the service payment required in the resolution and the service payment required under division (G) of this section shall not exceed nine thousand dollars per megawatt of nameplate capacity located in the county. The resolution shall specify the time and manner in which the payments required by the resolution shall be paid to the county treasurer. The county treasurer shall deposit the payment to the credit of the county's general fund to be used for any purpose for which money credited to that fund may be used.

The board shall send copies of the resolution by certified mail to the owner of the facility and the director within thirty days after receipt of the application, or a longer period of time if authorized by the director.

(c) A board of county commissioners may adopt a resolution declaring the county to be an alternative energy zone and declaring all applications submitted to the director of development services under this division after the adoption of the resolution, and prior to its repeal, to be approved by the board.

All tangible personal property and real property of an energy project with a nameplate capacity of five megawatts or greater is taxable if it is located in a county in which the board of county commissioners adopted a resolution rejecting the application submitted under this division or failed to adopt a resolution approving the application under division (E)(1)(b) or (c) of this

section.

(2) The director shall certify an energy project if all of the following circumstances exist:

(a) The application was timely submitted.

(b) For an energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E)(1)(b) or (c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development services a certified construction progress report before the first day of March of each year during the energy facility's construction or

installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development services, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each year after completion of the energy facility's construction or installation indicating the project's nameplate capacity as of the preceding thirty-first day of December. Not later than sixty days after June 17, 2010, the owner or lessee of an energy project, the construction of which was completed before June 17, 2010, shall file a certificate indicating the project's nameplate capacity.

(3) File with the director of development services, in a manner prescribed by the director, a report of the total number of full-time equivalent employees, and the total number of full-time equivalent employees domiciled in Ohio, who are employed in the construction or installation of the energy facility;

(4) For energy projects with a nameplate capacity of five megawatts or greater, repair all roads, bridges, and culverts affected by construction as reasonably required to restore them to their preconstruction condition, as determined by the county engineer in consultation with the local jurisdiction responsible for the roads, bridges, and culverts. In the event that the county engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the energy facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established by the county engineer and to be held by the board of county commissioners to ensure funding for repairs of

roads, bridges, and culverts affected during the construction. The bond shall be released by the board not later than one year after the date the repairs are completed. The energy facility owner or lessee pursuant to a sale and leaseback transaction shall post a bond, as may be required by the Ohio power siting board in the certificate authorizing commencement of construction issued pursuant to section 4906.10 of the Revised Code, to ensure funding for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of five megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is

required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess of two megawatts, establish a relationship with a member of the university system of Ohio as defined in section 3345.011 of the Revised Code or with a person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code, to educate and train individuals for careers in the wind or solar energy industry. The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31,

2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development services and tax commissioner in a form determined by the director and

commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of December 31, 2010, for tax year 2011, as of December 31, 2011, for tax year 2012, as of December 31, 2012, for tax year 2013, as of December 31, 2013, for tax year 2014, as of December 31, 2014, for tax year 2015, as of December 31, 2015, for tax year 2016, and as of December 31, 2016, for tax year 2017 and each tax year thereafter;

(2) In the case of any other energy project using renewable energy resources, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity

located in the county as of the thirty-first day of December of the preceding tax year.

(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(H) The director of development services in consultation with the tax commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code to implement and enforce this section."

In line 110677, after "5727.111," insert "5727.75,"

The motion was _____ agreed to.

SYNOPSIS

Qualified energy project tax exemption

R.C. 5727.75

Extends by five years the deadlines by which the owner or lessee of a qualified energy project must submit a property tax exemption application, submit a construction commencement application, begin construction, and place into service an energy facility using renewable energy resources (wind, solar, biomass, etc.) to qualify for an ongoing real and tangible personal property tax exemption.

SC5070

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 118234, after the period insert "Of these funds, $50,000 in each fiscal year shall be provided to the Boys & Girls Club of Massillon."

The motion was _____ agreed to.

SYNOPSIS

Department of Job and Family Services

Section 305.103

Specifies that of the $625,000 earmark in each fiscal year for the Ohio Alliance of Boys & Girls Clubs, $50,000 in each fiscal year shall be provided to the Boys & Girls Club of Massillon.

SC5072

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 118724, delete "$148,579,296" and insert "$149,179,296"; delete "$155,465,301" and insert "$155,847,601"

In lines 118727 and 118742, add $600,000 to fiscal year 2016 and add $382,300 to fiscal year 2017

The motion was _____ agreed to.

SYNOPSIS

The Judiciary/Supreme Court

Section 311.10

Increases GRF appropriation item 005321, Operating Expenses – Judiciary/Supreme Court, by $600,000 in FY 2016 and by $382,300 in FY 2017.

SC5077

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 125670 and 125671, insert:

Section 701.___. (A) The Sunset Review Committee, which is convened to operate in calendar years 2015 and 2016, shall hold hearings to receive the testimony of the public and of the chief executive officer of each agency listed below, and otherwise shall consider and evaluate the usefulness, performance, and effectiveness of the agency:

(1) Motor Vehicle Repair Board;

(2) Ohio Landscape Architects Board;

(3) Architects Board;

(4) State Board of Optometry; and

(5) Ohio Optical Dispensers Board.

(B) The Committee specifically shall consider and make recommendations to the General Assembly, by June 1, 2016, regarding whether or not continuation of the Motor Vehicle Repair Board is necessary or if the board should be eliminated; whether or not the Ohio Landscape Architects Board and the Architects Board should be combined to improve efficiency and save costs; and whether or not the State Board of Optometry and

the Ohio Optical Dispensers Board should be combined to improve efficiency and save costs.

(C) After the completion of the committee's consideration and evaluation under this section, the committee shall prepare and publish a report of its findings and recommendations. The committee shall furnish a copy of the report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and each affected agency. The report shall be made available to the public in the offices of the House and Senate Clerks during reasonable hours. The committee's report may be in the form of a bill prepared for introduction in the Senate or in the House of Representatives."

The motion was _____ agreed to.

SYNOPSIS

Sunset Review Committee

Section 701.___

Requires the Sunset Review Committee specifically to consider and make recommendations to the General Assembly, by June 1, 2016, regarding whether or not continuation of the Motor Vehicle Repair Board is necessary or if the board should be eliminated; whether or not the Ohio Landscape Architects Board and the Architects Board should be combined to improve efficiency and save costs; and whether or not the State Board of Optometry and the Ohio Optical Dispensers Board should be combined to improve efficiency and save costs. Under continuing law, the Sunset Review Committee, which is scheduled to be convened and operate during calendar years 2015 and 2016, is

required to make recommendations regarding all boards and commissions under its purview, by December 31, 2016.

Requires the committee, after completion of the committee's consideration and evaluation, to prepare a report and furnish a copy of the report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and each affected agency.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 262 of the title, after "3705.231," insert "3707.57,"

In line 540, after "3705.231," insert "3707.57,"

Between lines 57227 and 57228, insert:

"**Sec. 3707.57.** (A) As used in this section:

(1) "Bloodborne pathogens" means the human immunodeficiency virus (HIV), hepatitis B virus, and hepatitis C virus.

(2) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(3) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(B) If the director of health determines that there is a public health emergency related to the transmission of bloodborne pathogens in one or more areas of the state, a board of health serving a health district that includes one or more of those areas may establish a bloodborne infectious disease prevention program. The cost of the program is the responsibility of the board of health.

(C) A board of health that establishes a bloodborne

infectious disease prevention program shall determine the manner in which the program is operated and the individuals who are eligible to participate. The program shall do all of the following:

(1) If resources are available, provide on-site screening for bloodborne pathogens and make appropriate referrals for care and treatment;

(2) Provide education to each program participant regarding exposure to bloodborne pathogens;

(3) Encourage each program participant to seek appropriate medical, mental health, drug treatment, or social services;

(4) Use a recordkeeping system that ensures that the identity of each program participant remains anonymous;

(5) Comply with applicable state and federal laws governing participant confidentiality;

(6) Provide each program participant with documentation identifying the individual as an active participant in the program.

(D) A bloodborne infectious disease prevention program may collect demographic information about each program participant, including the zip code applicable to the participant's address, and the participant's comorbidity diagnosis, if any. The program may report the information to the department of mental health and addiction services.

(E)(1) Before establishing a bloodborne infectious disease prevention program, the board of health shall consult with all of the following:

(a) Interested parties from the health district represented

by the board, including all of the following:

(i) Law enforcement representatives;

(ii) Prosecutors, as defined in section 2935.01 of the Revised Code;

(iii) Representatives of community addiction services providers certified under section 5119.36 of the Revised Code;

(iv) Persons recovering from substance abuse;

(v) Relevant private, nonprofit organizations, including hepatitis C and HIV advocacy organizations;

(vi) Residents of the health district;

(vii) The board of alcohol, drug addiction, and mental health services that serves the area in which the health district is located.

(b) Representatives selected by the governing authority of the city, village, or township in which the program is proposed to be established.

(2) If the board of health, after consulting with the interested parties and representatives listed in division (D)(1) of this section, decides to establish a bloodborne infectious disease prevention program, the board shall provide written notice of the proposed location to the governing authority of the city, village, or township in which the program is to be located. The governing authority retains all zoning rights.

(F)(1) If carrying out a duty under a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, an employee or volunteer of the program, when carrying out the duty, is not subject to criminal prosecution for the violation:

(a) Section 2923.24 of the Revised Code;

(b) Section 2925.12 of the Revised Code;

(c) Division (C)(1) of section 2925.14 of the Revised Code regarding the prohibition against illegal possession of drug paraphernalia;

(d) Division (C) or (D) of section 3719.172 of the Revised Code regarding the prohibition against furnishing a hypodermic needle to another person.

(2) If participating in a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, a program participant who is within one thousand feet of a program facility and is in possession of documentation from the program identifying the individual as an active participant in the program is not subject to criminal prosecution for the violation:

(a) Section 2923.24 of the Revised Code;

(b) Section 2925.12 of the Revised Code;

(c) Division (C)(1) of section 2925.14 of the Revised Code regarding the prohibition against illegal possession of drug paraphernalia.

(G) A board of health that establishes a bloodborne infectious disease prevention program shall include details about the program in its annual report prepared under section 3707.47 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS

Bloodborne infectious disease prevention programs

R.C. 3707.57

Authorizes a board of health, after the Director of Health has declared a public health emergency, to establish a bloodborne infectious disease prevention program to reduce the transmission of bloodborne pathogens.

Authorizes the board of health to determine the prevention program's operation and participants and sets certain requirements for those programs.

Requires a board of health to consult with certain interested parties before establishing the prevention program.

Specifies that the local governing authority of a city, village, or township where the prevention program is located retains all zoning rights.

Provides certain immunity from criminal prosecution to employees, volunteers, and participants of the prevention programs.

SC5080

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 122451 and 122452, insert:

"Of the foregoing appropriation item 235591, Co-op Internship Program, $200,000 in each fiscal year shall be allocated to support the Museum of Contemporary Art Cleveland Fellowship Program in collaboration with Cleveland State University."

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education

Section 369.393

Earmarks $200,000 in each fiscal year from GRF appropriation item 235591, Co-op Internship Program, to be allocated to support the Museum of Contemporary Art Cleveland Fellowship Program in collaboration with Cleveland State University.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 19 of the title, delete "149.311,"

In line 249 of the title, delete "122.97,"

In line 362, delete "149.311,"

In line 530, delete "122.97,"

Delete lines 6196 through 6432

Delete lines 13401 through 13682

In line 110547, delete "149.311,"

Between lines 125699 and 125700, insert:

"**Section 701.___.** The Department of Development Services shall conduct a study of means to convert the historic rehabilitation tax credit authorized by section 149.311 of the Revised Code into a program authorizing grants for the rehabilitation of historic buildings under qualification criteria the same as or similar to those of the current tax credit. The Department shall prepare a report of its findings and recommendations and transmit the report to the President of the Senate, the Speaker of the House of Representatives, and the Minority Leader of each chamber not later than December 31, 2015."

Between lines 126646 and 126647, insert:

"**Section 757.___.** (A) As used in this section:

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code.

(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code.

(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2017, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code.

The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the certificate and after the credits authorized in divisions (A)(1) to (4) of section 5751.98 of the Revised Code, but before the credits authorized in divisions (A)(5) to (7) of that section.

If the credit allowed for any calendar year exceeds the tax otherwise due under section 5751.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by this section, the excess shall be refunded to the taxpayer. However, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the

tax otherwise due for that year shall not exceed three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than five calendar years after the calendar year specified in the certificate, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year.

A person that is an excluded person may file a return under section 5751.051 of the Revised Code for the purpose of claiming the credit authorized in this section.

If the certificate owner is a pass-through entity, the credit may not be allocated among the entity's owners in proportions or amounts as the owners mutually agree unless either the owners are part of the same combined or consolidated elected taxpayer as the pass-through entity or the director of development services issued the certificate in the name of the pass-through entity's owners in the agreed-upon proportions or amounts. If the credit is allocated among those owners, an owner may claim the credit authorized in this section only if that owner is a corporation or an association taxed as a corporation for federal income tax purposes and is not a corporation that has made an election under Subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code.

The credit authorized in this section may be claimed only on the basis of a rehabilitation tax credit certificate with an effective date after December 31, 2013, but before June 30, 2017.

A person claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the latest calendar year in which the credit was applied, and shall make the certificate available for inspection by the tax commissioner upon request."

Delete lines 127001 and 127002

The motion was _____ agreed to.

SYNOPSIS

Historic rehabilitation tax credit

R.C. 122.97 and 149.311 (removed); Section 757.___

Replaces a provision added in Senate Finance that would have terminated the awarding of tax credits for rehabilitating historic buildings after June 30, 2015, and would have created a grant program with a provision requiring the Department of Development Services to conduct a study of ways to convert the credit to a grant program with similar qualification criteria. The Department must prepare a report of findings and recommendations and submit it to legislative leaders by the end of 2015.

Restores a provision from the House bill, removed in Senate Finance, that permits a corporation to continue claiming a rehabilitation tax credit against the commercial activity tax through June 2017 if the corporation is not able to apply the credit against any of the other taxes the credit may be claimed against. (The credit is not allowed against the commercial activity tax for most taxpayers.)

SC5084

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Delete lines 117102 through 117111

The motion was _____ agreed to.

SYNOPSIS

Gifted community school feasibility analysis

Section 263.590

Removes a provision of the bill that requires the Department of Education, in conjunction with an Ohio educational service center association and an Ohio gifted children association, to complete and submit to the chairpersons of the House and Senate education and finance committees, and subcommittees, a feasibility analysis of the establishment of 16 community schools for gifted children located at the different Educational Regional Service Centers throughout the state.

SC5085

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

Between lines 122839a and 122840, insert:

"GRF 501503 Residential Grant Program $100,000 $100,000"

In lines 122844 and 122866, add $100,000 to each fiscal year

Between lines 122876 and 122877, insert:

"RESIDENTIAL GRANT PROGRAM

The foregoing appropriation item 501503, Residential Grant Program, shall be used by the Department of Rehabilitation and Correction to conduct a one-year pilot program to award grants in support of community-based residential programs in several prisons. The Department shall establish guidelines, procedures, and forms by which applicants may apply for grants. These guidelines shall establish that grant eligibility is limited to faith-based character programs that have been in existence for five years or longer, that are not operated by the state of Ohio, and that have a demonstrated record of successful implementation of residential programs that have been shown to reduce violent behavior and disciplinary reports of inmate

participants while in prison and significantly reduce recidivism among graduates once they reenter the outside community.

In administering the one-year pilot program, the Department shall establish a partnership with an Ohio university or college which would provide all necessary and appropriate statistical information concerning the implementation of the program. The Department shall submit a quarterly report containing that information to the Speaker of the House of Representatives and the President of the Senate."

The motion was _____ agreed to.

SYNOPSIS

Department of Rehabilitation and Correction Residential Grant Program

Section 371.10

Establishes GRF appropriation item 501503, Residential Grant Program, with an appropriation of $100,000 in both fiscal yeas. Requires the Department to use that money to conduct a one-year pilot program to award grants in support of community-based residential programs. Limits applicant eligibility to faith-based character programs that have been in existence for five years or longer, that are not operated by the state of Ohio, and that have a demonstrated record of successful implementation of residential programs that reduce violent behavior and disciplinary reports while inmate participants are incarcerated in prison and reduce the likelihood of recidivism subsequent to their release. Requires the Department to partner with an Ohio university or college to collect program information and submit a quarterly report to the Speaker of the House of Representatives and the President of the Senate.

SC5098

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 126478, delete "and" and insert a comma

In line 126481, after "2018" insert ", and on how to reform Ohio's severance tax in a way that maximizes competitiveness and enhances the general welfare of the state"

Between lines 126493 and 126494, insert:

"(3) The Director of the Office of Budget and Management."

Delete lines 126494 through 126496 and insert:

"(B)(1) The Chairpersons of the House and Senate Ways and Means Committees shall serve jointly as Co-chairpersons of the Commission."

In line 126504, after the period insert "Not later than October 1, 2015, the Commission shall publish its findings and recommendations regarding Ohio's severance tax and submit its report to the members of the General Assembly."

In line 126505, after "recommendations" insert "regarding all other matters before the Commission"

In line 126507, delete "the report" and insert "both reports"

The motion was _____ agreed to.

SYNOPSIS

Ohio 2020 Tax Policy Study Commission – severance tax and chairpersons

Section 757.50

Requires the Ohio 2020 Tax Policy Study Commission (created by the bill) to make recommendations on how to reform Ohio's severance tax and submit a report of such recommendations to the General Assembly by October 1, 2015.

Adds the Director of the Office of Budget and Management as a member of the Commission.

Adds the Chairperson of the Senate Ways and Means Committee as a co-chairperson of the Commission. Currently, the bill names only the Chairperson of the House Ways and Means Committee as a chairperson of the Commission. The Chairperson of the Senate Ways and Means Committee currently serves as a member of the Commission.

Sub. H.B. 64
LSC 131 0001-6

_____ moved to amend as follows:

In line 167 of the title, after "5104.30," insert "5104.31,"

In line 270 of the title, after "5104.042," insert "5104.29,"

In line 470, after "5104.30," insert "5104.31,"

In line 546, after "5104.042," insert "5104.29,"

In line 80691, delete everything after "the"

In line 80692, delete "improvement system" and insert "step up to quality program"; delete "5104.30" and insert "5104.29"

In line 80793, delete everything after "the"

In line 80794, delete "system" and insert "step up to quality program"; delete "5104.30" and insert "5104.29"

In line 80859, delete everything after "the"

In line 80860, delete "system" and insert "step up to quality program"; delete "5104.30" and insert "5104.29"

Between lines 81284 and 81285, insert:

"**Sec. 5104.29.** (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job and

family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;

(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;

(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;

(4) Providing incentives and supports to help early learning

and development programs implement continuous quality improvement systems.

(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.

(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:

(1) Learning and development;

(2) Administration and leadership practices;

(3) Staff quality and professional development;

(4) Family and community partnerships.

(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.

(G)(1) The department of job and family services shall ensure that the following percentages of children enrolled in early learning and development programs are served by programs with a rating in the third highest tier or above in the step up to quality program:

(a) By June 30, 2017, twenty-five per cent;

(b) By June 30, 2019, forty per cent;

(c) By June 30, 2021, sixty per cent;

(d) By June 30, 2023, eighty per cent;

(e) By June 30, 2025, one hundred per cent.

(2) The department of job and family services and the department of education shall identify and implement ways to accelerate early learning and development programs moving to higher tiers in the step up to quality program. The departments may consult with the early childhood advisory council established pursuant to section 3301.90 of the Revised Code to facilitate their efforts and shall include owners and administrators of early learning and development programs in the identification and implementation process. The departments shall report their recommendations to the general assembly not later than October 31, 2015."

In line 81341, after "Establishing" strike through the balance of the line

Strike through lines 81342 through 81344

In line 81345, strike through everything before the period and insert "the step up to quality program pursuant to section 5104.29 of the Revised Code"

In line 81393, after "the" strike through the balance of the line

In line 81394, strike through "system" and insert "step up to quality program"; strike through "division (C)(3)(d) of this"; after "section" insert "5104.29 of the Revised Code"

In line 81397, strike through "system" and insert "program"

In line 81398, strike through "under the system"

In line 81399, after "(ii)" strike through the balance of the line

In line 81400, strike through "given access to the system by the department, weigh" and insert "Weigh"

In line 81401, strike through "those"

In line 81402, strike through "system" and insert "program"

In line 81403, strike through "under the system"

Strike through lines 81416 through 81419

Between lines 81419 and 81420, insert:

"**Sec. 5104.31.** (A) Publicly funded child care may be provided only by the following:

(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:

(a) A child day-care center, including a parent cooperative child day-care center;

(b) A type A family day-care home, including a parent cooperative type A family day-care home;

(c) A licensed type B family day-care home.

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;

(4) A licensed preschool program;

(5) A licensed school child program;

(6) A border state child care provider, except that a border

state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.

(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.

(C) Beginning July 1, 2020, publicly funded child care may be provided only by a provider that is rated through the ~~tiered quality rating and improvement system~~ step up to quality program established pursuant to section ~~5104.30~~ 5104.29 of the Revised Code."

In line 110656, after "5104.30," insert "5104.31,"

Delete lines 114794 and 114794a

In lines 114801 and 114848, subtract $20,000,000 from each fiscal year

In line 114865, delete "tiered quality"

In line 114866, delete "rating and improvement system described in" and insert "Step Up to Quality program established pursuant to"; delete "5104.30" and insert "5104.29"

In line 114914, after "learning" insert "and development"

Between lines 114914 and 114915, insert:

"(7) "Early learning and development programs" has the same meaning as section 5104.29 of the Revised Code."

In line 114931, delete "under this section"

In line 114932, after "children" insert "pursuant to division (E) of this section"

In line 114943, after "(E)" insert "(1)"

In line 114956, before "Awards" insert "(2)"

Between lines 114962 and 114963, insert:

"(3) Except for awards made to early childhood programs because those programs received awards in a previous fiscal year, at least sixty-five per cent of the awards made under divisions (D) and (E) of this section shall be made to early childhood programs that serve children at least forty hours per week."

In line 114982, delete "tiered"

In line 114983, delete "quality rating and improvement system developed under" and insert "Step Up to Quality program established pursuant to"

In line 114984, delete "5104.30" and insert "5104.29"

In line 115005, delete everything before "section" and insert "Step Up to Quality program established pursuant to"

In line 115006, delete "5104.30" and insert "5104.29"

In line 115022, after "the" delete the balance of the line

In line 115023, delete "system developed under" and insert "Step Up to Quality program established pursuant to"; delete "5104.30" and insert "5104.29"

In line 115025, delete "system" and insert "program"

In line 115027, delete "tiered quality"

In line 115028, delete "rating and improvement system developed under" and insert "Step Up to Quality program established pursuant to"; delete "5104.30" and insert "5104.29"

In line 115030, delete "system" and insert "program"

In line 115037, delete "Nothing" and insert "Beginning on July 1, 2015, nothing"

In line 115642, delete "tiered"

In line 115643, delete everything before "section" and insert "Step Up to Quality program established pursuant to"

In line 115644, delete "5104.30" and insert "5104.29"

In line 115648, after "the" delete the balance of the line

In line 115649, delete "system" and insert "Step Up to Quality program"

Delete lines 116543 through 116557

Between lines 118087a and 118088, insert:

"5KT0	600696	Early Childhood Education	$ 20,000,000	$ 20,000,000"

In lines 118091 and 118126, add $20,000,000 in each fiscal year

Between lines 118402 and 118403, insert:

"**Section 305.____.** EARLY CHILDHOOD EDUCATION

Of the foregoing appropriation item 600696, Early Childhood Education, up to $20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code. The funds shall be used to support early learning and development programs operating in smaller communities and early learning and development programs that are rated in the Step Up to Quality program at the third highest tier or higher."

The motion was _____ agreed to.

SYNOPSIS

Step Up to Quality program

R.C. 5104.29, 5104.30, 5104.31

Codifies the Step Up to Quality program to require the Departments of Job and Family Services and Education to develop a tiered quality rating and improvement system for all Ohio early learning and development programs.

Specifies by year the percentage of children that must be served by early learning and development programs with specific quality ratings.

Generally requires that when the Department of Education awards certain funds to early childhood education programs, 65% of the awards must be made to programs that serve children at least 40 hours per week.

Department of Education

Sections 263.10, 263.20, 263.200, and 263.320

Eliminates Fund 5KT0 appropriation item 200673, Early Childhood Education, with an appropriation of $20.0 million in each fiscal year.

Department of Job and Family Services

Section 305.10

Appropriates $20,000,000 in each fiscal year to newly created line item 600696, Early Childhood Education.

Early Childhood Education

Section 305.____

Requires ODJFS to use up to $20,000,000 in each fiscal year from line item 600696, Early Childhood Education, to achieve the Step Up to Quality goals set out under section 5104.29(C) of the Revised Code.