

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, JUNE 28, 2017

SIXTY-THIRD DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, June 28, 2017, 9:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Doug George of the First United Methodist Church in Salem, Ohio, followed by the Pledge of Allegiance to the Flag.

The following guests of the House of Representatives were recognized prior to the commencement of business:

The Withrow University High School girls track and field team received H.R. 168, presented by Representatives Kelly-31st district, Reece-33rd district, and Ingram-32nd district.

The Step 1 All Stars Pretty small junior team and the Step 1 All Stars Incredible small youth team received H.Rs. 144 and 145, respectively, presented by Representatives Lanese-23rd district, Hughes-24th district, and Scherer-92nd district.

Colton Conkle received H.R. 142, presented by Representative Householder-72nd district.

Justin Moyer received H.R. 78, presented by Representative DeVitis-36th district.

Representatives from Little Buckeye Children's Museum received H.R. 169, presented by Representative Romanchuk-2nd district.

The FIRST Robotics Competition Team 1317 received H.R. 171, presented by Representatives Romanchuk-2nd district and Carfagna-68th district.

The FIRST Robotics Competition Team 5413 received H.R. 172, presented by Representative Romanchuk-2nd district.

Madeline Baker, a guest of Representative Lanese-23rd district.

Jerry and Rosey Baker, guests of Representatives Kelly-31st district and Reece-33rd district.

Laura Mitchell, a guest of Representative Reece-33rd district.

Donald Redwood, a guest of Representative Manning-55th district.

Holly Todd and Nelson and Dareanne Pond, guests of Representative Lipps-62nd district.

Morgan Skinner, a guest of Representative Goodman-87th district.

Daniel Brudzinski, a guest of Representative Reineke-88th district.

The journal of yesterday was read and approved.

Representative Schuring moved that the House advance to the sixth order of business, being motions and resolutions.

The motion was agreed to.

### **MOTIONS AND RESOLUTIONS**

Representative Schuring moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

#### **H. R. No. 188-Speaker Rosenberger**

Relative to the election of Richard D. Brown to fill the vacancy in the membership of the House of Representatives created by the resignation of Heather Bishoff of the 20th House District.

WHEREAS, Section 11 of Article II of the Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Heather Bishoff of the 20th House District, has resigned as a member of the House of Representatives of the 132nd General Assembly effective April 24, 2017, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Democrat party that Richard D. Brown, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 20th House District, is hereby elected, effective June 28, 2017, pursuant to Section 11 of Article II of the Ohio Constitution, as a member of the House of Representatives from the 20th House District, to fill the vacancy created by the unexpired portion of the term of said Heather Bishoff, ending on December 31, 2018; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democrat party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The question being, “Shall the resolution be adopted?”

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Ashford	Barnes	Boccieri
Boggs	Boyd	Celebrezze	Cera
Clyde	Craig	Fedor	Galonski
Holmes	Howse	Ingram	Kelly
Kent	Leland	Lepore-Hagan	Miller
O'Brien	Patmon	Patterson	Ramos
Reece	Rogers	Sheehy	Smith, K.
Strahorn	Sweeney	Sykes	West-32

The resolution was adopted.

Richard D. Brown was escorted to the bar of the House by Representatives Boggs, Celebrezze, Craig, Kent, Leland, LaTourette, Patton, McColley, and Scherer, took the oath of office administered by Speaker Rosenberger, and entered upon the discharge of his duties.

State of Ohio

County of Franklin

I, Richard D. Brown, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ RICHARD D. BROWN  
Richard D. Brown

Sworn to and subscribed before me this 28th day of June, 2017.

/s/ CLIFFORD A. ROSENBERGER  
Clifford A. Rosenberger  
Speaker  
District 91

Representative Schuring moved that the following resolution be read by title only and brought up for immediate adoption:

**H. R. No. 192 - Speaker Rosenberger**

Honoring Lori Cline for outstanding service to the State of Ohio.

The motion was agreed to.

The question being, "Shall the resolution be adopted?"

The resolution was adopted.

Representative Schuring moved that the House revert to the second order of business, being introduction of bills.

The motion was agreed to.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 296** - Representative Gavarone.

Cosponsors: Representatives Wiggam, Riedel, Lipps, Smith, R., Ryan, Sprague, Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton.

To amend sections 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.36, and 2925.37 of the Revised Code to enhance penalties for certain drug offenses committed in the vicinity of a community addiction services provider.

**H. B. No. 297** - Representative Hagan.

Cosponsors: Representatives Becker, Dean, Riedel, Vitale.

To amend section 2131.13 of the Revised Code to allow owners of a motor vehicle, watercraft, or outboard motor who have joint ownership with right of survivorship to transfer title through a transfer-on-death designation.

**H. B. No. 298** - Representative Merrin.

Cosponsors: Representatives Brinkman, Becker, Dean, Roegner, Riedel, Koehler, Goodman, Schaffer, Wiggam, Keller, Zeltwanger.

To amend sections 124.133, 124.14, 124.38, 124.382, and 3319.141 of the Revised Code to make changes with respect to the number of sick days provided to public employees.

**H. B. No. 299** - Representative Merrin.

To amend section 3742.04 of the Revised Code to enact the Lead Safety and Uniformity Act to provide that the state, acting through the Department of Health, has the sole and exclusive authority to compel, prohibit, license, or regulate lead abatement activities in Ohio.

Said bills were considered the first time.

### REPORTS OF CONFERENCE COMMITTEES

Representative Schuring moved that House Rule 66A, pertaining to conference committee reports carrying an appropriation, be suspended and that the report of the committee of Conference on **Am. Sub. H. B. No. 49-**

Representative Smith, R., et al., be taken up for immediate consideration.

The question being, shall the motion be agreed to?

The yeas and nays were taken and resulted – yeas 89, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Blessing
Boggs	Boyd	Brenner	Brinkman
Brown	Butler	Carfagna	Celebrezze
Conditt	Craig	Cupp	Dever
DeVitis	Duffey	Edwards	Faber
Fedor	Galonski	Gavarone	Ginter
Gonzales	Goodman	Green	Greenspan
Hambley	Henne	Hill	Holmes
Householder	Howse	Huffman	Hughes
Ingram	Johnson	Keller	Kelly
Kent	Kick	Koehler	Landis
Lanese	LaTourette	Leland	Lepore-Hagan
Lipps	Manning	McColley	Merrin
Miller	O'Brien	Patterson	Patton
Pelanda	Perales	Reece	Reineke
Retherford	Rezabek	Riedel	Roegner
Rogers	Romanchuk	Ryan	Schaffer
Scherer	Schuring	Seitz	Sheehy
Slaby	Smith, K.	Smith, R.	Sprague
Stein	Strahorn	Sweeney	Sykes
Thompson	West	Wiggam	Young
			Rosenberger-89

Those who voted in the negative were: Representatives

Bocchieri	Cera	Clyde	Dean
Hagan	Hood	Patmon	Ramos
Vitale			Zeltwanger-10

The motion was agreed to.

Representative Smith, R. submitted the following report:

The committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. No. 49, Representative Smith, R.- et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

Between lines 136535 and 136536, insert:

"(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$75,000 in each fiscal year shall be allocated to the Trauma Assistance Program located at Mt. Carmel West Hospital. The funds shall be used to provide treatment to victims of human trafficking or domestic violence or veterans suffering from post-traumatic events."

In line 95 of the title, after "3713.04," insert "3715.021,"; after "3715.041," insert "3717.22,"

In line 569, after "3713.04," insert "3715.021,"; after "3715.041," insert "3717.22,"

Between lines 51333 and 51334, insert:

**"Sec. 3715.021.** (A) As used in this section, "food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. "Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a processor of maple syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce the syrup is collected directly from trees by that processor; a processor of sorghum who processes sorghum juice when a minimum of seventy-five per cent of the sorghum juice used to produce the sorghum is extracted directly from sorghum plants by that processor; ~~or a~~ beekeeper who jars honey when a minimum of seventy-five per cent of the honey is from that beekeeper's own hives; or a processor of apple syrup or apple butter who directly harvests from trees a minimum of seventy-five per cent of the apples used to produce the apple syrup or apple butter.

(B) The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish, when otherwise not established by the Revised Code, standards and good manufacturing practices for food processing establishments, including the facilities of food processing establishments and their sanitation. The rules shall conform with or be equivalent to the standards for foods established by the United States food and drug administration in Title 21 of the Code of Federal Regulations.

A business or that portion of a business that is regulated by the department of agriculture under Chapter 917. or 918. of the Revised Code is not subject to regulation under this section as a food processing establishment."

Between lines 51491 and 51492, insert:

**"Sec. 3717.22.** (A) The following are not retail food establishments:

(1) A food service operation licensed under this chapter, including a food service operation that provides the services of a retail food establishment pursuant to an endorsement issued under section 3717.44 of the Revised Code;

(2) An entity exempt under divisions (B)(1) to (9) or (11) to (13) of section 3717.42 of the Revised Code from the requirement to be licensed as a

food service operation and an entity exempt under division (B)(10) of that section if the entity is regulated by the department of agriculture as a food processing establishment under section 3715.021 of the Revised Code;

(3) A business or that portion of a business that is regulated by the federal government or the department of agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code.

(B) All of the following are exempt from the requirement to be licensed as a retail food establishment:

(1) An establishment with commercially prepackaged foods that are not potentially hazardous and contained in displays, the total space of which equals less than two hundred cubic feet;

(2) A person at a farmers market that is registered with the director of agriculture pursuant to section 3717.221 of the Revised Code that offers for sale only one or more of the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) Maple syrup, sorghum, ~~or~~ honey, apple syrup, or apple butter that is produced by a maple syrup or sorghum producer ~~or~~ beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;

(d) Wine as authorized under section 4303.2010 of the Revised Code;

(e) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market.

(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;

(4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, if the sales occur inside a building and are for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same conditions.



(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;

(7) A maple syrup and sorghum processor ~~and~~ beekeeper, or apple syrup and apple butter processor described in division (A) of section 3715.021 of the Revised Code, on the condition that the processor or beekeeper offers only maple syrup, sorghum, ~~or~~ honey, apple syrup, or apple butter directly to the consumer from the site where those products are processed;

(8) A person who annually maintains five hundred or fewer birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division (B)(11) of this section applies;

(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the location where the chickens are raised and slaughtered or at a farm product auction to which division (B)(11) of this section applies;

(10) A person who raises, slaughters, and processes the meat of nonamenable species described in divisions (A) and (B) of section 918.12 of the Revised Code, on the condition that the person offers the meat directly to the consumer from the location where the meat is processed or at a farm product auction to which division (B)(11) of this section applies;

(11) A farm product auction, on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm product auction only one or more of the following:

(a) The products described in divisions (B)(8) to (10) of this section that are produced, raised, slaughtered, or processed, as appropriate, by persons described in divisions (B)(8) to (10) of this section;

(b) Fresh unprocessed fruits or vegetables;

(c) Products of a cottage food production operation;

(d) Maple syrup, sorghum, ~~or~~ honey, apple syrup, or apple butter that is produced by a maple syrup or sorghum producer ~~or~~ beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code.

(12) An establishment that, with respect to offering food for sale, offers only alcoholic beverages or prepackaged beverages that are not potentially hazardous;

(13) An establishment that, with respect to offering food for sale, offers only alcoholic beverages, prepackaged beverages that are not potentially hazardous, or commercially prepackaged food that is not potentially hazardous, on the condition that the commercially prepackaged food is contained in displays, the total space of which equals less than two hundred cubic feet on the premises of the establishment;

(14) An establishment that, with respect to offering food for sale, offers only fountain beverages that are not potentially hazardous;

(15) A person who offers for sale only one or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) Maple syrup, sorghum, ~~or~~ honey, apple syrup, or apple butter if produced by a maple syrup or sorghum processor ~~or~~, beekeeper, or apple syrup or apple butter processor as described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;

(e) Fruit butter produced at the festival or celebration and sold from the production site.

(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) Maple syrup, sorghum, ~~or~~ honey, apple syrup, or apple butter that is produced by a maple syrup or sorghum producer ~~or~~, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;

(e) Cider and other juices manufactured on site at the farm market;

(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens."

In line 105999, after "3713.04," insert "3715.021, "; after "3715.041," insert "3717.22,"

In line 214 of the title, after "5503.02," insert "5505.01, 5505.16, 5505.162, 5505.17, 5505.19, 5505.20, 5505.21,"

In line 633, after "5503.02," insert "5505.01, 5505.16, 5505.162, 5505.17, 5505.19, 5505.20, 5505.21,"

Between lines 89520 and 89521, insert:

**"Sec. 5505.01.** As used in this chapter:

(A) "Employee" means any qualified employee in the uniform division of the state highway patrol, any qualified employee in the radio division hired prior to November 2, 1989, and any state highway patrol cadet attending training school pursuant to section 5503.05 of the Revised Code whose attendance at the school begins on or after June 30, 1991. "Employee" includes the superintendent of the state highway patrol. In all cases of doubt, the state highway patrol retirement board shall determine whether any person is an employee as defined in this division, and the decision of the board is final.

(B) "Prior service" means all service rendered as an employee of the state highway patrol prior to September 5, 1941, to the extent credited by the board, provided that in no case shall prior service include service rendered prior to November 15, 1933.

(C) "Total service" means all service rendered by an employee to the extent credited by the board. Total service includes all of the following:

(1) Contributing service rendered by the employee since last becoming a member of the state highway patrol retirement system;

(2) All prior service credit;

(3) Restored service credit as provided in this chapter;

(4) Military service credit purchased under division (D) of section 5505.16 or section 5505.25 of the Revised Code;

(5) Credit granted under division (C) of section 5505.17 or section 5505.201, 5505.40, or 5505.402 of the Revised Code;

(6) Credit for any period, not to exceed three years, during which the member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code.

(D) "Regular interest" means interest compounded at rates designated from time to time by the retirement board.

(E) "Plan" means the provisions of this chapter.

(F) "Retirement system" or "system" means the state highway patrol retirement system created and established in the plan.

(G) "Contributing service" means all service rendered by a member since September 4, 1941, for which deductions were made from the member's salary under the plan.

(H) "Retirement board" or "board" means the state highway patrol retirement board provided for in the plan.

(I) Except as provided in ~~section~~ sections 5505.16, 5505.162, and 5505.18 of the Revised Code, "member" means any employee included in the membership of the retirement system, whether or not rendering contributing service.

(J) "Retirant" means any member who has retired under section 5505.16 or 5505.18 of the Revised Code.

(K) "Accumulated contributions" means the sum of the following credited to a member's individual account in the employees' savings fund:

(1) All amounts deducted from the salary of the member;

(2) All amounts paid by the member to purchase state highway patrol retirement system service credit pursuant to this chapter or other state law.

(L)(1) Except as provided in division (L)(2) of this section, "final average salary" means the average of the highest salary paid a member during any five consecutive or nonconsecutive years.

If a member has less than five years of contributing service, the member's final average salary shall be the average of the annual rates of salary paid to the member during the member's total years of contributing service.

(2) If a member is credited with service under division (C)(6) of this section or division (D) of section 5505.16 of the Revised Code, the member's final average salary shall be the average of the highest salary that was paid to the member or would have been paid to the member, had the member been rendering contributing service, during any five consecutive or nonconsecutive years. If that member has less than five years of total service, the member's final average salary shall be the average of the annual rates of salary that were paid to the member or would have been paid to the member during the member's years of total service.

(M) "Pension" means an annual amount payable by the retirement system throughout the life of a person or as otherwise provided in the plan.

(N) "Pension reserve" means the present value of any pension, or

benefit in lieu of any pension, computed upon the basis of mortality and other tables of experience and interest the board shall from time to time adopt.

(O) "Deferred pension" means a pension for which an eligible member of the system has made application and which is payable as provided in division (A) or (B) of section 5505.16 of the Revised Code.

(P) "Retirement" means retirement as provided in sections 5505.16 and 5505.18 of the Revised Code.

(Q) "Fiduciary" means any of the following:

(1) A person who exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) A person who renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) A person who has any discretionary authority or responsibility in the administration of the system.

(R)(1) Except as otherwise provided in this division, "salary" means all compensation, wages, and other earnings paid to a member by reason of employment but without regard to whether any of the compensation, wages, or other earnings are treated as deferred income for federal income tax purposes. Salary includes all of the following:

(a) Payments for shift differential, hazard duty, professional achievement, and longevity;

(b) Payments for occupational injury leave, personal leave, sick leave, bereavement leave, administrative leave, and vacation leave used by the member;

(c) Payments made under a disability leave program sponsored by the state for which the state is required by section 5505.151 of the Revised Code to make periodic employer and employee contributions to the retirement system.

(2) "Salary" does not include any of the following:

(a) Payments resulting from the conversion of accrued but unused sick leave, personal leave, compensatory time, and vacation leave;

(b) Payments made by the state to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the member or the member's family, or amounts paid by the state to the member in lieu of providing that insurance;

(c) Payments for overtime work;

(d) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the state, use of property or equipment of the state, and

reimbursement for job-related expenses authorized by the state including moving and travel expenses and expenses related to professional development;

(e) Payments made to or on behalf of a member that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401 (a)(17), as amended;

(f) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly.

(3) The retirement board shall determine by rule whether any compensation, wages, or earnings not enumerated in this division are salary, and its decision shall be final.

(S) "Actuary" means an individual who satisfies all of the following requirements:

- (1) Is a member of the American academy of actuaries;
- (2) Is an associate or fellow of the society of actuaries;
- (3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.

**Sec. 5505.16.** (A) As used in this section, "member" has the same meaning as in section 5505.01 of the Revised Code, except that it also includes a former member who has earned service credit and has not received a refund of accumulated contributions under section 5505.19 of the Revised Code.

A member of the state highway patrol retirement system who has twenty-five years of service credit according to the rules adopted by the state highway patrol retirement board may make application for retirement which, if the member is under age forty-eight, shall be deferred until age forty-eight.

(B) A member who has twenty years of service credit according to the rules adopted by the retirement board, may make application for retirement that, if the member is under age fifty-two, shall be deferred until age fifty-two, except that any such member who has attained twenty years of service may, on or after attaining age forty-eight but before attaining age fifty-two, elect to receive a reduced pension of the greater of nine hundred dollars or an amount computed as follows:

Attained Age	Reduced Pension
48	75% of normal service pension
49	80% of normal service pension

50	86% of normal service pension
51	93% of normal service pension

In the case of a member who elects to receive a reduced pension after attaining age forty-eight, the reduced pension is payable from the later of the date of the member's most recent birthday or the date the member becomes eligible to receive the reduced pension.

A member who has elected to receive a reduced pension in accordance with the schedule provided in this division and has received a payment in connection therewith may not change the election.

(C) Any member who attains the age of sixty years and has twenty years of service credit according to the rules adopted by the board, shall file application for retirement with the board, and if the member refuses or neglects to do so, the board may deem the member's application to have been filed on the member's sixtieth birthday. The member may, upon written application approved by the superintendent of the state highway patrol, be continued in service after attaining the age of sixty years, but only until the member has accumulated twenty years of service credit in accordance with rules adopted by the board.

(D)(1) As used in this division:

(a) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(b) "Uniformed services" of the United States includes both:

(i) Army, navy, air force, marine corps, coast guard, or any reserve components of these services; auxiliary corps as established by congress; army nurse corps; navy nurse corps; service as red cross nurse with the army, navy, air force, or hospital service of the United States, or serving full-time with the American red cross in a combat zone; and such other service as is designated by congress as included therein;

(ii) Personnel of the Ohio national guard, the Ohio military reserve, the Ohio naval militia, and the reserve components of the armed forces enumerated in division (D)(1) of this section who are called to active duty pursuant to an executive order issued by the president of the United States or an act of congress.

(2) A member's total service credit may include periods not to exceed a total of seven years, while the member's employment with the state

highway patrol is or was interrupted due to service in the uniformed services of the United States. Such military service shall be credited to the member towards total service as provided by this chapter and to the extent approved by the board, provided that:

(a) The member is or was honorably discharged from service in the uniformed services;

(b) The member is or was re-employed by the state highway patrol within ninety days immediately following termination of service in the uniformed services;

(c) The member, subject to board rules, pays into the retirement system to the member's credit in the employees' savings fund an amount equal to the total contributions the member would have paid had state highway patrol employment not been so interrupted. Such payment may be made at any time prior to receipt of a pension.

(3) If the member meets the requirements of division (D)(2) of this section, on receipt of contributions from the member, the state highway patrol shall be billed for the employer contribution that would have been paid pursuant to section 5505.15 of the Revised Code if the member had not rendered service in the uniformed services, subject to board rules.

(4) If under division (D)(2)(c) of this section a member pays all or any portion of the contributions later than the lesser of five years or a period that is three times the member's period of service in the uniformed services beginning from the member's date of re-employment, an amount equal to compound interest at a rate established by the board from the member's date of re-employment to the date of payment shall be added to the remaining amount to be paid by the member to purchase service credit under this section.

(5) Credit purchased by a member under division (D)(2) of this section shall be used to determine the member's eligibility for retirement under this section and section 5505.17 of the Revised Code.

**Sec. 5505.162.** (A) As used in this division, "member" has the same meaning as in section 5505.01 of the Revised Code, except that it also includes a former member who has earned service credit and has not received a refund of accumulated contributions under section 5505.19 of the Revised Code.

On application for retirement as provided in section 5505.16 of the Revised Code, a member of the state highway patrol retirement system may elect, on a form provided by the state highway patrol retirement board, to receive the pension that the member is eligible to receive on retirement under that section in one of the following forms:

(1) A single lifetime pension;



(2) The actuarial equivalent of the single lifetime pension that the member may elect under division (A)(1) of this section in a lesser annual amount payable for the member's life and continuing after the member's death to a surviving designated beneficiary under one of the following optional plans, provided the annual amount payable to the designated beneficiary shall not exceed the annual amount payable to such retiring member, the amount is certified by the actuary employed by the system to be the actuarial equivalent of the member's pension, and the amount is approved by the board:

(a) Option 1. The member's lesser pension shall be paid for life to the member's sole beneficiary designated at the time of retirement.

(b) Option 2. One-half or some other portion of the member's lesser pension shall be paid for life to the member's sole beneficiary designated at the time of retirement.

(c) Option 3. Upon death before the expiration of a certain period from the member's retirement date as elected by the member and approved by the board, the member's lesser pension shall be continued for the remainder of such period to the beneficiaries, and in such order, as designated by the member in writing and filed with the board. No monthly payments shall be paid to joint beneficiaries, but they may jointly receive the present value of any remaining payments in a lump sum settlement. If all designated beneficiaries die before the expiration of such period, the present value of all the payments yet remaining in the period shall be paid to the estate of the beneficiary last receiving such payments.

(d) Option 4. The member's lesser pension or portion of the lesser pension shall be paid for life to two, three, or four surviving beneficiaries designated at the time of the member's retirement, in such portions as specified at retirement. If the member elects this plan as required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property and compliance with the court order requires the allocation of a portion less than ten per cent to any person, the member shall allocate a portion less than ten per cent to that person in accordance with that order. In all other circumstances, no portion allocated under this plan of payment shall be less than ten per cent. The total of the portions allocated shall not exceed one hundred per cent of the member's lesser pension.

(3) If the member has attained age fifty-one with at least twenty-five years' total service or fifty-two with at least twenty years' total service, a pension consisting of both a partial benefit lump sum in an amount the member designates that constitutes a portion of the single lifetime pension the member may elect under division (A)(1) of this section and the actuarial equivalent of the remainder of the single lifetime pension payable for the

member's life, provided an actuary employed by the system certifies the actuarial equivalent and the board approves the partial benefit lump sum payment and the amount to be paid as the actuarial equivalent.

The amount designated by a member shall be not less than six times the monthly amount that would be payable to the member as a single lifetime pension under division (A)(1) of this section and not more than sixty times that amount.

A member who has attained the age of fifty-one with twenty-five years of service who elects a partial benefit lump sum may designate an amount that does not exceed an amount equal to one month's pension for each month of service beyond twenty-five years. A member who has attained the age of fifty-two with twenty years of service who elects a partial benefit lump sum may designate an amount that does not exceed an amount equal to one month's pension for each month of service beyond twenty years.

(4) If a plan of payment providing for payment in a specified portion of the pension continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding division of marital property prior to the effective date of the member's retirement and the board has received a copy of the order, the board shall accept the member's election of a plan of payment under this section only if the member elects a plan of payment that is in accordance with the order.

(B)(1) The death of a spouse designated as beneficiary or the death of any other designated beneficiary following retirement shall cancel the portion of the optional plan of payment selected under division (A)(2) of this section providing continuing lifetime benefits to the deceased designated beneficiary. The member shall receive the actuarial equivalent of the member's single lifetime pension, as determined by the board based on the number of remaining beneficiaries, with no change in the amount payable to any remaining beneficiary. The change shall be effective the month following receipt by the board of notice of the death.

(2) On divorce, annulment, or marriage dissolution, a member receiving a pension under a plan that provides for continuation of all or part of the pension after death for the lifetime of the member's surviving spouse may, with the written consent of the spouse or pursuant to an order of the court with jurisdiction over the termination of the marriage, elect to cancel the portion of the plan providing continuing lifetime benefits to that spouse. The member shall receive the actuarial equivalent of the member's single lifetime pension as determined by the board based on the number of remaining beneficiaries, with no change in amount payable to any remaining beneficiary. The election shall be made on a form provided by the board and shall be effective the month following its receipt by the board.

(C)(1) Following marriage or remarriage, both of the following apply:

(a) A member may elect a new optional plan of payment under division (A)(2) of this section based on the actuarial equivalent of the member's single lifetime pension as determined by the board.

(b) A member who is receiving a pension pursuant to a plan of payment providing for payment to a former spouse pursuant to a court order described in division (A)(4) of this section may elect a new plan of payment under "option 4" based on the actuarial equivalent of the retirant's single lifetime pension as determined by the board if the new plan of payment elected does not reduce the payment to the former spouse.

(2) If the marriage or remarriage occurs on or after ~~the effective date of this amendment~~ June 6, 2005, the election must be made not later than one year after the date of the marriage or remarriage.

The plan elected under this section shall become effective on the date of receipt by the board of an application on a form approved by the board, but any change in the amount of the pension shall commence on the first day of the month following the effective date of the plan.

(D) A member who has elected an optional plan under division (A)(2) of this section may, with the written consent of the designated beneficiary, cancel the optional plan and receive the single lifetime pension that the member would have received had the member elected the single lifetime pension under division (A)(1) of this section, if the member makes a request to cancel the optional plan not later than one year after the date on which the member first receives a payment under the plan. Cancellation of the optional plan shall be effective the month after acceptance of the request by the board. No payment or adjustment shall be made in the single lifetime pension to compensate for the lesser pension the member received under the optional plan.

The request to cancel the optional plan shall be made on a form provided by the board and shall be valid only if the completed form includes a signed statement of the designated beneficiary's understanding of and consent to the cancellation. The designated beneficiary's signature shall be verified by the board prior to its acceptance of the cancellation.

(E) Any option elected and payments made under division (A)(2) of this section shall be in addition to any pension payable to the member's surviving spouse, children, or parents under section 5505.17 of the Revised Code.

**Sec. 5505.17.** (A)(1) Upon retirement as provided in section 5505.16 of the Revised Code, a ~~member of the~~ state highway patrol retirement system retirant shall receive a life pension, without guaranty or

refund, equal to the greater of one thousand fifty dollars or the sum of two and one-half per cent of the ~~member's~~ retirant's final average salary multiplied by the first twenty years of total service credit, plus two and one-quarter per cent of the ~~member's~~ retirant's final average salary multiplied by the number of years, and fraction of a year, of total service credit in excess of twenty years but not in excess of twenty-five years, plus two per cent of the ~~member's~~ retirant's final average salary multiplied by the number of years, and fraction of a year, in excess of twenty-five years; provided that in no case shall the pension exceed the lesser of seventy-nine and one-quarter per cent of the ~~member's~~ retirant's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(2) A member with fifteen or more years of total service credit, who voluntarily resigns or who is discharged from the state highway patrol for any reason except retirement under this chapter, death, dishonesty, cowardice, intemperate habits, or conviction of a felony, shall receive a pension equal to one and one-half per cent of the member's final average salary multiplied by the number of years, and fraction of a year, of total service credit, except that the pension shall not exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The pension shall commence at the end of the calendar month in which the application is filed with the retirement board on or after the attainment of age fifty-five years by the applicant. A member or former member who withdraws any part or all of the accumulated contributions from the employees' savings fund shall thereupon forfeit all rights to a pension provided for in this division.

(3)(a) A surviving spouse of a deceased member shall receive a monthly pension, determined as follows, during the spouse's life:

(i) If at the time of death the member was not eligible to be granted a pension payable under division (A)(1) of this section or to elect to receive a reduced pension payable under section 5505.16 of the Revised Code, nine hundred dollars;

(ii) If at the time of death the member was eligible to be granted a pension payable under division (A)(1) of this section or to elect to receive a reduced pension payable under section 5505.16 of the Revised Code, the greater of nine hundred dollars or fifty per cent of the computed monthly pension the member would have received had the member been granted a pension under division (A)(1) of this section or elected to receive a reduced pension under section 5505.16 of the Revised Code.

(b) The surviving spouse of a retirant shall receive a monthly pension, determined as follows, during the spouse's life:

(i) If the retirant had applied for a pension payable under section

5505.16 of the Revised Code, but at the time of death had not attained the age of eligibility for the pension, nine hundred dollars;

(ii) If the retirant had applied for a pension payable under section 5505.16 of the Revised Code and had attained the age of eligibility for the pension, but at the time of death had not elected to begin receiving the pension, the greater of nine hundred dollars or fifty per cent of the computed monthly pension the retirant was eligible to receive under section 5505.16 of the Revised Code;

(iii) If the retirant was receiving a pension under division (A)(1) of this section or section 5505.16 or 5505.18 of the Revised Code, or, regardless of whether or not the retirant had actually received any payment, if the retirant was eligible to receive a pension under division (A)(1) of this section or section 5505.16 or 5505.18 of the Revised Code and had elected to begin receiving it, the greater of nine hundred dollars or fifty per cent of the computed monthly pension awarded the retirant.

(c) If a monthly pension to a surviving spouse was terminated due to a remarriage, the surviving spouse is eligible to receive a monthly pension under division (A)(3) of this section effective the first day of the first month following June 5, 1996. The pension shall be computed under division (A)(3) of this section as of June 5, 1996. The pension payable to a person who is the surviving spouse of more than one state highway patrol retirement system member or retirant shall be computed on the basis of the service of the member or retirant to whom the surviving spouse was most recently married.

(4) A pension of one hundred fifty dollars per month shall be paid by the system to or for the benefit of each child of a deceased member or retirant until the child attains the age of eighteen years or marries, whichever event occurs first, or until the child attains twenty-three years of age if the child is a student in and attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution, as determined by the retirement board. If any surviving child, regardless of age at the time of the member's or retirant's death, because of physical or mental disability, was totally dependent upon the deceased member or retirant for support at the time of death, a pension of one hundred fifty dollars per month shall be paid by the system to or for the benefit of the child during the child's natural life or until the child recovers from the disability.

(5)(a) If a retirant died prior to June 6, 1988, and the surviving spouse was not married to the retirant while the retirant was in the active service of the patrol, the surviving spouse shall receive a pension of the greater of four hundred twenty-five dollars per month or fifty per cent of the computed monthly pension the retirant was receiving.

(b) If the pension payable to a person receiving a pension under

division (A)(5)(a) of this section on June 30, 2000, is less than nine hundred dollars per month, the pension shall be increased to nine hundred dollars per month.

(6) If a deceased member or retirant leaves no spouse or surviving children, but leaves two parents depending solely upon the deceased member or retirant for support, each parent shall be paid a monthly pension of one hundred fifty-four dollars. If in such case there is only one parent dependent solely upon the deceased member or retirant for support, such parent shall be paid a monthly pension of one hundred fifty-four dollars. Such pension shall be paid during the life of the surviving parents, or until dependency ceases, or until remarriage, whichever event occurs first.

(7) Any amount remaining as accumulated contributions at the time of death of a retirant who leaves no surviving spouse or dependent children or parents shall be paid to the beneficiary or beneficiaries the retirant has nominated by written designation duly executed and filed with the board. A retirant may designate an individual or a trust as a beneficiary. If there is no designated beneficiary surviving the retirant, the retirant's accumulated contributions shall be paid according to the state law of descent and distribution; provided that, if the retirant's accumulated contributions are not claimed by an eligible person or by the estate of the retirant within seven years, they shall be transferred to the income fund of the system and after that shall be paid from that fund to such person or estate upon application to the board.

(8) The increase provided for by division (A)(5) of this section shall be included in the calculation of the additional benefit paid under section 5505.174 of the Revised Code.

(B) The board shall adopt, and may amend or rescind, the necessary rules for the administration of this section and all decisions of the board shall be final. Any payment of a pension or benefit under this section is subject to the provisions of section 5505.26 of the Revised Code.

(C) A member's total service credit may include periods during which the member's employment with the state highway patrol is interrupted by a leave of absence, when requested by the governor, to accept employment with another agency of the state, provided that:

(1) The member is reemployed by the state highway patrol within thirty days following termination of such other employment;

(2) The member pays into the retirement system, to the credit of the employees' savings fund, an amount equal to the total contributions the member would have paid had the state highway patrol employment not been so interrupted. Such repayment shall begin within ninety days after the member's return to duty with the state highway patrol and be completed within a period equal to that of the leave of absence.

(D) Service credits granted under division (C) of this section shall not include any duplications of credits for which a pension is payable by the public employees retirement system.

**Sec. 5505.19.** Subject to section 5505.26 of the Revised Code, a member of the state highway patrol retirement system who ceases to be an employee of the state highway patrol for any cause except death, disability, or retirement, upon application filed in writing with the state highway patrol retirement board, shall be paid the accumulated contributions, less interest, standing to the credit of the member's individual account in the employees' savings fund. ~~Except as otherwise provided in this chapter, five years after a member ceases to be an employee of the patrol any balance of accumulated contributions standing to the member's credit in the employees' savings fund shall be transferred to the income fund and after that shall be paid from that fund to the member upon application to the board.~~

A member described in this section who is married at the time of application for payment and would be eligible for a pension payable under division (A)(1) or (2) of section 5505.17 of the Revised Code but for a forfeiture ordered under division (A) or (B) of section 2929.192 of the Revised Code shall submit with the application a written statement by the member's spouse attesting that the spouse consents to the payment of the member's accumulated contributions. Consent shall be valid only if it is signed and witnessed by a notary public. The board may waive the requirement of consent if the spouse is incapacitated or cannot be located, or for any other reason specified by the board. Consent or waiver is effective only with regard to the spouse who is the subject of the consent or waiver.

**Sec. 5505.20.** Should a member of the state highway patrol retirement system cease to be an employee of the state highway patrol, for any reason, except his retirement or death, ~~he the member~~ shall thereupon cease to be a member of the retirement system ~~and he~~. A member who is paid the member's accumulated contributions under section 5505.19 of the Revised Code shall forfeit his the member's total service credit at that time. Should ~~he the former member~~ return to the employ of the state highway patrol, ~~he the former member~~ shall again become a member. When said re-employment occurs the total service credit last forfeited by ~~him the member~~ shall be restored to ~~his the member's~~ credit, provided ~~he the member~~ pays into the employees' savings fund the amount, if any, ~~he the member~~ withdrew therefrom, together with such compound interest as the board may require from the date of withdrawal to the date of repayment. The member may choose to purchase only part of such credit in any one payment, subject to board rules. The return of accumulated contributions shall be made according to such rules as the board shall from time to time adopt.

**Sec. 5505.21.** Should a member or former member of the state highway patrol retirement system die and no pension becomes payable from

funds of the system on account of the member's or former member's employment with the patrol, the member's or former member's accumulated contributions, less interest, standing to the member's or former member's credit in the employees' savings fund at the time of death shall be paid to the beneficiary or beneficiaries the member or former member has nominated by written designation duly executed and filed with the state highway patrol retirement board. A member or former member may designate an individual or a trust as a beneficiary. If there is no designated beneficiary surviving the member or former member, the member's or former member's accumulated contributions shall be paid according to the state law of descent and distribution; provided that, if the member's or former member's accumulated contributions are not claimed by an eligible person or by the estate of the deceased member or former member within seven years, they shall be transferred to the income fund of the system and after that shall be paid from that fund to such person or estate upon application to the board."

In line 106063, after "5503.02," insert "5505.01, 5505.16, 5505.162, 5505.17, 5505.19, 5505.20, 5505.21,"

In line 229 of the title, after "5739.30," insert "5741.01,"

In line 644, after "5739.30," insert "5741.01,"

Between lines 100475 and 100476, insert:

**"Sec. 5741.01.** As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, business trusts, governments, and combinations of individuals of any form.

(B) "Storage" means and includes any keeping or retention in this state for use or other consumption in this state.

(C) "Use" means and includes the exercise of any right or power incidental to the ownership of the thing used. A thing is also "used" in this state if its consumer gives or otherwise distributes it, without charge, to recipients in this state.

(D) "Purchase" means acquired or received for a consideration, whether such acquisition or receipt was effected by a transfer of title, or of possession, or of both, or a license to use or consume; whether such transfer was absolute or conditional, and by whatever means the transfer was effected; and whether the consideration was money, credit, barter, or exchange. Purchase includes production, even though the article produced was used, stored, or consumed by the producer. The transfer of copyrighted motion picture films for exhibition purposes is not a purchase, except such films as are used solely for advertising purposes.

(E) "Seller" means the person from whom a purchase is made, and



includes every person engaged in this state or elsewhere in the business of selling tangible personal property or providing a service for storage, use, or other consumption or benefit in this state; and when, in the opinion of the tax commissioner, it is necessary for the efficient administration of this chapter, to regard any salesperson, representative, peddler, or canvasser as the agent of a dealer, distributor, supervisor, or employer under whom the person operates, or from whom the person obtains tangible personal property, sold by the person for storage, use, or other consumption in this state, irrespective of whether or not the person is making such sales on the person's own behalf, or on behalf of such dealer, distributor, supervisor, or employer, the commissioner may regard the person as such agent, and may regard such dealer, distributor, supervisor, or employer as the seller. "Seller" does not include any person to the extent the person provides a communications medium, such as, but not limited to, newspapers, magazines, radio, television, or cable television, by means of which sellers solicit purchases of their goods or services.

(F) "Consumer" means any person who has purchased tangible personal property or has been provided a service for storage, use, or other consumption or benefit in this state. "Consumer" does not include a person who receives, without charge, tangible personal property or a service.

A person who performs a facility management or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of section 5739.01 of the Revised Code.

(G)(1) "Price," except as provided in divisions (G)(2) to (6) of this section, has the same meaning as in division (H)(1) of section 5739.01 of the Revised Code.

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as

inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this state more than six months after its acquisition by the consumer, the consumer or the commissioner may determine the price based on the current value of such tangible personal property, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property.

(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state.

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state.

(2) "Substantial nexus with this state" is presumed to exist when the seller does any of the following:

(a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by the seller or any other person, other than a common carrier acting in its capacity as a common carrier.

(b) Regularly uses employees, agents, representatives, solicitors, installers, repairers, salespersons, or other persons in this state for the purpose of conducting the business of the seller or either to engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or to use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller.

(c) Uses any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the following purposes:

- (i) Receiving or processing orders of the seller's goods or services;
- (ii) Using that person's employees or facilities in this state to

advertise, promote, or facilitate sales by the seller to customers;

(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;

(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business.

(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier.

(e) Has an affiliated person that has substantial nexus with this state.

(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state.

(g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in-person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.

(h) Uses in-state software to sell or lease taxable tangible personal property or services to consumers, provided the seller has gross receipts in excess of five hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state.

(i) Provides or enters into an agreement with another person to provide a content distribution network in this state to accelerate or enhance the delivery of the seller's web site to consumers, provided the seller has gross receipts in excess of five hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state.

(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f), (h), and (i) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales.

(4) A seller presumed to have substantial nexus with this state under

division (I)(2)(g) of this section may rebut that presumption by submitting proof that each resident engaged by the seller as described in that division did not engage in any activity within this state during the preceding twelve months that was significantly associated with the seller's ability to establish or maintain the seller's market in this state during the preceding twelve months. Such proof may consist of sworn written statements from all the residents with whom the seller has an agreement stating that the resident did not engage in any solicitation in this state on behalf of the seller during the preceding twelve months if such statements are provided and obtained in good faith.

(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code.

(6) As used in division (I) of this section:

(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations.

(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code.

(c) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(d) "In-state software" means computer software, as that term is defined in section 5739.01 of the Revised Code, that is stored on property in this state or is distributed within this state for the purpose of facilitating a seller's sales.

(e) "Content delivery network" means a system of distributed servers that deliver web sites and other web content to a user based on the geographic location of the user, the origin of the web site or web content, and a content delivery server.

(J) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county which is a transit authority, the fiscal officer of the county transit board appointed pursuant to section 306.03 of the Revised Code or, if the board of county commissioners operates the county transit system, the county auditor.

(K) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of

a single county or all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(L) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority which includes territory in more than one county must include all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(M) "Providing a service" has the same meaning as in section 5739.01 of the Revised Code.

(N) "Other consumption" includes receiving the benefits of a service.

(O) "Lease" or "rental" has the same meaning as in section 5739.01 of the Revised Code.

(P) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States.

(R) "Remote seller" means a seller that lacks substantial nexus with this state but is required to register with the tax commissioner under section 5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state.

(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section

707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller."

In line 106074, after "5739.30," insert "5741.01,"

Between lines 144527 and 144528, insert:

**"Section 803.** \_\_\_\_\_.The amendment by this act of section 5741.01 of the Revised Code applies on and after January 1, 2018."

In line 107 of the title, after "3923.041," insert "3937.25, 3937.32,"

In line 578, after "3923.041," insert "3937.25, 3937.32,"

Between lines 58720 and 58721, insert:

**"Sec. 3937.25.** (A) As used in sections 3937.25 to 3937.29 of the Revised Code, "medical malpractice insurance" means insurance coverage against the legal liability of the insured for loss, damage, or expense arising from a medical, optometric, or chiropractic claim, as those claims are defined in section 2305.113 of the Revised Code.

(B) After a policy of commercial property insurance, commercial fire insurance, or commercial casualty insurance other than fidelity or surety bonds, medical malpractice insurance, and automobile insurance as defined in section 3937.30 of the Revised Code, has been in effect for more than ninety days, a notice of cancellation for such policy shall not be issued by any licensed insurer unless it is based on one of the following grounds:

- (1) Nonpayment of premium;
- (2) Discovery of fraud or material misrepresentation in the procurement of the insurance or with respect to any claims submitted thereunder;
- (3) Discovery of a moral hazard or willful or reckless acts or omissions on the part of the named insured that increase any hazard insured against;
- (4) The occurrence of a change in the individual risk which substantially increases any hazard insured against after insurance coverage has been issued or renewed, except to the extent the insurer reasonably should have foreseen the change or contemplated the risk in writing the contract;
- (5) Loss of applicable reinsurance or a substantial decrease in applicable reinsurance, if the superintendent has determined that reasonable efforts have been made to prevent the loss of, or substantial decrease in, the applicable reinsurance, or to obtain replacement coverage;
- (6) Failure of an insured to correct material violations of safety codes or to comply with reasonable written loss control recommendations;

(7) A determination by the superintendent of insurance that the continuation of the policy would create a condition that would be hazardous to the policyholders or the public.

(C) The notice of cancellation required by this section must be in writing, be mailed to the insured at the insured's last known address, and contain all of the following:

- (1) The policy number;
- (2) The date of the notice;
- (3) The effective date of the cancellation;
- (4) An explanation of the reason for cancellation.

Such notice of cancellation also shall be mailed to the insured's agent.

(D)(1) Except for nonpayment of premium, the effective date of cancellation must be no less than thirty days from the date of mailing the notice. ~~When~~

(2)(a) ~~When~~ cancellation is for nonpayment of premium, the effective date of cancellation must be no less than ten days from the date of mailing the notice.

(b) An insurer may include a notice of cancellation of a policy of automobile insurance for nonpayment of premium with a billing notice. Subject to division (D)(2)(a) of this section, such a cancellation is effective on or after the due date of the bill.

(E) Nothing in division (B) of this section shall be construed to prevent an insurer from writing a policy of commercial property insurance, commercial fire insurance, or commercial casualty insurance other than medical malpractice insurance and automobile insurance as defined in section 3937.30 of the Revised Code for a period greater than one year and providing in such policy that the insurer may issue a notice of cancellation of such policy at least thirty days prior to an anniversary of such policy, with the effective date of cancellation being that anniversary.

The superintendent may prescribe that adequate disclosure be made to the insured when a policy is issued for a term of more than one year.

(F) There is no liability on the part of, and no cause of action of any nature arises against, the superintendent of insurance, any insurer, or any person furnishing information requested by the superintendent, an insurer, the agent, employee, attorney, or other authorized representative of any such persons, for any oral or written statement made to supply information relevant to a determination on cancellation of any policy of commercial property insurance, commercial fire insurance, or commercial casualty insurance other than fidelity or surety bonds, medical malpractice insurance,

and automobile insurance as defined in section 3937.30 of the Revised Code, or in connection with advising an insured or an insured's attorney of the reasons for a cancellation of such insurance, or in connection with any administrative or judicial proceeding arising out of or related to such cancellation.

**Sec. 3937.32.(A)** No cancellation of an automobile insurance policy is effective, unless it is pursuant to written notice to the insured of cancellation. Such notice shall contain:

~~(A)~~(1) The policy number;

~~(B)~~(2) The date of the notice;

~~(C)~~(3) The effective date of cancellation of the policy, which shall not be earlier than thirty days following the date of the notice;

~~(D)~~(4) An explanation of the reason for cancellation and the information upon which it is based, or a statement that such explanation will be furnished to the insured in writing within five days after receipt of the insured's written request therefor to the insurer;

~~(E)~~(5) Where cancellation is for nonpayment of premium at least ten days notice from the date of mailing of cancellation accompanied by the reason therefor shall be given;

~~(F)~~(6) A statement that if there is cause to believe such cancellation is based on erroneous information, or is contrary to law or the terms of the policy, the insured is entitled to have the matter reviewed by the superintendent of insurance, upon written application to the superintendent made not later than the effective date of cancellation of the policy.

(B) An insurer may include a notice of cancellation for nonpayment of premium with a billing notice. Subject to division (A)(5) of this section, such a cancellation is effective on or after the due date of the bill."

In line 106008, after "3923.041," insert "3937.25, 3937.32,"

In line 93719, strike through "The" and insert:

"The"

In line 93721, after "appeal" insert ", unless jurisdiction over the appeal is transferred to the supreme court pursuant to this paragraph"; after the period insert "Within thirty days after a notice of appeal is filed with the appropriate court of appeals, a party to the appeal may file a petition with the supreme court to transfer jurisdiction over the appeal to the supreme court. The supreme court may approve the petition and order that the appeal be taken directly to the supreme court if the appeal involves a substantial constitutional question or a question of great general or public interest. Appeals for which jurisdiction is transferred to the supreme court under this paragraph shall proceed as though the decision of the board of tax appeals



had been appealed directly to the supreme court. Appeals for which jurisdiction is not transferred to the supreme court shall proceed in the court of appeals."

In line 93729, reinsert "supreme court or"

In line 93730, after "appeals" insert "as applicable."

In line 93735, after the second "the" insert "applicable"

In line 93736, delete "of appeals"; strike through "to which the appeal is being taken"

In line 93741, after the first "the" insert "applicable"; delete "of appeals"

In line 93747, after the first "the" insert "applicable"; delete "of appeals"

In line 281 of the title, after "5168.76," insert "5168.761,"

In line 678, after "5168.76," insert "5168.761,"

In line 88914, after "(L)" insert "\"Permissive sales tax\" means a tax levied by a county or transit authority under section 5739.021, 5739.023, or 5739.026 of the Revised Code.

(M) "Qualifying subdivision" means a county or transit authority levying a permissive sales tax on July 1, 2017.

(N)"

In line 88929, delete "The" and insert "Subject to section 5168.761 of the Revised Code, the"

In line 88935, delete "The" and insert "Subject to section 5168.761 of the Revised Code, the"

Between lines 88949 and 88951, insert:

"Sec. 5168.761. Not later than October 1, 2017, the medicaid director shall ask the United States centers for medicare and medicaid services whether the franchise fee may be increased in a manner that provides for the franchise fee to raise up to an additional two hundred seven million dollars per fiscal year without causing the franchise fee to be an impermissible health care-related tax under section 1903(w) of the "Social Security Act," 42 U.S.C. 1396b(w). The director shall collaborate with the county commissioners association of Ohio and the director of budget and management in preparing to ask the United States centers the question and provide the United States centers all information the United States centers needs to be able to answer the question.

If the United States centers informs the director that the franchise fee may be so increased, the director shall request that the United States centers provide formal approval for the increase as soon as possible. On receipt of

the formal approval, the director shall increase the franchise fee as needed to raise as much of the additional two hundred seven million dollars per fiscal year as the United States centers specifies in the formal approval. The increase shall go into effect on the later of July 1, 2018, or the earliest date the formal approval permits the increase to take effect. The increase shall be applied proportionately across health insuring corporation plans. The franchise fee shall cease to be so increased effective July 1, 2024."

In line 89021, delete "the"

In line 89033, delete "Money" and insert "Except as provided in division (C) of this section, money"

Between lines 89038 and 89039, insert:

"(C) If the United States centers for medicare and medicaid services provides formal approval to increase the franchise fee under section 5168.761 of the Revised Code, the director of budget and management shall provide for the additional funds so raised to be transferred periodically from the health insuring corporation franchise fee to the permissive tax distribution fund created under section 4301.423 of the Revised Code for the purpose of mitigating the effects of the reduced permissive sales tax revenues of qualifying subdivisions caused by transactions described in division (B)(11) (a) of section 5739.01 of the Revised Code ceasing to be sales for the purpose of Chapters 5739. and 5741. of the Revised Code. The tax commissioner shall provide for the equitable distribution of the amounts so transferred to the county treasurer and fiscal officer of each qualifying subdivision."

In line 109 of the title, delete "4303.05,"

In line 263 of the title, after "3901.90," insert "4303.051,"

In line 579, delete "4303.05,"

In line 669, after "3901.90," insert "4303.051,"

Delete lines 60578 through 60606 and insert:

"Sec. 4303.051. (A) Permit A-5 may be issued to a manufacturer of ice cream to manufacture ice cream that contains not less than one-half of one per cent of alcohol by volume and not more than six per cent of alcohol by volume, provided that the sale of beer or intoxicating liquor for on- and off-premises consumption is authorized in the election precinct in which the manufacturer is located.

(B) An A-5 permit holder may sell ice cream under this section only for consumption on the premises where manufactured or in sealed containers for consumption off the premises where manufactured. An A-5 permit holder may sell ice cream under this section only by in-person transaction at the permit premises. An A-5 permit holder shall not ship, send, or use an H permit holder to deliver ice cream to a personal consumer. An A-5 permit holder shall not sell more than four pints of ice cream for off-premises

consumption to a personal consumer in any calendar day.

(C) The fee for an A-5 permit is one thousand dollars for each plant."

In line 106010, delete "4303.05,"

In line 28 of the title, delete "1121.30,"

In line 29 of the title, delete "1123.02,"

In line 264 of the title, delete the third comma

In line 349 of the title, delete "1123.02,"

In line 440 of the title, delete "1181.18,"

In line 521, delete "1121.30,"; delete "1123.02,"

In line 660, delete the second comma

In line 1937, delete "Medicaid" and insert "medicaid"

In line 1977, delete "the" and insert "The"

In line 3122, delete "in formation" and insert "information"

Delete lines 21595 through 21627

Delete lines 21676 through 21695

In line 51307, strike through "4713.05" and insert "3713.05"

In line 70331, delete "the"; after "and" insert "funeral"

In line 70332, delete "the" and insert "a"

In line 70334, delete "made" and insert "paid"

In line 70335, after "contract" insert "for such guaranteed price funeral services and funeral goods"

In line 89021, delete "the"

In line 100157, after "(N)(1)(a)" insert "or (N)(2)"

In line 100164, after "(N)(1)(b)" insert "or (N)(2)"

In line 105951, delete "1121.30,"; delete "1123.02,"

In line 106092, after the first comma insert a space

In line 112765, strike through "certificate" and insert "license"

In line 113816, delete "1123.02,"

Delete lines 123382 through 123400

In line 126588, delete "1123.02,"

In line 126644, delete "1181.18,"

Delete lines 126660 through 126666

In line 126668, delete "130.25,"

In line 129412, delete "EXPANSION"

In line 130107, after "Districts" insert a comma

In line 133161, delete "\$5,000,000" and insert "\$4,000,000"

In line 133163, delete "\$5,000,000" and insert "\$4,000,000"

In line 133340, delete "\$1,078,130,000" and insert "\$1,082,630,000"

Delete lines 144352 through 144365

In line 144409, after "5739.02," insert "and"; delete ", 5739.10, and 5741.02"

In line 144490, after "5595.13" insert "of the Revised Code"

In line 29563, after "division" insert "is subject to the following limitations, as applicable:

(i) If the prison term is imposed"

In line 29568, after "felony" insert ", the prison term"

Between lines 29568 and 29569, insert:

"(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony, the prison term shall not exceed one hundred eighty days."

In line 29581, strike through "this"; after "division" insert "(B)(1) of this section"

In line 29588, strike through "this"; after "division" insert "(B)(1) of this section"

In line 30044, after the underlined comma insert "a violation of section 2925.03 of the Revised Code,"

In line 30631, delete "Regardless of the category in which a person is"

In line 30632, delete "included in division (D) of this section" and insert "Unless a person is serving a mandatory prison term or a prison term for an offense of violence or a sexually oriented offense"

In line 30636, after "term" insert "or a ten per cent reduction of the person's stated prison term, whichever is less"

Between lines 89196 and 89197, insert:

"Notwithstanding section 125.28 of the Revised Code, the director of public safety may recover the costs of directing security measures and operations under this division by either issuing intrastate transfer voucher billings to the department of administrative services, which the department

shall process to pay for the costs, or, upon the request of the director of administrative services, the director of budget and management may transfer cash in the requested amount from the building management fund created under section 125.28 of the Revised Code. Payments received or cash transfers made under this division for the costs of directing security measures and operations shall be deposited into the state treasury to the credit of the security, investigations, and policing fund created under section 4501.11 of the Revised Code."

In line 142562, strike through "12,155,202 12,505,202" and insert "13,698,602 14,056,602"

In line 142567, strike through "535,421,914" and insert "536,973,314"

In line 142567a, delete "526,861,887" and insert "528,405,287"

In line 142593, strike through "588,638,209" and insert "590,189,609"

In line 142593a, delete "580,034,497" and insert "581,577,897"

In line 86004, after "submit" insert "under the beta test"

In line 86005, after "services" delete the balance of the line

In line 86006, delete "payment for the clean claim" and insert "that is properly adjudicated"

Between lines 134323 and 134324, insert:

"Of the unexpended, unencumbered balance of appropriation item 440468, Chronic Disease and Injury Prevention, \$380,000 at the end of fiscal year 2017 is hereby reappropriated to the foregoing appropriation item 440482, Chronic Disease/Health Promotion, for fiscal year 2018. These funds shall be used to purchase naloxone."

In line 131511, after "If" delete the balance of the line

In line 131512, delete everything before "on" and insert a comma

In line 131513, after the comma insert "a provider has remaining award funds after enrolling eligible children under division (A)(4)(a) of this section, the provider may seek approval from the Department to consider"

In line 131516, delete "shall be considered" and insert "as"

In line 131517, after the period insert "Upon approval from the Department, the provider may use the remaining award funds to serve such three-year-old children as eligible children."

In line 228 of the title, after "5739.09," insert "5739.12,"

In line 229 of the title, after "5739.132," insert "5739.17,"

In line 644, after "5739.09," insert "5739.12,,"; after "5739.132,"

insert "5739.17,"

In line 63191, delete "On and after January 1, 2018, a" and insert "(a) A"

In line 63192, after "state" insert "with more than twenty million dollars in motor vehicle sales in the preceding calendar year per vendor's license held by the dealer"

In line 63194, delete "elect to submit to the clerk a"

Delete lines 63195 and 63196

In line 63197, delete "dealer will" and insert "make an election to"; after "due" insert "directly to the commissioner"

In line 63198, delete ", whichever is applicable"

Delete lines 63199 through 63210

In line 63211, delete "report and remit the tax due"

In line 63212, delete "pursuant to" and insert "make"; after "section" insert "or whose election has not been approved or has been terminated or revoked"

In line 63214, after the underlined period, insert "Division (B)(5) of this section applies only to sales of motor vehicles occurring on or after July 1, 2018."

(b) To make an election under division (B)(5) of this section, a dealer shall notify the commissioner on or before the first day of May on a form prescribed by the commissioner for that purpose. If a dealer's election is approved by the commissioner, it shall be effective on the first day of the ensuing July and, unless it is revoked under division (B)(5)(e) of this section, it shall be valid for a period of one year. The commissioner shall not approve a dealer's election if the commissioner has knowledge that the dealer failed to file a return or failed to submit any information required by the commissioner or that the dealer failed to remit a required payment for any tax, fee, or charge administered by the commissioner. Once an election is approved by the commissioner, it shall be renewed for each subsequent one-year period unless the dealer terminates the election under division (B)(5)(d) of this section or the commissioner revokes the election under division (B)(5)(e) of this section. No action shall be required on the part of the dealer or the commissioner to effectuate such renewal.

(c) A dealer that makes an election under division (B)(5) of this section agrees to all of the following terms:

(i) The dealer shall notify the clerk of courts of each sale of a motor vehicle, state the purchaser's county of residence, and pledge that the dealer will report and remit the tax due directly to the commissioner as required by section 5739.12 or 5741.12 of the Revised Code.

(ii) The dealer shall timely submit the information required by division (C)(3) of section 5739.12 of the Revised Code.

(iii) The dealer is and shall remain current on all taxes, fees, and charges administered by the commissioner.

(iv) The dealer shall timely submit any information requested by the commissioner.

(d) A dealer may terminate an election under division (B)(5) of this section by submitting a notification of termination to the commissioner on a form prescribed by the commissioner for that purpose. The notice of termination shall be submitted on or before the first day of May. Such termination shall be effective on the first day of the ensuing July.

(e) The commissioner may immediately revoke a dealer's election under division (B)(5) of this section if the dealer fails to comply with any of the terms prescribed by division (B)(5)(c) of this section. If the dealer's motor vehicle sales in any calendar year are less than twenty million dollars per vendor's license held by the dealer, the commissioner may revoke that dealer's election, effective on the first day of the ensuing July.

(f) The commissioner is not required to approve subsequent elections under division (B)(5) of this section of a motor vehicle dealer whose election has, at any time, been terminated under division (B)(5)(d) of this section or revoked under division (B)(5)(e) of this section.

(g) On or before the thirtieth day of June of each year, the commissioner shall notify the registrar and the clerks through the automated title processing system, if available, of the dealers that have made elections under division (B)(5) of this section and of any elections that have been terminated by the dealer or revoked by the commissioner, as necessary.

(h)(i) For each motor vehicle sold by a dealer that makes an election under division (B)(5) of this section, the clerk that issued the certificate of title shall receive a poundage fee equal to the poundage fee that the clerk would have been entitled to retain if the dealer had remitted the tax due to the clerk under division (A)(5)(a) of this section.

(ii) On or before the twentieth day of each month, the commissioner shall calculate the poundage fees due to each clerk in the state under division (B)(5)(h)(i) of this section for motor vehicles titled in the preceding month. The commissioner shall certify those amounts to the director of budget and management, who shall transfer the sum of those amounts from the general revenue fund to the poundage fee compensation fund, which is hereby created in the state treasury.

(iii) On or before the tenth day of each month following a deposit to the poundage fee compensation fund under division (B)(5)(h)(ii) of this section, the director of budget and management shall distribute the amount

certified for each county in the preceding month to the appropriate clerks. Such distributions shall be paid to the certificate of title administration fund of each such county created pursuant to section 325.33 of the Revised Code."

In line 90150, delete the underlined period and insert an underlined semicolon

Between lines 90150 and 90151, insert:

"(19) Disclosing to the department of public safety information in the possession of the department of taxation that is necessary to ensure compliance with the requirements of elections made by motor vehicle dealers under division (B)(5) of section 4505.06 of the Revised Code, or disclosing to the registrars and clerks of courts information in the possession of the department of taxation as required under that division. No registrar or clerk shall publicly disclose any information provided by the department of taxation under that division."

Between lines 100181 and 100182, insert:

**"Sec. 5739.12.(A)(1)** Each person who has or is required to have a vendor's license, on or before the twenty-third day of each month, shall make and file a return for the preceding month in the form prescribed by the tax commissioner, and shall pay the tax shown on the return to be due. The return shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the commissioner. Payment of the tax shown on the return to be due shall be made electronically in a manner approved by the commissioner. The commissioner may require a vendor that operates from multiple locations or has multiple vendor's licenses to report all tax liabilities on one consolidated return. The return shall show the amount of tax due from the vendor to the state for the period covered by the return and such other information as the commissioner deems necessary for the proper administration of this chapter. The commissioner may extend the time for making and filing returns and paying the tax, and may require that the return for the last month of any annual or semiannual period, as determined by the commissioner, be a reconciliation return detailing the vendor's sales activity for the preceding annual or semiannual period. The reconciliation return shall be filed by the last day of the month following the last month of the annual or semiannual period. The commissioner may remit all or any part of amounts or penalties that may become due under this chapter and may adopt rules relating thereto. Such return shall be filed electronically as directed by the tax commissioner, and payment of the amount of tax shown to be due thereon, after deduction of any discount provided for under this section, shall be made electronically in a manner approved by the tax commissioner.

(2) Any person required to file returns and make payments



electronically under division (A)(1) of this section may apply to the tax commissioner on a form prescribed by the commissioner to be excused from that requirement. For good cause shown, the commissioner may excuse the person from that requirement and may permit the person to file the returns and make the payments required by this section by nonelectronic means.

(B)(1) If the return is filed and the amount of tax shown thereon to be due is paid on or before the date such return is required to be filed, the vendor shall be entitled to a discount of three-fourths of one per cent of the amount shown to be due on the return.

(2) A vendor that has selected a certified service provider as its agent shall not be entitled to the discount if the certified service provider receives a monetary allowance pursuant to section 5739.06 of the Revised Code for performing the vendor's sales and use tax functions in this state. Amounts paid to the clerk of courts pursuant to section 4505.06 of the Revised Code shall be subject to the applicable discount. The discount shall be in consideration for prompt payment to the clerk of courts and for other services performed by the vendor in the collection of the tax.

(C)(1) Upon application to the tax commissioner, a vendor who is required to file monthly returns may be relieved of the requirement to report and pay the actual tax due, provided that the vendor agrees to remit to the commissioner payment of not less than an amount determined by the commissioner to be the average monthly tax liability of the vendor, based upon a review of the returns or other information pertaining to such vendor for a period of not less than six months nor more than two years immediately preceding the filing of the application. Vendors who agree to the above conditions shall make and file an annual or semiannual reconciliation return, as prescribed by the commissioner. The reconciliation return shall be filed electronically as directed by the tax commissioner, and payment of the amount of tax shown to be due thereon, after deduction of any discount provided in this section, shall be made electronically in a manner approved by the commissioner. Failure of a vendor to comply with any of the above conditions may result in immediate reinstatement of the requirement of reporting and paying the actual tax liability on each monthly return, and the commissioner may at the commissioner's discretion deny the vendor the right to report and pay based upon the average monthly liability for a period not to exceed two years. The amount ascertained by the commissioner to be the average monthly tax liability of a vendor may be adjusted, based upon a review of the returns or other information pertaining to the vendor for a period of not less than six months nor more than two years preceding such adjustment.

(2) The commissioner may authorize vendors whose tax liability is not such as to merit monthly returns, as ascertained by the commissioner upon the basis of administrative costs to the state, to make and file returns at

less frequent intervals. When returns are filed at less frequent intervals in accordance with such authorization, the vendor shall be allowed the discount provided in this section in consideration for prompt payment with the return, provided the return is filed and payment is made of the amount of tax shown to be due thereon, at the time specified by the commissioner, but a vendor that has selected a certified service provider as its agent shall not be entitled to the discount.

(3) A motor vehicle dealer that makes an election under division (B) (5) of section 4505.06 of the Revised Code to remit the tax due under Chapters 5739. and 5741. of the Revised Code directly to the commissioner, shall, in addition to the returns and payments required by this section, submit to the commissioner a monthly report as required by this division. The report shall be filed on or before the twenty-third day of each month following a month in which the dealer's election was active under division (B)(5)(b) of section 4505.06 of the Revised Code. The report shall be submitted in the format required by the commissioner and shall identify all of the following information, organized by vendor's license, for each motor vehicle sold in the preceding calendar month regardless of whether the vehicle was titled with a clerk in that month:

(a) The dealer's license number issued pursuant to Chapter 4517. of the Revised Code;

(b) The vehicle identification number;

(c) The purchase price;

(d) The tax due under Chapters 5739. and 5741. of the Revised Code;

(e) The date of the sale;

(f) The purchaser's county of residence;

(g) The date the certificate of title was issued by a clerk, if applicable;

(h) The title number, if applicable;

(i) If the sale of the vehicle is exempt from taxation, the reason for such exemption;

(j) Notification if the title was voided by the new motor vehicle dealer of the clerk;

(k) Any additional information the commissioner requires.

(D) Any vendor who fails to file a return or to pay the full amount of the tax shown on the return to be due in the manner prescribed under this section and the rules of the commissioner may, for each such return, be required to forfeit and pay into the state treasury an additional charge not exceeding fifty dollars or ten per cent of the tax required to be paid for the

reporting period, whichever is greater, as revenue arising from the tax imposed by this chapter, and such sum may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. The commissioner may remit all or a portion of the additional charge and may adopt rules relating to the imposition and remission of the additional charge.

(E) If the amount required to be collected by a vendor from consumers is in excess of the applicable percentage of the vendor's receipts from sales that are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, in excess of the percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code, such excess shall be remitted along with the remittance of the amount of tax due under section 5739.10 of the Revised Code.

(F) The commissioner, if the commissioner deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods.

(G) Any vendor required to file a return and pay the tax under this section whose total payment for a year equals or exceeds the amount shown in division (A) of section 5739.122 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section. For a vendor that operates from multiple locations or has multiple vendor's licenses, in determining whether the vendor's total payment equals or exceeds the amount shown in division (A) of that section, the vendor's total payment amount shall be the amount of the vendor's total tax liability for the previous calendar year for all of the vendor's locations or licenses."

Between lines 100386 and 100387, insert:

**"Sec. 5739.17.** (A) No person shall engage in making retail sales subject to a tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code as a business without having a license therefor, except as otherwise provided in divisions (A)(1), (2), and (3) of this section.

(1) In the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership for a period of sixty days.

(2) The heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy, appointed by any competent authority, may operate under the license of the person so succeeded in possession.

(3) Two or more persons who are not partners may operate a single place of business under one license. In such case neither the retirement of any such person from business at that place of business, nor the entrance of any person, under an existing arrangement, shall affect the license or require

the issuance of a new license, unless the person retiring from the business is the individual named on the vendor's license.

Except as otherwise provided in this section, each applicant for a license shall make out and deliver to the county auditor of each county in which the applicant desires to engage in business, upon a blank to be furnished by such auditor for that purpose, a statement showing the name of the applicant, each place of business in the county where the applicant will make retail sales, the nature of the business, and any other information the tax commissioner reasonably prescribes in the form of a statement prescribed by the commissioner.

At the time of making the application, the applicant shall pay into the county treasury a license fee in the sum of twenty-five dollars for each fixed place of business in the county that will be the situs of retail sales. Upon receipt of the application and exhibition of the county treasurer's receipt, showing the payment of the license fee, the county auditor shall issue to the applicant a license for each fixed place of business designated in the application, authorizing the applicant to engage in business at that location.

(B) If a vendor's identity changes, the vendor shall apply for a new license. If a vendor wishes to move an existing fixed place of business to a new location within the same county, the vendor shall obtain a new vendor's license or submit a request to the commissioner to transfer the existing vendor's license to the new location. When the new location has been verified as being within the same county, the commissioner shall authorize the transfer and notify the county auditor of the change of location. If a vendor wishes to move an existing fixed place of business to another county, the vendor's license shall not transfer and the vendor shall obtain a new vendor's license from the county in which the business is to be located. The form of the license shall be prescribed by the commissioner. The fees collected shall be credited to the general fund of the county. If a vendor fails to notify the commissioner of a change of location of its fixed place of business or that its business has closed, the commissioner may cancel the vendor's license if ordinary mail sent to the location shown on the license is returned because of an undeliverable address.

(C) The commissioner may establish or participate in a registration system whereby any vendor may obtain a vendor's license by submitting to the commissioner a vendor's license application and a license fee of twenty-five dollars for each fixed place of business at which the vendor intends to make retail sales. Under this registration system, the commissioner shall issue a vendor's license to the applicant on behalf of the county auditor of the county in which the applicant desires to engage in business, and shall forward a copy of the application and license fee to that county. All such license fees received by the commissioner for the issuance of vendor's licenses shall be

deposited into the vendor's license application fund, which is hereby created in the state treasury. The commissioner shall certify to the director of budget and management within ten business days after the close of a month the license fees to be transmitted to each county from the vendor's license application fund for vendor's license applications received by the commissioner during that month. License fees transmitted to a county for which payment was not received by the commissioner may be netted against a future distribution to that county, including distributions made pursuant to section 5739.21 of the Revised Code.

A vendor that makes retail sales subject to tax under Chapter 5739. of the Revised Code pursuant to a permit issued by the division of liquor control shall obtain a vendor's license in the identical name and for the identical address as shown on the permit.

Except as otherwise provided in this section, if a vendor has no fixed place of business and sells from a vehicle, each vehicle intended to be used within a county constitutes a place of business for the purpose of this section.

(D) As used in this section, "transient vendor" means any person who makes sales of tangible personal property from vending machines located on land owned by others, who leases titled motor vehicles, titled watercraft, or titled outboard motors, who effectuates leases that are taxed according to division (A)(2) of section 5739.02 of the Revised Code, who sells titled motor vehicles as a motor vehicle dealer and has an active election under division (B)(5) of section 4505.06 of the Revised Code, or who, in the usual course of the person's business, transports inventory, stock of goods, or similar tangible personal property to a temporary place of business or temporary exhibition, show, fair, flea market, or similar event in a county in which the person has no fixed place of business, for the purpose of making retail sales of such property. A "temporary place of business" means any public or quasi-public place including, but not limited to, a hotel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or motor vehicle that is temporarily occupied for the purpose of making retail sales of goods to the public. A place of business is not temporary if the same person conducted business at the place continuously for more than six months or occupied the premises as the person's permanent residence for more than six months, or if the person intends it to be a fixed place of business.

Any transient vendor, ~~in lieu of obtaining a vendor's license under division (A) of this section for counties in which the transient vendor has no fixed place of business,~~ may apply to the tax commissioner, on a form prescribed by the commissioner, for a transient vendor's license. The transient vendor's license authorizes the transient vendor to make retail sales in any county in which the transient vendor does not maintain a fixed place of business. Any holder of a transient vendor's license shall not be required

to obtain a separate vendor's license from the county auditor in that county. Upon the commissioner's determination that an applicant is a transient vendor, the applicant shall pay a license fee in the amount of twenty-five dollars, at which time the tax commissioner shall issue the license. The tax commissioner may require a vendor to be licensed as a transient vendor if, in the opinion of the commissioner, such licensing is necessary for the efficient administration of the tax.

Any holder of a valid transient vendor's license may make retail sales at a temporary place of business or temporary exhibition, show, fair, flea market, or similar event, held anywhere in the state without complying with any provision of section 311.37 of the Revised Code. Any holder of a valid vendor's license may make retail sales as a transient vendor at a temporary place of business or temporary exhibition, show, fair, flea market, or similar event held in any county in which the vendor maintains a fixed place of business for which the vendor holds a vendor's license without obtaining a transient vendor's license.

(E) Any vendor who is issued a license pursuant to this section shall display the license or a copy of it prominently, in plain view, at every place of business of the vendor.

(F) No owner, organizer, or promoter who operates a fair, flea market, show, exhibition, convention, or similar event at which transient vendors are present shall fail to keep a comprehensive record of all such vendors, listing the vendor's name, permanent address, vendor's license number, and the type of goods sold. Such records shall be kept for four years and shall be open to inspection by the commissioner.

(G) The commissioner may issue additional types of licenses if required to efficiently administer the tax imposed by this chapter."

In line 106074, after "5739.09," insert "5739.12,"; after "5739.132," insert "5739.17,"

Between lines 139259b and 139260, insert:

"XXXX 110XXX Poundage Fee Compensation Fund \$0  
\$18,950,000"

In line 139260, add \$18,950,000 to FY 2019

In line 139264, add \$18,950,000 to FY 2019

Between lines 139519 and 139520, insert:

"POUNDAGE FEE COMPENSATION FUND

The foregoing appropriation item, 110XXX, Poundage Fee Compensation Fund, shall be used to make payments to county treasurers of poundage fee replacement payments provided under division (B)(5) of section 4505.06 of the Revised Code. County treasurers shall deposit the

amounts transferred into the county certificate of title administration fund. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated."

In line 99 of the title, after "3734.15," insert "3734.31,"

In line 572, after "3734.15," insert "3734.31,"

Between lines 54275 and 54276, insert:

**"Sec. 3734.31.** (A) The director of environmental protection shall employ and equip such individuals as are needed to adequately and regularly inspect and monitor operating hazardous waste facilities, infectious waste treatment facilities, or solid waste facilities located off the premises where hazardous waste, infectious waste, or solid waste is generated.

(B) The director may employ and equip such individuals as are necessary to inspect and monitor operating hazardous waste facilities, infectious waste treatment facilities, or solid waste facilities other than those described in division (A) of this section.

~~(C)(1) As used in division (C)(2) of this section:~~

~~(a) "Commercial hazardous waste landfill" means a disposal facility or part of a facility whose primary business activity is the placement in or on land of hazardous waste that is generated off the premises on which the landfill is located by any person other than the one who controls, is controlled by, or is under common control with the person who owns or operates the landfill. "Commercial hazardous waste landfill" does not include a pile, land treatment facility, surface impoundment, underground injection well, salt dome formation, salt bed formation, underground mine, or cave.~~

~~(b) "Commercial hazardous waste underground injection well" means a bored, drilled, or driven hole, or a dug well whose depth is greater than its largest surface dimension, whose primary business activity is the subsurface emplacement of hazardous waste fluids that are generated off the premises on which the underground injection well is located by any person other than the one who controls, is controlled by, or is under common control with the person who owns or operates the underground injection well.~~

~~(c) "Commercial hazardous waste incinerator" means an enclosed device that treats hazardous waste by means of controlled flame combustion and whose primary business activity is the acceptance for treatment of hazardous waste that is generated off the premises on which the device is located by any person other than the one who owns or operates the device or the one who controls, is controlled by, or is under common control with the person who owns or operates the device.~~

~~(d) "Commercial hazardous waste facility" includes a commercial hazardous waste landfill, commercial hazardous waste underground injection~~

well, and commercial hazardous waste incinerator.

~~(2) The director may employ and equip one qualified individual or may utilize proven and universally accepted technology to perform ongoing on-site inspection and monitoring functions at each operating commercial hazardous waste facility. The director may recover the actual and reasonable costs incurred by the environmental protection agency for maintaining qualified agency personnel on-site to perform such inspection and monitoring functions at the facility. The director may negotiate with the owner or operator of a facility for the placement of additional on-site inspectors at the facility and for the recovery of the costs incurred by the agency for maintaining those inspectors at the facility.~~

~~Costs incurred by the agency under this division are recoverable quarterly. Moneys recovered by the agency pursuant to this division shall be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code."~~

In line 106002, after "3734.15," insert "3734.31,"

In line 480 of the title, after "221.20," insert "223.50,"

In line 481 of the title, delete "and"; after "229.30," insert "and 229.40"

In line 128665, delete "\$14,251,600 \$14,344,800" and insert "\$15,251,600 \$15,344,800"

In line 128666, delete "\$8,664,100 \$8,628,500" and insert "\$8,518,000 \$8,520,100"

In line 128667, delete "\$93,017,500 \$85,862,900" and insert "\$98,017,500 \$91,862,900"

In line 128675, add \$5,853,900 to fiscal year 2018 and \$6,891,600 to fiscal year 2019

In line 128711, add \$5,853,900 to fiscal year 2018 and \$6,891,600 to fiscal year 2019

In line 129297, delete "\$3,255,800 \$3,161,000" and insert "\$2,513,600 \$2,512,900"

In line 129302, subtract \$742,200 from fiscal year 2018 and \$648,100 from fiscal year 2019

In line 129343, subtract \$742,200 from fiscal year 2018 and \$648,100 from fiscal year 2019

Between lines 129364 and 129365, insert:

"BUREAU OF CRIMINAL INVESTIGATION RECORDS  
SYSTEM (BCIRS) LEASE RENTAL PAYMENTS

The foregoing appropriation item 055406, BCIRS Lease Rental



Payments, shall be used for payments during the period from July 1, 2017, through June 30, 2019, pursuant to leases and agreements entered into pursuant to Section 701.40 of Am. Sub. S.B. 310 of the 131st General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the BCIRS. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated."

In line 129982, delete "\$87,015,000 \$95,039,900" and insert "\$85,574,000 \$89,782,300"

In line 129984, subtract \$1,441,000 from fiscal year 2018 and \$5,257,600 from fiscal year 2019

In line 130044, subtract \$1,441,000 from fiscal year 2018 and \$5,257,600 from fiscal year 2019

In line 134099, delete "\$30,500,000 \$32,431,200" and insert "\$30,762,300 \$32,301,200"

In line 134101, delete "\$373,134,900 \$402,025,700" and insert "\$376,083,200 \$404,435,700"

In line 134102, add \$3,210,600 to fiscal year 2018 and \$2,280,000 to fiscal year 2019

In line 134106, add \$3,210,600 to fiscal year 2018 and \$2,280,000 to fiscal year 2019

In line 137048, delete "\$39,002,200 \$44,442,400" and insert "\$38,210,500 \$44,046,500"

In line 137060, subtract \$791,700 from fiscal year 2018 and \$395,900 from fiscal year 2019

In line 137132, subtract \$791,700 from fiscal year 2018 and \$395,900 from fiscal year 2019

In line 137596, delete "\$37,500,000 \$40,500,000" and insert "\$37,708,400 \$40,503,200"

In line 137597, delete "\$227,005,100 \$220,142,200" and insert "\$228,005,100 \$221,142,200"

In line 137598, add \$1,208,400 to fiscal year 2018 and \$1,003,200 to fiscal year 2019

In line 137603, add \$1,208,400 to fiscal year 2018 and \$1,003,200 to fiscal year 2019

In line 137731, delete "\$271,425,600 \$298,094,600" and insert "\$253,157,900 \$296,782,500"

In line 137732, subtract \$18,267,700 from fiscal year 2018 and \$1,312,100 from fiscal year 2019

In line 137759, subtract \$18,267,700 from fiscal year 2018 and \$1,312,100 from fiscal year 2019

In line 139140, delete "\$78,540,400" and insert "\$77,707,100"

In line 139148, subtract \$833,300 from fiscal year 2019

In line 139172, subtract \$833,300 from fiscal year 2019

In line 139694, delete "\$86,015,000 \$93,539,900" and insert "\$85,574,000 \$89,782,300"

In line 139697, delete "\$39,367,200 \$44,001,700" and insert "\$37,708,400 \$42,878,200"

In line 139699, delete "\$230,880,100 \$228,392,200" and insert "\$232,380,100 \$229,892,200"

In line 139700, delete "\$375,134,900 \$404,025,700" and insert "\$376,083,200 \$404,435,700"

In line 139701, delete "\$267,425,600 \$295,094,600" and insert "\$268,157,900 \$311,782,500"

In line 139704, add \$1,080,800 to fiscal year 2018 and \$13,716,800 to fiscal year 2019

In line 139705, add \$1,080,800 to fiscal year 2018 and \$13,716,800 to fiscal year 2019

In line 140085, delete "\$17,515,369 \$17,086,697" and insert "\$17,534,700\$17,346,900"

In line 140089, add \$19,331 to fiscal year 2018 and \$260,203 to fiscal year 2019

In line 140109, add \$19,331 to fiscal year 2018 and \$260,203 to fiscal year 2019

In line 141485, delete "and"; after "217.10" insert ", 223.50, and 229.40"

Between lines 141534a and 141536, insert:

**"Sec. 223.50.** The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$217,000,000~~ \$218,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Parks and Recreation Improvement Fund (Fund 7035) to pay the costs of capital facilities for parks and recreation as defined in section 154.01 of the Revised Code.

**Sec. 229.40.** The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. and section 307.021 of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$142,000,000~~ \$143,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Adult Correctional Building Fund (Fund 7027) to pay costs associated with previously authorized capital facilities and the appropriations in this act from Fund 7027 for the Department of Rehabilitation and Correction."

In line 141536, delete "and"

In line 141537, after "217.10" insert ", 223.50, and 229.40"

In line 248 of the title, after "107.56," insert "109.112,"

In line 250 of the title, after "125.32," insert "126.071,"

In line 658, after "107.56," insert "109.112,"

In line 659, after "125.32," insert "126.071,"

After line 2496, insert:

"Sec. 109.112. If the state of Ohio or any agency or officer of the state is named in a court order to be the recipient of any money collected or received by the attorney general under section 109.111 of the Revised Code, the attorney general shall notify the director of budget and management of the amount of money to be collected or received under, and the terms of, the court order. The director, in consultation with the attorney general, shall determine the appropriate distribution of the money to the appropriate custodial fund or funds within the state treasury, consistent with the terms of the order. Upon its collection or receipt, the attorney general shall transfer the money from the attorney general court order fund to the appropriate fund or funds as determined by the director."

After line 8400, insert:

"Sec. 126.071. No state agency shall agree to any monetary settlement that obligates payment from any fund within the state treasury without consulting with the director of budget and management."

In line 52334, delete "Beginning" and insert "For the purpose of maintaining a repository for public access, beginning"

In line 52337, after the underlined period insert "The copy of the plan is a public record under section 149.43 of the Revised Code."

Between lines 140371 and 140372, insert:

**"Section 512. \_\_\_\_.** TRANSFER FROM THE HEALTH AND HUMAN SERVICES FUND (FUND 5SA4) TO THE MEDICAID LOCAL

## SALES TAX TRANSITION FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$200,000,000 cash from the Health and Human Services Fund (Fund 5SA4) to the Medicaid Local Sales Tax Transition Fund. This transfer shall occur prior to any transfer to Fund 5SA4 as authorized by this act."

Delete lines 140391 through 140403 and insert:

"Notwithstanding division (A) of section 169.05 of the Revised Code, during the biennium ending June 30, 2019, the Director of Budget and Management may request the Director of Commerce to remit to the Medicaid Local Sales Tax Transition Fund, up to \$207,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. The Director of Commerce shall remit the funds at the time requested by the Director of Budget and Management.

**Section 512.** GENERAL REVENUE FUND TRANSFER TO LAKE ERIE PROTECTION FUND

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$273,415 cash from the General Revenue Fund to the Lake Erie Protection Fund."

In line 76897, reinsert "eighty"; delete "sixty"

In line 76900, reinsert "eighty"; delete "sixty"

In line 76907, reinsert "sixty"; delete "twenty"

In line 76911, reinsert "ninety"; delete "sixty-seven"; delete "and fifty cents"

In line 76913, reinsert "ninety"; delete "sixty-seven"; delete "and fifty cents"

In line 76915, reinsert "seventy-five"; delete "fifty-six"; delete "and twenty-five cents"

Between lines 140728 and 140729, insert:

"**Section 515.** On or before January 31, 2018, the Director of Health shall submit a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate assessing the cost impact to the Department of Health to regulate sanitarians pursuant to the provisions of this act. The report shall include all of the following:

(A) An analysis regarding the operating costs to the Department to regulate sanitarians;

(B) An analysis of whether the costs are sufficiently covered by the revenue received by the Department from fees assessed in the licensing of

sanitarians and sanitarians-in-training; and

(C) A recommendation of whether the fees assessed in the licensing of sanitarians and sanitarians-in-training should be decreased, increased, or remain unchanged in order to sufficiently cover the operating costs of the Department for the purpose of regulating sanitarians."

In line 101333, strike through "at the same rates" and insert "in the same amount as the tax is imposed on estates as"

In line 101334, strike through "(3)" and insert "(2)"; strike through "for individuals"

In line 101336, after "levied" insert "at the rate of seven thousand four hundred twenty-five ten-thousandths per cent for the first ten thousand five hundred dollars of such income and, for income in excess of that amount,"

In line 101346, after "thousand" insert "five hundred"

In line 101348, after "thousand" insert "five hundred"

In line 101358, strike through "\$10,000" and insert "\$10,500"; strike through "\$74.25" and insert "\$77.96"

In line 101358a, strike through "\$15,000" and insert "\$15,800"; strike through "\$10,000" and insert "\$10,500"

In line 101359, strike through "\$15,000" and insert "\$15,800"; strike through "\$173.25" and insert "\$182.90"

In line 101359a, strike through "\$20,000" and insert "\$21,100"; strike through "\$15,000" and insert "\$15,800"

In line 101360, strike through "\$20,000" and insert "\$21,100"; strike through "\$297.05" and insert "\$314.13"

In line 101360a, strike through "\$40,000" and insert "\$42,100"; strike through "\$20,000" and insert "\$21,100"

In line 101361, strike through "\$40,000" and insert "\$42,100"; strike through "\$890.85" and insert "\$937.62"

In line 101361a, strike through "\$80,000" and insert "\$84,200"; strike through "\$40,000" and insert "\$42,100"

In line 101362, strike through "\$80,000" and insert "\$84,200"; strike through "\$2,276.85" and insert "\$2,396.39"

In line 101362a, strike through "\$100,000" and insert "\$105,300"; strike through "\$80,000" and insert "\$84,200"

In line 101363, strike through "\$100,000" and insert "\$105,300"; strike through "\$3,068.85" and insert "\$3,231.95"

In line 101363a, strike through "\$200,000" and insert "\$210,600";

strike through "\$100,000" and insert "\$105,300"

In line 101364, strike through "\$200,000" and insert "\$210,600"; strike through "\$7,665.85" and insert "\$8,072.59"

In line 101364a, strike through "\$200,000" and insert "\$210,600"

In line 101389, before "Except" insert "(5)"

In line 101391, strike through "division" and insert "divisions"; after "(A)" insert "(2) and"

In line 101400, after the period insert "To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph."

In line 101409, strike through everything after the period

In line 101410, strike through "years beginning in"; delete "2017 or 2018"; strike through the period

In line 101464, after "thousand" insert "five hundred"

Between lines 144309 and 144310, insert:

**"Section 757.**     . The Tax Commissioner shall make the adjustments to the income amounts in divisions (A)(2) and (3) of section 5747.02 of the Revised Code, as required by division (A)(5) of that section, in August of 2017 and each year thereafter."

Between lines 144527 and 144528, insert:

**"Section 803.**     . The amendment by this act of division (A) of section 5747.02 of the Revised Code applies to taxable years beginning in 2017 or thereafter, subject to the adjustments to the income amounts required by that section and Section 757.      of this act."

In line 144190, after "5747.," insert "5748.,"

In line 144192, delete "Chapter 5748. or under"; delete "4301.421, 4301.424,"

In line 144193, after "5739.09," insert "or"; delete ", 5743.021, 5743.026, 5743.321, or 5743.324"

In line 8588, delete "July" and insert "October"

In line 8596, delete "a July" and insert "an October"

In line 8598, delete "a January" and insert "an April"

Between lines 133681 and 133682, insert:

**"Section 265.**     . Effective July 1, 2017, all of the following shall apply with respect to the Straight A Program created under Section 263.350 of Am. Sub. H.B. 64 of the 131st General Assembly:

(A) Grantees that received funding under the Program during fiscal year 2016 or 2017 and have grant funds remaining in fiscal year 2018 shall spend those remaining funds in accordance with the grant agreement. However, any provision of the grant agreement specifying the receipt of additional funds by the grantee in future fiscal years shall be void and the Department shall not pay any additional funds to the grantee. The Department's monitoring and oversight shall be limited to ensuring that grantees spend any remaining grant funds in accordance with the grant agreement.

(B) The governing board and advisory committee of the Program shall cease to exist, and the board and committee shall transfer any records in their possession to the Department.

(C) Not later than December 31, 2017, the Department shall issue a report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program in fiscal year 2017. This report also shall include recommendations on projects previously funded by the Straight A Fund that warrant consideration for future replication."

In line 132223, delete "\$3,100,850" and insert "\$3,000,850"

In line 132245, delete "\$200,000" and insert "\$550,000"

In line 132249, delete "\$1,000,000" and insert "\$750,000"

In line 314 of the title, delete "5164.88,"

In line 315 of the title, delete "5164.881,"

In line 106100, delete "5164.88, 5164.881,"

Delete lines 135996 through 135999

In line 62 of the title, after "3317.025," insert "3317.028,"

In line 545, after "3317.025," insert "3317.028,"

In line 38477, delete "For" and insert "Except as provided in division (F)(3) of this section, for"

Between lines 38514 and 38515, insert:

"(3) For purposes of division (F) of this section, if a district is an eligible school district for fiscal year 2018 but is not an eligible school district for fiscal year 2019, the district's state share index for fiscal year 2019 shall be equal to the district's state share index for 2018."

Between lines 39141 and 39142, insert:

**"Sec. 3317.028.** (A) ~~On or before the fifteenth day of May in each calendar year prior to calendar year 2007, the tax commissioner shall~~

determine for each school district whether the taxable value of all tangible personal property, including utility tangible personal property, subject to taxation by the district in the preceding tax year was less or greater than the taxable value of such property during the second preceding tax year. If any such decrease exceeds five per cent of the district's tangible personal property taxable value included in the total taxable value used in computing the district's state education aid for the fiscal year that ends in the current calendar year, or if any such increase exceeds five per cent of the district's total taxable value used in computing the district's state education aid for the fiscal year that ends in the current calendar year, the tax commissioner shall certify both of the following to the department of education and the office of budget and management:

(1) The taxable value of the tangible personal property increase or decrease, including utility tangible personal property increase or decrease, which shall be considered a change in valuation;

(2) The decrease or increase in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

~~(B)~~ On or before May 15, 2007, and the fifteenth day of May in each calendar year thereafter, the tax commissioner shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in the preceding tax year was less or greater than the taxable value of such property during the second preceding tax year. If any decrease exceeds five ten per cent of the district's tangible personal property taxable value included in the total taxable value used in the district's state aid computation for the fiscal year that ends in the current calendar year, or if any increase exceeds five ten per cent of the district's total taxable value used in the district's state education aid computation for the fiscal year that ends in the current calendar year, the tax commissioner shall certify ~~both~~ all of the following to the department of education and the office of budget and management:

(1) The district's total taxable value for the preceding tax year;

(2) The decrease or increase in taxes charged and payable on the district's total taxable value for the preceding tax year and the second preceding tax year;

(3) The taxable value of the utility tangible personal property increase or decrease, which shall be considered a change in valuation;

~~(2)~~(4) The decrease or increase in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.

~~(C)~~(B)(1) Upon receipt of a certification specified in this section,



the department of education shall ~~reduce or increase by the respective amounts certified and the taxable value and the taxes charged and payable~~ replace the three-year average valuations that were used in computing the district's state education aid for the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year without applying any funding limitations enacted by the general assembly to the computation. ~~The Subject to~~ division (B)(2) of this section, the department shall pay to or deduct from the district an amount equal to ~~one-half of the~~ the lesser of the following:

(a) The difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid;

(b) The increase or decrease certified under division (A)(2) of this section. ~~The~~

The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current fiscal year and not later than the thirty-first day of July of the following fiscal year. The department of education shall not pay the district under this section prior to approval by the director of budget and management to make that payment.

(2)(a) If an increase in the taxable value of the utility tangible personal property is certified for a district under division (A)(2) of this section, the department shall not make a payment to the district under division (B)(1) of this section. The department may, however, deduct funds from the district under division (B)(1) of this section.

(b) If a decrease in the taxable value of the utility tangible personal property is certified for a district under division (A)(2) of this section, the department shall not deduct funds from the district under division (B)(1) of this section. The department may, however, make a payment to the district under division (B)(1) of this section.

~~(D)(C)~~ If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code."

In line 105975, after "3317.025," insert "3317.028,"

In line 10362, delete ", "eligible lending" and insert ":

(1) "Eligible lending institution" means an eligible lending institution as defined in section 135.61, 135.68, 135.71, or 135.77 of the

Revised Code, as applicable.

(2) "Prevailing interest rate" means a current interest rate benchmark selected by the treasurer of state that banks are willing to pay to hold deposits for a specific time period, as measured by a third-party organization.

(3) "Treasurer's assessment rate" means a number not exceeding ten per cent that is calculated in a manner determined by the treasurer of state and that seeks to account for the effect that varying tax treatment among different types of financial institutions has on the ability of financial institutions to pay competitive interest rates to hold deposits."

Delete lines 10363 and 10364

After line 10375, insert:

"(C) Notwithstanding any provision of law to the contrary, the treasurer of state may require an eligible lending institution that holds public deposits under sections 135.61 to 135.67, 135.68 to 135.70, 135.71 to 135.76, or 135.77 to 135.774 of the Revised Code, and any institution mentioned in section 135.03 of the Revised Code that holds public deposits under sections 135.71 to 135.76 of the Revised Code, to pay interest at a rate not lower than the product of the prevailing interest rate multiplied by the sum of one plus the treasurer's assessment rate. The treasurer may adopt rules necessary for the implementation of this division. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

In line 141505, delete "as allocated" and insert "for up to 50 per cent of their acquisition costs"

Delete line 141506

In line 141507, delete "January 1, 2017"

In line 39 of the title, after "1561.48," insert "1711.51,"

In line 528, after "1561.48," insert "1711.51,"

Between lines 25732 and 25733, insert:

**"Sec. 1711.51.** There is hereby created within the department of agriculture an advisory council on amusement ride safety to consist of the director of agriculture or the director's designee, the general manager of the Ohio state fair or the general manager's designee, plus ~~eleven~~ the following appointed members, ~~of whom~~; one shall be a representative of temporary amusement ride owners, one shall be a representative of the greater Ohio showmen's association and the owner of a ride, three shall be representatives of owners of amusement parks, one shall be a representative of the Ohio fair managers' association, one shall be a representative of the insurance industry, one shall be an engineer, who has an academic degree in engineering and who is knowledgeable in the amusement ride industry, one shall be a representative of the Ohio festivals and events association, and two shall be

representatives of the general public. ~~One~~ Not later than thirty days after the effective date of this amendment, two additional members shall be appointed to the council. The additional members shall be representatives of the inflatable amusement ride industry who are owners or operators of inflatable amusement rides or consultants from the industry.

One member of the council shall be designated annually by the governor as chairperson. The appointed members not representing the general public shall be appointed by the governor, with the advice and consent of the senate. One member representing the general public shall be appointed by the speaker of the house of representatives and the remaining member representing the general public shall be appointed by the president of the senate. The council shall select from its membership a vice-chairperson to act as chairperson in the chairperson's absence.

Of the members first appointed by the governor, four shall be appointed for terms of two years, three for terms of four years, and two for terms of six years. The members appointed initially by the speaker of the house of representatives and the president of the senate shall each serve terms of six years. Of the additional members appointed by the governor who are representatives of the inflatable amusement ride industry, one shall be appointed for an initial term of four years and one shall be appointed for an initial term of six years. All members appointed thereafter after the initial terms shall serve six-year terms. 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 that term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office.

Members of the council shall be residents of this state and shall be reimbursed for actual and necessary expenses incurred in attending meetings of the council and in the performance of their official duties."

In line 25850, delete the second "the" and insert "an"; after "fee" insert "that is less than one hundred five dollars"

In line 25851, after the underlined period insert "In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued."

In line 105959, after "1561.48," insert "1711.51,"

In line 104 of the title, after "3745.11," insert "3749.01, 3749.02, 3749.03, 3749.04, 3749.05, 3749.06, 3749.07,"

In line 576, after "3745.11," insert "3749.01, 3749.02, 3749.03, 3749.04, 3749.05, 3749.06, 3749.07,"

In line 25735, after the period insert "No person shall operate an aquatic amusement ride, as defined in section 3749.01 of the Revised Code, without also complying with Chapter 3749. of the Revised Code."

Between lines 57360 and 57361, insert:

**"Sec. 3749.01.** As used in sections 3749.01 to 3749.10 of the Revised Code:

(A) "Board of health" means a city board of health or a general health district, or an authority having the duties of a city board of health as authorized by section 3709.05 of the Revised Code.

(B) "Health district" means any city or general health district created pursuant to section 3709.01 of the Revised Code.

(C) "Person" means the state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.

(D) "Licensor" means a city board of health or a general health district, an authority having the duties of a city board of health as authorized pursuant to section 3709.05 of the Revised Code, or the director of ~~the department~~ of health when acting under section 3749.07 of the Revised Code.

(E) "Director" means the director of ~~the department~~ of health or his an authorized representative of the director of health.

(F) "Private residential swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their nonpaying guests.

(G) "Public swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use, but does not mean any public bathing area or private residential swimming pool.

(H) "Public spa" means any public swimming pool that is typically operated as a smaller, higher temperature pool for recreational or nonmedical uses.

(I) "Special use pool" means a public swimming pool containing flume slides, wave generating equipment, or other special features that necessitate different design and safety requirements. ~~Special use pool does~~

~~not include any water slide or wave generating pool at a public amusement area which is licensed and inspected by the department of agriculture pursuant to sections 1711.50 to 1711.57 of the Revised Code.~~

(J) "Public bathing area" means an impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

(K) "Aquatic amusement ride" means an amusement ride, as defined in section 1711.50 of the Revised Code, that contains a water slide, catch pool, wave generating equipment, or a body of water that is used for bathing, swimming, or other purposes related to those activities.

**Sec. 3749.02.** The director of health shall, subject to Chapter 119. of the Revised Code, adopt rules of general application throughout the state governing the issuance of licenses, approval of plans, layout, construction, sanitation, safety, and operation of public swimming pools, public spas, and special use pools. Such rules shall not be applied to the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable when the building or structure is either integral to or appurtenant to a public swimming pool, a public spa, or a special use pool.

The director of health shall, subject to Chapter 119. of the Revised Code, adopt rules for general application throughout the state governing the operation, components, appurtenant facilities, surrounding areas, water quality, disinfection, and health of aquatic amusement rides. The structural integrity and physical safety of an aquatic amusement ride shall be the responsibility of the department of agriculture in accordance with sections 1711.50 to 1711.57 of the Revised Code.

**Sec. 3749.03.** (A) No person shall construct or install, or renovate or otherwise substantially alter, a public swimming pool, public spa, or special use pool after September 10, 1987, or an aquatic amusement ride after the effective date of this amendment, until the plans for the pool ~~or~~ spa, ~~or~~ ride have been submitted to and approved by the director of health. Within thirty days of receipt of the plans, the director shall approve or disapprove them. The plans and approval required under this division do not apply to repairs or ordinary maintenance that does not substantially affect the manner of water recirculation or basic design of the public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride.

Any person aggrieved by the director's disapproval of plans under this division may, within thirty days following receipt of the director's notice of disapproval, request a hearing on the matter. The hearing shall be held in accordance with Chapter 119. of the Revised Code and may be appealed in the manner provided in that chapter.

(B) Prior to the issuance of a license to operate a newly constructed or altered public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride, the director or a licenser authorized by the director shall

verify that the construction or alterations are consistent with the plans submitted and approved under division (A) of this section. The director or licensor authorized by the director shall have two working days from the time notification is received that a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride is ready for an inspection to verify the construction or alterations.

(C)(1) Except as provided in division (C)(2) of this section, the fees for the approval of plans are as follows:

(a) Five per cent of the total cost of the equipment and installation not to exceed two hundred seventy-five dollars for a public swimming pool, public spa, ~~or~~ special use pool, aquatic amusement ride, or a combination thereof, that has less than two thousand square feet of surface area;

(b) Five per cent of the total cost of the equipment and installation not to exceed five hundred fifty dollars for a public swimming pool, public spa, special use pool, aquatic amusement ride, or a combination thereof, that has two thousand or more square feet of surface area.

(2) The director may, by rule adopted in accordance with Chapter 119. of the Revised Code, increase the fees established by this section.

(D) All plan approval fees shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. The fees shall be administered by the director and shall be used solely for the administration and enforcement of this chapter and the rules adopted thereunder.

(E) Plan approvals issued under this section shall not constitute an exemption from the land use and building requirements of the political subdivision in which the public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride is or is to be located.

**Sec. 3749.04.** (A) No person shall operate or maintain a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride without a license issued by the licensor having jurisdiction.

(B) Every person who intends to operate or maintain an existing public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride shall, during the month of April of each year, apply to the licensor having jurisdiction for a license to operate the pool ~~or~~ spa, or ride. Any person proposing to operate or maintain a new or otherwise unlicensed public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride shall apply to the licensor having jurisdiction at least thirty days prior to the intended start of operation of the pool ~~or~~ spa, or ride. Within thirty days of receipt of an application for licensure of a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride, the licensor shall process the application and either issue a license or otherwise respond to the applicant

regarding the application.

(C) Each license issued shall be effective from the date of issuance until the last day of May of the following year.

(D) Each licensor administering and enforcing sections 3749.01 to 3749.09 of the Revised Code and the rules adopted thereunder may establish licensing and inspection fees in accordance with section 3709.09 of the Revised Code, which shall not exceed the cost of licensing and inspecting public swimming pools, public spas, ~~and~~ special use pools, and aquatic amusement rides.

(E) Except as provided in division (F) of this section and in division (B) of section 3749.07 of the Revised Code, all license fees collected by a licensor shall be deposited into a swimming pool fund, which is hereby created in each health district. The fees shall be used by the licensor solely for the purpose of administering and enforcing this chapter and the rules adopted under this chapter.

(F) An annual license fee established under division (D) of this section shall include any additional amount determined by rule of the director of health, which the board of health shall collect and transmit to the director pursuant to section 3709.092 of the Revised Code. The amounts collected under this division shall be administered by the director of health and shall be used solely for the administration and enforcement of this chapter and the rules adopted under this chapter.

**Sec. 3749.05.** The licensor of the district in which a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride is located may, in accordance with Chapter 119. of the Revised Code, refuse to grant a license or suspend or revoke any license issued to any person for failure to comply with the requirements of Chapter 3749. of the Revised Code and the rules adopted thereunder.

**Sec. 3749.06.** Prior to the issuance of an initial license and annually thereafter, the licensor shall inspect each public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride in ~~his~~ the licensor's jurisdiction to determine whether or not the pool ~~or~~, spa, or ride is in compliance with Chapter 3749. of the Revised Code and the rules adopted thereunder. A licensor may, as ~~he~~ the licensor determines appropriate, inspect a public swimming pool, public spa, ~~or~~ special use pool, or aquatic amusement ride at any other time. The licensor shall make the initial inspection within five days from the date of receipt of notification that the pool ~~or~~, spa, or ride is ready for operation and shall maintain a record of each inspection that ~~he~~ the licensor conducts for a period of at least five years on forms prescribed by the director of health.

**Sec. 3749.07.** (A) The director of health shall annually survey each health district that licenses public swimming pools, public spas, ~~and special-~~

~~use special use pools, and aquatic amusement rides~~ to determine whether or not the health district is in substantial compliance with this chapter and the rules adopted thereunder. If the director determines that a health district is in substantial compliance, ~~he~~ the director shall place the district on an approved health district licensing list. The director shall, as ~~he~~ the director determines necessary, make additional surveys of health districts and shall remove from the approved health district licensing list any health district ~~he~~ the director determines not to be in substantial compliance with this chapter and the rules adopted thereunder.

(B) If the director determines that a health district is not eligible to be placed on the approved health district licensing list, ~~he~~ the director shall certify the same to the board of health of the health district and shall perform the duties of a health district in that area until the health district is eligible for placement on the approved list. All fees payable to the health district during the time that the director performs the duties of the health district and all other such fees that have not been expended or otherwise encumbered shall be deposited by the director in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code, to be used by the director in ~~his~~ the director's capacity as a licenser. The director shall keep a record of the fees so deposited and, when the health district is placed on the approved list, shall transfer any remaining balance of the fees to the health district swimming pool fund created under division (E) of section 3749.04 of the Revised Code."

In line 106006, after "3745.11," insert "3749.01, 3749.02, 3749.03, 3749.04, 3749.05, 3749.06, 3749.07,"

Between lines 143013 and 143014, insert:

**"Section 737. \_\_.** Any person who, on the effective date of this section, operates or maintains an aquatic amusement ride, as defined under section 3749.01 of the Revised Code as amended by this act, may continue to operate or maintain the ride without obtaining a license under section 3749.04 of the Revised Code until the person obtains an initial license during the month of April of 2018, in accordance with section 3749.04 of the Revised Code."

Delete lines 142968 through 143013

In line 260 of the title, after "3345.025," insert "3345.062,"

In line 667, after "3345.025," insert "3345.062,"

Between lines 46361 and 46362, insert:

**"Sec. 3345.062.(A)** Not later than December 31, 2017, and each thirty-first day of December thereafter, the president, or equivalent position, of each state university shall issue a report regarding the remediation of students that includes all of the following:



(1) The number of enrolled students that require remedial education;

(2) The cost of remedial coursework the state university provides;

(3) The specific areas of remediation provided by the state university;

(4) Causes for remediation.

(B) Each president, or equivalent, shall present the findings of the report to the state university's board of trustees and shall submit a copy of the report to the chancellor of higher education and the superintendent of public instruction.

(C) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code."

In line 261 of the title, after "3345.57," insert "3345.58,"

In line 667, after "3345.57," insert "3345.58,"

Between lines 46521 and 46522, insert:

"Sec. 3345.58. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) No state institution of higher education shall refuse to accept college credit earned in this state within the past five years as a substitute for comparable coursework offered at the institution. Additionally, no state institution shall refuse to accept advanced or upper level coursework completed in the past five years in this state as a substitute for comparable core or lower level coursework.

If college credit was earned in this state more than five years ago, the state institution shall permit the student to take a competency-based assessment in the relevant subject area. If the student passes the assessment, the state institution shall excuse the student from completing the applicable course and shall grant credit to the student for that course."

Between lines 134765 and 134766, insert:

**"Section 307.35. HEALTHY FOOD FINANCING INITIATIVE**

The foregoing appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in underserved communities in urban and rural Low and Moderate Income Areas, as defined by either the United States Department of Agriculture (USDA), as identified in the USDA's Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.

The Director of Job and Family Services, in cooperation with the Director of Health and with the approval of the Director of the Governor's Office of Health Transformation, shall contract with the Finance Fund

Capital Corporation to administer a Healthy Food Financing Initiative. The Finance Fund Capital Corporation shall demonstrate a capacity to administer grant and loan programs in accordance with state and federal rules and accounting principles, and shall partner with one or more entities with demonstrable experience in healthy food access-related policy matters.

The Director of Job and Family Services shall, not later than December 31, 2018, provide to the Governor, Speaker of the House of Representatives, President of the Senate, and Minority Leaders of the House of Representatives and Senate a written progress report on the Healthy Food Financing Initiative, including, but not limited to, state funds granted or loaned, the number of new or retained jobs associated with related projects, the health impact of the initiative and the number and location of healthy food access projects established or in development."

In line 211 of the title, after "5167.04," insert "5167.173,"

In line 631, after "5167.04," insert "5167.173,"

Between lines 88398 and 88399, insert:

**"Sec. 5167.173.** (A) As used in this section:

(1) "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.

(2) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code.

~~(2)~~(3) "Community health worker services" means the services described in section 4723.81 of the Revised Code.

~~(3)~~(4) "Public health nurse" means a registered nurse employed or contracted by a board of health.

(5) "Qualified community hub" means a central clearinghouse for a network of community care coordination agencies ~~and~~ that meets all of the following criteria:

(a) Demonstrates to the director of health that it uses an evidenced-based, pay-for-performance community care coordination model (endorsed by the federal agency for healthcare research and quality, the national institutes of health, and the centers for medicare and medicaid services or their successors) or uses certified community health workers or public health nurses to connect at-risk individuals to health, housing, transportation, employment, education, and other social services;

(b) ~~Demonstrates~~ Is a board of health or demonstrates to the director of health that it has achieved, or is engaged in achieving, certification from a national hub certification program;

(c) Has a plan, approved by the medicaid director, specifying how

the board of health or community hub ensures that children served by it receive appropriate developmental screenings as specified in the publication titled "Bright Futures: Guidelines for Health Supervision of Infants, Children, and Adolescents," available from the American academy of pediatrics, as well as appropriate early and periodic screening, diagnostic, and treatment services.

(B) When contracting with a medicaid managed care organization that is a health insuring corporation, the department of medicaid shall require the organization to provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for the medicaid recipient to receive, both of the following services provided by a certified community health worker or public health nurse, as applicable, who is employed by, or works under a contract with, a qualified community hub:

(1) Community health worker services or services provided by a public health nurse;

(2) Other services that are not community health worker services or services provided by a public health nurse 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.

(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is pregnant or capable of becoming pregnant, resides in a community served by a qualified community hub, has been recommended to receive the services by a physician, public health nurse, or another licensed health professional specified in rules adopted under division (D) of this section, and is enrolled in the medicaid managed care organization providing or arranging for the services.

(D) The medicaid director shall adopt rules under section 5167.02 of the Revised Code specifying the licensed health professionals, in addition to physicians and public health nurses, who may recommend that a medicaid recipient receive the services specified in division (B) of this section."

In line 106061, after "5167.04," insert "5167.173,"

In line 135705, delete the second "the"

In line 135706, delete "federal law governing" and insert "section 1905(y) of the "Social Security Act," 42 U.S.C. 1396d(y), in a manner that reduces"; delete "in"

In line 135707, delete "a manner that reduces the percentage" and insert "for newly eligible individuals described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII)"

In line 285 of the title, delete "5705.233,"

In line 680, delete "5705.233,"

Delete lines 90487 through 90672

Delete lines 144154 through 144167

In line 285 of the title, after "5705.233," insert "5709.101,"

In line 680, after "5705.233," insert "5709.101,"

Between lines 90672 and 90673, insert:

"Sec. 5709.101. Real property satisfying all of the following conditions shall be exempt from taxation:

(A) If any part of the property is held out for rent to tenants, less than seventy-five per cent of the square footage of that part is leased by one or more tenants.

(B) On the tax lien date, it is owned by a municipal corporation to which the property was conveyed by a community improvement corporation as defined in section 1724.01 of the Revised Code.

(C) It was conveyed to that community improvement corporation by the United States government or any of its agencies.

(D) It is subject to an agreement under which that municipal corporation is required to convey the property to that community improvement corporation before the property may be developed."

Between lines 144527 and 144528, insert:

**"Section 803. \_\_\_\_.** The enactment by this act of section 5709.101 of the Revised Code applies to tax year 2016 and every tax year thereafter. An exemption application for property described in that section for any tax year for which the time period described in division (F) of section 5715.27 of the Revised Code has expired before July 1, 2017, shall be filed with the Tax Commissioner on or before August 1, 2017, notwithstanding that division. Any taxes paid for a tax year for which such an exemption application is approved under this section shall be regarded as an overpayment of taxes for the tax year and shall be refunded in the manner prescribed by section 5715.22 of the Revised Code upon application by the property owner as prescribed in that section. The county auditor and county treasurer shall proceed as provided in that section in the same manner as for other overpayments of taxes."

In line 284 of the title, delete "5511.11,"

In line 680, delete "5511.11,"

Delete lines 89521 through 89527

In line 105615, after "(D)" insert "(1) The requirement in division (C) of section 121.22 of the Revised Code that a member of a public body be present in person at a meeting open to the public to be part of a quorum or to vote does not apply to the local board if the board holds the meeting by

interactive video conference or by teleconference in the following manner:

(a) The board establishes a primary meeting location that is open and accessible to the public.

(b) Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand delivery, or United States postal service to each board member.

(c) In the case of an interactive video conference, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member.

(d) In the case of a teleconference, the board causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member.

(e) All board members have the capability to receive meeting-related materials that are distributed during a board meeting.

(f) A roll call voice vote is recorded for each vote taken.

(g) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference.

If the board proceeds under this division, use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting.

(2) The board shall adopt rules necessary to implement division (D) (1) of this section. At a minimum, the board shall do all of the following in the rules:

(a) Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person;

(b) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference;

(c) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location;

(d) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference;

(e) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by

interactive video conference or teleconference;

(f) Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference.

(E)"

In line 105622, delete "(E)" and insert "(F)"

In line 105629, delete "(F)" and insert "(G)"

Between lines 129131 and 129132, insert:

**"Section 209. \_\_. ASSISTED LIVING PROGRAM WORKGROUP**

(A) There is hereby established a workgroup to conduct a review of the Medicaid-funded and state-funded components of the Assisted Living Program. The workgroup shall consist of all of the following:

(1) Two members of the House of Representatives appointed by the Speaker from among the chairpersons of the following standing committees of the House:

(a) The Aging and Long-Term Care Committee;

(b) The Health Committee;

(c) The Finance Subcommittee on Health and Human Services.

(2) One member of the House of Representatives appointed by the Minority Leader of the House from among the members of the minority party serving on any of the standing committees specified in division (A)(1) of this section;

(3) Two members of the Senate appointed by the Senate President from among the chairpersons of the following standing committees of the Senate:

(a) The Health, Human Services, and Medicaid Committee;

(b) The full Finance Committee;

(c) The Finance – Health and Medicaid Subcommittee.

(4) One member of the Senate appointed by the Minority Leader of the Senate from among the members of the minority party serving on any of the standing committees specified in division (A)(3) of this section;

(5) The Executive Director of the Office of Health Transformation;

(6) The Medicaid Director;

(7) The Director of Aging;

(8) The Director of Health;

(9) One representative of each of the following organizations, appointed by the chief executive of the organization:

(a) Leadingage Ohio;

- (b) The Ohio Assisted Living Association;
- (c) The Ohio Association of Area Agencies on Aging;
- (d) The Ohio Health Care Association.

(B) Appointments to the workgroup shall be made not later than sixty days after the effective date of this section. A member of the workgroup may designate another individual to serve on the workgroup in the member's place for one or more sessions. Members shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties.

(C) The Medicaid Director and Director of Aging shall serve as co-chairpersons of the workgroup. The Departments of Medicaid and Aging shall provide the workgroup any administrative assistance the workgroup needs.

(D) In conducting a review of the Assisted Living Program, the workgroup shall do both of the following:

(1) Identify potential barriers to enrollment in the Program and providers' participation in the Program, including barriers related to all of the following:

(a) Payment rates for assisted living services provided under the Program;

(b) The tier levels to which enrollees are assigned under the Program and the use of the tier levels in setting the Program's payment rates;

(c) The statutory and administrative requirements that providers must meet to participate in the Program;

(d) Other issues the workgroup determines are barriers.

(2) Determine the feasibility and desirability of making community-based services that are similar to assisted living services available under other programs that the Department of Aging currently administers or under a new program.

(E) Each state agency and advocacy organization represented on the workgroup shall make available to the workgroup any relevant federal or state data concerning, or assessments of, providers of assisted living services that the agency or organization possesses and is needed for the workgroup to complete its review. The workgroup shall use the data and assessments only for the purpose of its review.

(F)(1) The workgroup shall complete a report of its review not later than July 1, 2018. The report shall include the workgroup's recommendations regarding assisted living services. The workgroup may not recommend that different types of facilities be allowed to be providers under the Assisted Living Program in addition to residential care facilities licensed under

Chapter 3721. of the Revised Code. If the workgroup recommends that a new program be created, the workgroup shall include all of the following in the report:

(a) A name for the new program and its services that distinguishes them from the Assisted Living Program and assisted living services;

(b) Potential sources of funding for the new program that do not reduce any current or future federal or state funds available for the Assisted Living Program;

(c) A determination of whether a new Medicaid waiver would be needed for the new program.

(2) The workgroup shall submit the report to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public.

(G) On submission of the report, the workgroup shall cease to exist."

In line 132445, delete everything after "(h)"

Delete lines 132446 through 132448

In line 132449, delete "(j)"

In line 132451, delete "(k)" and insert "(i)"

In line 132453, delete "(l)" and insert "(j)"

In line 132455, delete "(m)" and insert "(k)"

In line 132458, delete "(n)" and insert "(l)"

In line 132479, delete everything after "(h)"

Delete lines 132480 through 132482

In line 132483, delete "(j)"

In line 132485, delete "(k)" and insert "(i)"

In line 132487, delete "(l)" and insert "(j)"

In line 132489, delete "(m)" and insert "(k)"

In line 132492, delete "(n)" and insert "(l)"

In line 132515, delete everything after "(h)"

Delete lines 132516 through 132518

In line 132519, delete "(j)"

In line 132521, delete "(k)" and insert "(i)"

In line 132523, delete "(l)" and insert "(j)"

In line 132525, delete "(m)" and insert "(k)"

In line 132528, delete "(n)" and insert "(l)"



In line 132530, delete "(o)" and insert "(m)"

Between lines 132771 and 132772, insert:

"(C) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional career-technical education aid in each fiscal year to each qualifying city, local, and exempted village school district.

(1) For purposes of division (C) of this section, "total career-technical education funding" for each city, local, and exempted village school district, for a specified fiscal year, equals the sum of the following amounts for that fiscal year:

(a) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;

(b) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code.

(2) For fiscal year 2018, the Department shall pay temporary transitional career-technical education aid to each city, local, and exempted village school district according to the following formula:

The district's total career-technical education funding for fiscal year 2017 – the district's total career-technical education funding for fiscal year 2018

If the computation made under this division results in a negative number, the district's funding under division (C)(2) of this section shall be zero.

(3) For fiscal year 2019, the Department shall pay temporary transitional career-technical education aid to each city, local, and exempted village school district according to the following formula:

The district's total career-technical education funding for fiscal year 2017 – the district's total career-technical education funding for fiscal year 2019

If the computation made under this division results in a negative number, the district's funding under division (C)(3) of this section shall be zero."

In line 132800, delete everything after "(e)"

Delete lines 132801 through 132803

In line 132804, delete "(g)"

In line 132819, delete everything after "(e)"

Delete lines 132820 through 132822

In line 132823, delete "(g)"

In line 132840, delete everything after "(e)"

Delete lines 132841 through 132843

In line 132844, delete "(g)"

In line 132846, delete "(h)" and insert "(f)"

In line 5 of the title, delete "120.18, 120.28, "; delete "120.34, 120.35,"

In line 503, delete "120.18, 120.28, "; delete "120.34, 120.35,"

Delete lines 4027 through 4138

In line 4250, reinsert "fifty" and delete "one hundred"

Delete lines 4336 through 4391

In line 30137, reinsert "fifty" and delete "one hundred"

In line 105933, delete "120.18, 120.28,"

In line 105934, delete "120.34, 120.35,"

After line 9867, insert:

"(iv) The investment in commercial paper notes of a single issuer shall not exceed in the aggregate five per cent of interim moneys available for investment at the time of purchase."

In line 139755, delete "\$2,500,000" and insert "\$1,500,000"

In line 139766, subtract \$1,000,000 from FY 2018

In line 139776, subtract \$1,000,000 from FY 2018

In line 140579, delete "\$2,500,000" and insert "\$1,500,000"

In line 140587, delete "\$18,000,000" and insert "\$20,000,000"

In line 259 of the title, delete "3333.052,"

In line 667, delete "3333.052,"

In line 45724, after "(B)" insert "The chancellor may approve a program under this section that does not meet the criteria described in division (A) of this section, if the program clearly demonstrates a unique approach, as determined by the chancellor, to benefit the state's system of higher education or the state of Ohio."

(C)"

In line 45730, delete "(C)" and insert "(D)"

Delete lines 45744 through 45756

In line 235 of the title, after "5751.02," insert "5902.09,"

In line 648, after "5751.02," insert "5902.09,"

Between lines 103346 and 103347, insert:

"Sec. 5902.09. The department of veterans services shall create."

publish, and maintain a web site for labor exchange and job placement activity specifically for veterans."

Between lines 105460 and 105461, insert:

"(3) The OhioMeansJobs web site shall include a link to the labor exchange and job placement activity web site for veterans established by the department of veterans services under section 5902.09 of the Revised Code. The OhioMeansJobs web site shall not include a veterans' labor exchange and job placement function independent of the web site established and maintained under that section."

In line 286 of the title, after "5748.10," insert "5902.20,"

In line 681, after "5748.10," insert "5902.20,"

Between lines 103346 and 103347, insert:

"Sec. 5902.20. The veteran peer counseling network is established. The purpose of the network is to offer veterans in this state the opportunity to work with other veterans in order to assist with overcoming the issues unique to veterans in this state. The director of veterans services shall adopt rules, in accordance with Chapter 119. of the Revised Code, to administer the network."

In line 104 of the title, after "3742.51," insert "3743.75,"

In line 575, after "3742.51," insert "3743.75,"

Between lines 56127 and 56128, insert:

"Sec. 3743.75.(A) During the period beginning on June 29, 2001, and ending on ~~December 15, 2017~~ September 15, 2018, the state fire marshal shall not do any of the following:

(1) Issue a license as a manufacturer of fireworks under sections 3743.02 and 3743.03 of the Revised Code to a person for a particular fireworks plant unless that person possessed such a license for that fireworks plant immediately prior to June 29, 2001;

(2) Issue a license as a wholesaler of fireworks under sections 3743.15 and 3743.16 of the Revised Code to a person for a particular location unless that person possessed such a license for that location immediately prior to June 29, 2001;

(3) Except as provided in division (B) of this section, approve the geographic transfer of a license as a manufacturer or wholesaler of fireworks issued under this chapter to any location other than a location for which a license was issued under this chapter immediately prior to June 29, 2001.

(B) Division (A)(3) of this section does not apply to a transfer that the state fire marshal approves under division (F) of section 3743.17 of the Revised Code.

(C) Notwithstanding section 3743.59 of the Revised Code, the prohibited activities established in divisions (A)(1) and (2) of this section, geographic transfers approved pursuant to division (F) of section 3743.17 of the Revised Code, and storage locations allowed pursuant to division (I) of section 3743.04 of the Revised Code or division (G) of section 3743.17 of the Revised Code are not subject to any variance, waiver, or exclusion.

(D) As used in division (A) of this section:

(1) "Person" includes any person or entity, in whatever form or name, that acquires possession of a manufacturer or wholesaler of fireworks license issued pursuant to this chapter by transfer of possession of a license, whether that transfer occurs by purchase, assignment, inheritance, bequest, stock transfer, or any other type of transfer, on the condition that the transfer is in accordance with division (D) of section 3743.04 of the Revised Code or division (D) of section 3743.17 of the Revised Code and is approved by the fire marshal.

(2) "Particular location" includes a licensed premises and, regardless of when approved, any storage location approved in accordance with section 3743.04 or 3743.17 of the Revised Code.

(3) "Such a license" includes a wholesaler of fireworks license that was issued in place of a manufacturer of fireworks license that existed prior to June 29, 2001, and was requested to be canceled by the license holder pursuant to division (D) of section 3743.03 of the Revised Code."

In line 106005, after "3742.51," insert "3743.75,"

In line 19662, after "ninety-nine" insert "and one-half"

In line 86 of the title, delete "3513.02,"

In line 87 of the title, delete "3513.30, 3513.301, 3513.312,"

In line 563, delete "3513.02, 3513.30, 3513.302, 3513.312,"

In line 1308, reinsert "A"; delete the balance of the line

In line 1309, delete "section, a"

In line 1312, reinsert ", except that a"; delete the underlined period

In line 1313, delete "(i) A"

Delete lines 1316 through 1323

Delete lines 48230 through 48501

In line 105993, delete "3513.02, 3513.30, 3513.301, 3513.312,"

In line 211 of the title, after "5167.04,," insert "5167.12,"

In line 631, after "5167.04," insert "5167.12,"

Between lines 88377 and 88378, insert:

"**Sec. 5167.12.** (A) 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 coverage of prescribed drugs for medicaid recipients enrolled in the health insuring corporation. In providing the required coverage, the health insuring corporation may use strategies for the management of drug utilization, but any such strategies are subject to divisions (B) and (E) of this section and the department's approval.

(B) The department shall not permit a health insuring corporation to impose a prior authorization requirement in the case of a drug to which all of the following apply:

(1) The drug is an antidepressant or antipsychotic.

(2) The drug is administered or dispensed in a standard tablet or capsule form, except that in the case of an antipsychotic, the drug also may be administered or dispensed in a long-acting injectable form.

(3) The drug is prescribed by ~~either~~ any of the following:

(a) A physician ~~whom~~ who is allowed by the health insuring corporation, ~~pursuant to division (C) of section 5167.10 of the Revised Code,~~ has credentialed to provide care as a psychiatrist through its credentialing process, as described in division (C) of section 5167.10 of the Revised Code;

(b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(c) A certified nurse practitioner, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;

(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code.

(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration.

(C) Subject to division (E) of this section, the department shall authorize a health insuring corporation to develop and implement a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.

(D) The department shall require a health insuring corporation to comply with section 5164.7511 of the Revised Code with respect to medication synchronization.

(E) The department shall require a health insuring corporation to comply with section 5164.091 of the Revised Code as if the health insuring corporation were the department."

In line 106061, after "5167.04," insert "5167.12,"

In line 86004, after "submit" insert "under the beta test"

In line 86005, after "services" delete the balance of the line

In line 86006, delete "payment for the clean claim" and insert "that is properly adjudicated"

In line 88364, after "~~than~~" delete the balance of the line

In line 88365, delete "the system before"; strike through "January" and insert "Code. The services shall not be included in the system before July"

In line 136064, after "(1)" delete the balance of the line

Delete lines 136065 through 136068

In line 136069, delete "(3)"

In line 136071, delete "(4)" and insert "(2)"

In line 136077, delete "(5)" and insert "(3)"

In line 136081, delete "(6)" and insert "(4)"

Delete lines 136083 and 136084

Delete lines 136120 through 136150

Delete lines 134458 through 134469

In line 49504, after the period insert "Administration of the program shall include both a standard review process and an expedited review process."

In line 49509, after the first "ruling" insert ", except that if an expedited review is requested, the ruling shall be issued not later than thirty days after receiving the request for a ruling accompanied by the information needed to make the ruling"; strike through "that" and insert "the required"

In line 49514, strike through "Each" and insert "An application for which expedited review is requested must meet the same requirements as all other applications.

Each"

In line 49535, strike through "The" and insert "For an application being considered under the standard review process, the"

In line 49539, after the period insert "For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information."

In line 49570, after "director" insert "except that to be considered in an expedited review, written comments must be received by the twenty-first day after the application is submitted"

In line 49574, after "completeness" insert "unless the application is receiving expedited review. If the application is receiving expedited review, the director shall grant or deny the application not later than forty-five days after mailing the notice of completeness"

In line 263 of the title, after "3745.018," insert "3745.45,"

In line 669, after "3745.018," insert "3745.45,"

Between lines 57360 and 57361, insert:

"Sec. 3745.45. There is hereby created in the state treasury the Volkswagen clean air act settlement fund consisting of money received by the state from the Volkswagen clean air act settlement. It is the intent of the general assembly to appropriate into the fund the money received by the state from that settlement."

Between lines 130382 and 130383, insert:

"Not later than April 1, 2018, the Director of Development Services shall submit a completed waiver request in accordance with section 96.83 of Title 45 of the Code of Federal Regulations to the United States Department of Health and Human Services and any other applicable federal agencies for the state to expend twenty per cent of federal Low-Income Home Energy Assistance Program funds from the Home Energy Assistance Block Grant for weatherization services as allowed by section 96.83(a) of Title 45 of the Code of Federal Regulations to the United States Department of Health and Human Services."

In line 130383, delete "Up to fifteen" and insert "Upon approval of the necessary waiver from the federal government and not sooner than July 1, 2018, twenty"

In line 130385, delete "may" and insert "shall"

In line 130387, delete "Any" and insert "This procedure shall be repeated by the Director of Development Services in FY 2019 by following the same deadlines but in the year 2019."

Delete lines 130388 through 130391

In line 129980, delete "\$200,000 \$200,000" and insert "\$250,000 \$250,000"

In line 129984, add \$50,000 to each fiscal year

In line 130044, add \$50,000 to each fiscal year

Between lines 130119 and 130120, insert:

"Of the foregoing appropriation item 195537, Ohio-Israel

Agricultural Initiative, \$50,000 in each fiscal year shall be used to support the Cleantech component of the Ohio-Israel Agricultural Initiative."

In line 250 of the title, after "125.32," insert "125.66, 125.661,"

In line 659, after "125.32," insert "125.66, 125.661,"

Between lines 8400 and 8401, insert:

"Sec. 125.66.(A) As used in this section and section 125.661 of the Revised Code:

(1) "Social service intermediary" means a nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a wholly-owned subsidiary of a nonprofit organization, that delivers or contracts for the delivery of social services, raises capital to finance the delivery of social services, and provides ongoing project management and investor relations for these activities.

(2) "State agency" has the same meaning as in section 9.23 of the Revised Code.

(B) There is hereby established the pay for success contracting program. Under the program, the director of administrative services may enter into multi-year contracts with social service intermediaries to achieve certain social goals in this state.

(C) A contract entered into under the program shall include provisions that do all of the following:

(1) Require the department of administrative services, in consultation with an agency of this state that administers programs or services related to the contract's subject matter, to specify performance targets to be met by the social service intermediary;

(2) Specify the process or methodology that an independent evaluator contracted by the department of administrative services under section 125.661 of the Revised Code must use to evaluate the social service intermediary's progress toward meeting each performance target;

(3) Require the department of administrative services to pay the social service intermediary in installments at times determined by the director of administrative services that are specified in the contract and are consistent with applicable state law;

(4) Require the installment payments to the social service intermediary to be based on the social service intermediary's progress toward achieving each performance target, as determined by the independent evaluator contracted by the department of administrative services under section 125.661 of the Revised Code;

(5) Specify the maximum amount a social service intermediary may earn for its progress toward achieving performance targets specified under



division (C)(1) of this section;

(6) Require the department of administrative services to ensure, in accordance with applicable state and federal laws, that the social service intermediary has access to any data in the possession of a state agency, including historical data, that the social service intermediary requests for the purpose of performing contractual duties.

Sec. 125.661. If the director of administrative services contracts with a social service intermediary under section 125.66 of the Revised Code, the director also shall contract with a person or government entity to evaluate the social service intermediary's progress toward meeting each performance target specified in the contract pursuant to division (C)(1) of section 125.66 of the Revised Code. The director shall choose an evaluator that is independent from the social service intermediary, ensuring that both parties do not have common owners or administrators, managers, or employees."

Between lines 129049 and 129050, insert:

**"Section \_\_\_\_ . PAY FOR SUCCESS CONTRACTING PROGRAM**

(A) As used in this section, "social service intermediary" has the same meaning as in section 125.66 of the Revised Code.

(B) Not later than six months after the effective date of this section, the Director of Administrative Services shall, in consultation with the Department of Health and as part of the Pay for Success Contracting Program established under section 125.66 of the Revised Code, contract with one or more social service intermediaries to administer one or two pilot projects intended to do both of the following:

(1) Reduce the incidence of infant mortality, low-birthweight births, premature births, and stillbirths in the urban and rural communities of this state that are specified by the Director of Health under section 3701.142 of the Revised Code;

(2) Promote equity in birth outcomes among infants of different races in this state.

(C) The Director of Administrative Services may request that the Director of Health pay the costs of the Pay for Success Contracting Program under appropriations to the Department of Health. Upon approval of the Director of Health, these costs shall be paid from General Revenue Fund appropriation item 440474, Infant Vitality."

In line 105804, strike through the second "jobs" and insert "both of the following:

(1) Jobs"

In line 105805, strike through ". The" and insert ", as determined by the"

In line 105806, strike through "shall determine the regions" and insert ";

(2) Jobs that pay a wage rate that is equal to or greater than one hundred twenty-five per cent of the wage rate established under section 6 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206, as amended, or its successor law"

In line 72943, after "(21)" insert "(a)"; after "from" insert "a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of"; delete ", as"

In line 72944, delete "defined in section 2305.25 of the Revised Code"

In line 72946, delete "health care professional" and insert "prescriber"

In line 72948, after the underlined period insert "The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee."

Between lines 72948 and 72949, insert:

"(b) As used in division (A)(21)(a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member."

In line 73077, after "(H)" insert "Standards for determining what information is appropriate to be provided under division (A)(21) of section 4729.80 of the Revised Code:

(I)"

In line 73081, strike through "(I)" and insert "(J)"

In line 73084, strike through "(J)" and insert "(K)"

In line 73088, strike through "(K)" and insert "(L)"

In line 73090, strike through "(L)" and insert "(M)"

In line 73094, strike through "(M)" and insert "(N)"

In line 73098, delete "(N)" and insert "(O)"

In line 73101, delete "(O)" and insert "(P)"

Between lines 44580 and 44581, insert:

"(C) In accordance with the selection process of the bright new leaders for Ohio schools program and the admission requirements of the Ohio state university, the governor, president of the senate, and speaker of the

house of representatives each may nominate three individuals to apply to be participants in the program."

In line 133361, delete everything after "amounts"

Delete lines 133362 and 133363

In line 133364, delete everything before "so"

In line 39701, reinsert "(1)"

Reinsert lines 39712 through 39725

In line 54 of the title, after "3310.52," insert "3310.522,"

In line 57 of the title, after "3313.6023," insert "3313.612,"

In line 539, after "3310.52," insert "3310.522,"

In line 541, after "3313.6023," insert "3313.612,"

In line 31684, strike through "For" and insert "Except as provided in division (L)(4) of this section, for"

In line 31701, strike through "For" and insert "Except as provided in division (L)(4) of this section, for"

In line 31707, strike through "division" and insert "divisions"; after "(b)" insert "and (4)"

Between lines 31733 and 31734, insert:

"(4) For a student who is enrolled in any chartered nonpublic school in which at least seventy-five per cent of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code, provided the student's school submits an alternate assessment plan to the department of education, receives approval from the department to implement the plan, and implements the plan.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education and related services and regardless of whether the student is attending the school under a state scholarship program. The school shall make available to the department any applicable internal student data on testing that can be used for state accountability purposes."

Between lines 34069 and 34070, insert:

**"Sec. 3310.522.** In order to maintain eligibility for a scholarship, a student shall take each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, in accordance with section 3301.0711 of the Revised Code, unless the student is excused from taking that assessment under federal law or the student's individualized education program or the student is enrolled in a chartered nonpublic school

that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

Each registered private provider that is not subject to division (K)(1) of section 3301.0711 of the Revised Code and enrolls a student who is awarded a scholarship shall administer each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to that student in accordance with section 3301.0711 of the Revised Code, unless the student is excused from taking that assessment or the student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code, and shall report to the department the results of each assessment so administered.

Nothing in this section requires any chartered nonpublic school that is a registered private provider to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B)(1) of section 3301.0710 or the college and work ready assessment system prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student."

Between lines 35640 and 35641, insert:

**"Sec. 3313.612.** (A) No nonpublic school chartered by the state board of education shall grant a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

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

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) ~~Any~~ Except as provided in division (B)(4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.

(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

- (a) The person is not a citizen of the United States;
- (b) The person is not a permanent resident of the United States;
- (c) The person indicates no intention to reside in the United States after completion of high school.

(4) Any person who attends a chartered nonpublic school in which at least seventy-five per cent of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code and whose school has received approval from the department of education to administer an alternate assessment plan in accordance with division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body.

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section.

(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section.

(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code."

In line 105969, after "3310.52," insert "3310.522,"

In line 105971, after "3313.6023," insert "3313.612,"

In line 246, delete "3319.229, "; delete the second comma

In line 299, delete "3319.229,"

In line 656, delete "3319.229,"

In line 657, delete the first comma

Delete lines 44349 through 44436

In line 106092, delete "3319.229,"

In line 34283, after the second underlined comma insert "and any annexation agreement or any other agreement."

In line 34289, after "districts" insert "after the effective date of this amendment."

In line 36548, reinsert "division"; delete "divisions"; delete "and"

In line 36549, delete "(C)"

In line 36550, reinsert "division"; delete "divisions"; delete "and (C)"

In line 77 of the title, delete "3321.19,"

In line 556, delete "3321.19,"

Delete lines 44978 through 45057

In line 105986, delete "3321.19,"

In line 85 of the title, after "3365.12," insert "3365.15,"

In line 562, after "3365.12," insert "3365.15,"

Between lines 47912 and 47913, insert:

**"Sec. 3365.15.** The chancellor of higher education and the superintendent of public instruction jointly shall do all of the following:

(A) Adopt data reporting guidelines specifying the types of data that public and participating nonpublic secondary schools and public and participating private colleges, including eligible out-of-state colleges participating in the program, must annually collect, report, and track under division (G) of section 3365.04 and division (H) of section 3365.05 of the Revised Code. The types of data shall include all of the following:

(1) For each secondary school and college:

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section

3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of education pursuant to section 3365.071 of the Revised Code.

(3) For each college:

(a) The number of students who applied to enroll in the college under the program but were not granted admission;

(b) The average number of completed courses per participant;

(c) The average grade point average for participants in college courses under the program.

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.

(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the chancellor of higher education's and the department of education's web sites.

~~(C) Submit a biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program, to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. The first report shall be submitted not later than December 31, 2017, and each subsequent report shall be submitted not later than the thirty-first day of December every two years thereafter.~~

Until December 2023, submit an annual report on outcomes of the college credit plus program that are supported by empirical evidence to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. The report shall include all of the following, disaggregated by cohort:

(1) Number of degrees attained;

(2) Level and type of degrees attained;

(3) Number of students who receive a degree in two different subject areas;

(4) Time to completion of a degree, disaggregated by level and type of degree attained;

(5) Time to enrollment in a graduate or doctoral degree program;

(6) The number of students who participate in a study abroad course;

(7) How all of the measures described in division (C) of this section compare to both:

(a) The overall student population who did not participate in the college credit plus program;

(b) Any similar measures compiled under the former postsecondary enrollment options program, to the extent that such data is available.

The first report shall be submitted not later than December 31, 2018, and each subsequent report shall be submitted not later than the thirty-first day of December each year thereafter until December 2023.

(D) Establish a college credit plus advisory committee to assist in the development of performance metrics and the monitoring of the program's progress. At least one member of the advisory committee shall be a school guidance counselor.

The chancellor shall also, in consultation with the superintendent, create a standard packet of information for the college credit plus program directed toward students and parents that are interested in the program.

(E) The chancellor and the state superintendent also may submit a biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program, to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. If the chancellor and state superintendent choose to jointly submit the biennial report, both of the following shall apply:

(1) The report shall include only data available through the higher education information system administered by the chancellor.

(2) The first report shall be submitted not later than December 31, 2017, and each subsequent report shall be submitted not later than the thirty-first day of December every two years thereafter.

(F) For purposes of this section, "cohort" means a group of students who participated in the college credit plus program and who, upon graduation from high school, enroll in an Ohio institution of higher education during the same academic year."

In line 105992, after "3365.12," insert "3365.15,"

Between lines 131929 and 131930, insert:

"Of the foregoing appropriation item 200446, Education Management Information System, up to \$400,000 in each fiscal year shall be used to support grants to information technology centers to provide



professional development opportunities to district and school personnel related to the EMIS, with a focus placed on data submission and data quality."

Between lines 31573 and 31574, insert:

"(4) A school district, other public school, or chartered nonpublic school may administer in a paper format any assessment administered under this section, and shall not be required to administer in an online format any such assessments. A district or school may administer such assessments in any combination of online and paper formats.

The department of education shall furnish, free of charge, all such assessments regardless of the format selected by the district or school."

Between lines 31869 and 31870, insert:

"(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code."

In line 85 of the title, after "3365.12," insert "3365.15,"

In line 562, after "3365.12," insert "3365.15,"

Between lines 47912 and 47913, insert:

**"Sec. 3365.15.** The chancellor of higher education and the superintendent of public instruction jointly shall do all of the following:

(A) Adopt data reporting guidelines specifying the types of data that public and participating nonpublic secondary schools and public and participating private colleges, including eligible out-of-state colleges participating in the program, must annually collect, report, and track under division (G) of section 3365.04 and division (H) of section 3365.05 of the Revised Code. The types of data shall include all of the following:

(1) For each secondary school and college:

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded

funding by the department of education pursuant to section 3365.071 of the Revised Code.

(3) For each college:

(a) The number of students who applied to enroll in the college under the program but were not granted admission;

(b) The average number of completed courses per participant;

(c) The average grade point average for participants in college courses under the program.

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.

(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the chancellor of higher education's and the department of education's web sites.

(C) Submit a biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program, to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. The first report shall be submitted not later than December 31, 2017, and each subsequent report shall be submitted not later than the thirty-first day of December every two years thereafter.

(D) Until December 2023, submit an annual report on outcomes of the college credit plus program that are supported by empirical evidence to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and the house of representatives. The report shall include all of the following, disaggregated by cohort:

(1) Number of degrees attained;

(2) Level and type of degrees attained;

(3) Number of students who receive a degree in two different subject areas;

(4) Time to completion of a degree, disaggregated by level and type of degree attained;

(5) Time to enrollment in a graduate or doctoral degree program;

(6) The number of students who participate in a study abroad course;

(7) How all of the measures described in division (D) of this section compare to both:

(a) The overall student population who did not participate in the college credit plus program;

(b) Any similar measures compiled under the former postsecondary enrollment options program, to the extent that such data is available.

The first report shall be submitted not later than December 31, 2018, and each subsequent report shall be submitted not later than the thirty-first day of December each year thereafter until December 2023.

~~(D)~~(E) Establish a college credit plus advisory committee to assist in the development of performance metrics and the monitoring of the program's progress. At least one member of the advisory committee shall be a school guidance counselor.

The chancellor shall also, in consultation with the superintendent, create a standard packet of information for the college credit plus program directed toward students and parents that are interested in the program.

(F) For purposes of this section, "cohort" means a group of students who participated in the college credit plus program and who, upon graduation from high school, enroll in an Ohio institution of higher education during the same academic year."

In line 105992, after "3365.12," insert "3365.15,"

Between lines 129741 and 129742, insert:

"FIRE MARSHALL

Of the foregoing appropriation item 800610, Fire Marshal, \$150,000 in fiscal year 2018 shall be used to provide a loan for fire training center equipment to a fire training center that received an appropriation in S.B. 310 of the 131st General Assembly."

Delete lines 129873 through 129877

In line 140362, delete "On" and insert "Notwithstanding section 3772.34 of the Revised Code, on"

In line 140363, delete "\$10,000,000" and insert "\$8,700,000"

In line 140371, after "Fund" insert "to support the appropriations made for the Ohio College Opportunity Grant Program created in section 3333.122 of the Revised Code"

Between lines 140371 and 140372, insert:

**"Section 512. .TRANSFER FROM THE STATE AND NON-FEDERAL GRANTS AND AWARDS FUND (FUND 5FR0) TO THE GRF**

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$1,300,000 cash from the State

and Non-Federal Grants and Awards Fund (Fund 5FR0) to the General Revenue Fund to support the appropriations made for the Ohio College Opportunity Grant Program created in section 3333.122 of the Revised Code."

In line 197 of the title, after "5119.34," insert "5119.363,"

In line 621, after "5119.34," insert "5119.363,"

Between lines 82531 and 82532, insert:

**"Sec. 5119.363.** The director of mental health and addiction services shall adopt rules governing the duties of boards of alcohol, drug addiction, and mental health services under section 340.20 of the Revised Code and the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The director shall adopt rules under this section that authorize the department of mental health and addiction services to determine an advanced practice registered nurse's, physician assistant's, or physician's compliance with section 3715.08 of the Revised Code if such practitioner works for a community addiction services provider."

In line 106051, after "5119.34," insert "5119.363,"

In line 35 of the title, after "1514.11," insert "1514.41,"

In line 525, after "1514.11," insert "1514.41,"

Between lines 24337 and 24338, insert:

**"Sec. 1514.41.(A)** If a surface mining operation is not inspected by the mine safety and health administration in the United States department of labor, the chief of the division of mineral resources management annually shall conduct a minimum of two inspections of the operation.

(B) If a surface mining operation is identified through a safety performance evaluation ~~conducted under section 1514.45 of the Revised Code and rules as having lost-time accidents in an amount greater than the national average~~ three or more violations per day during an inspection conducted by the mine safety and health administration in the United States department of labor, the chief shall conduct a minimum of two inspections of the operation for one year following the identification. ~~However, the chief, in consultation with a statewide organization representing the industrial minerals surface mining organization, may adopt rules, in accordance with Chapter 119. of the Revised Code, establishing exceptions to the safety inspection requirement under this division.~~

(C) If a fatality of a miner occurs at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief shall conduct a minimum of one inspection every three months at the operation for

two years following the fatality.

(D) If a life-threatening injury of a miner occurs at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief shall conduct a minimum of one inspection every three months at the operation for one year following the injury."

In line 105956, after "1514.11," insert "1514.41,"

Between lines 142461 and 142462, insert:

"C76056 Lake County Regional Response Facility \$500,000"

In line 142462a, delete "3,235,941" and insert "3,735,941"

In line 142471a, delete "13,185,941" and insert "13,685,941"

Between lines 142475 and 142476, insert:

"LAKE COUNTY REGIONAL RESPONSE FACILITY

The foregoing capital appropriation item C76056, Lake County Regional Response Facility, shall be distributed directly to the city of Mentor for the purpose of constructing the Lake County Regional Response Facility."

Delete lines 139195 through 139200 and insert:

"Notwithstanding any provision of law to the contrary, on July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,000,000 cash from the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code in the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Institution Addiction Treatment Services Fund (Fund 5UB0), which is hereby created in the state treasury.

Notwithstanding any provision of law to the contrary, during fiscal year 2019, and in accordance with a schedule determined by the Director of Budget and Management, the Director of Budget and Management may transfer up to \$1,000,000 cash from the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code in Fund 7049 to Fund 5UB0."

Between lines 140133 and 140134, insert:

"**Section \_\_\_\_\_.**All items set forth in this section are hereby appropriated for the biennium beginning on July 1, 2017, and ending on June 30, 2019, out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 7021) that are not otherwise appropriated. The appropriation made in this section is in addition to any other appropriations made for the FY 2018-FY 2019 biennium

Appropriations

FCC OHIO FACILITIES CONSTRUCTION COMMISSION

C230W4 Community School Classroom Facilities \$7,989,174.00

## Grants

TOTAL Public School Building Fund

\$7,989,174.00

## COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS

The foregoing appropriation item C230W4, Community School Classroom Facilities Grants, may be used by the Ohio Facilities Construction Commission to provide grant funding to an eligible high-performing community school established under Chapter 3314. of the Revised Code.

For purposes of this section, an "eligible high-performing community school" means a community school that 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 meets the following other conditions:

(A) Except as provided in division (B) or (C) of this section, the school both:

(1) Has received a grade of "A," "B," or "C" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and

(2) Has received a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

(B) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

(C) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

Notwithstanding the definition of an eligible high-performing community school under divisions (A) to (C) of this section, a newly established community school may be eligible for assistance under this section if it is implementing a community school model that has a track record of high-quality academic performance, as determined by the Department of Education.

The foregoing appropriation may be used for the purchase, construction, reconstruction, renovation, remodeling, or addition to classroom facilities. A grant may be awarded to an eligible high-performing

community school that demonstrates that the funds will be used to purchase or support classroom facilities construction or modifications that increase the supply of seats in effective schools, service specific unmet student needs through community school education, and show innovation in design and potential as a successful, replicable school model. The Ohio Facilities Construction Commission may award a grant to an eligible high-performing community school upon the approval of a grant application by the Executive Director of the Commission and the Superintendent of Public Instruction. A facility that is purchased, constructed, or modified by the grant funds shall be used for educational purposes for a minimum of ten years after receiving the grant funds. The Ohio Facilities Construction Commission, in consultation with the Superintendent of Public Instruction, shall develop guidelines and may adopt rules under Chapter 111. of the Revised Code for the administration of the grants, including provisions for the ownership and disposal of the facilities funded under this section in the event the community school closes at any time. Notwithstanding any provision of law to the contrary, all Revised Code exemptions applicable to grants awarded and projects administered by the Ohio Facilities Construction Commission shall apply to the grants pursuant to this section."

In line 82653, delete "both" and insert "all"

In line 82662, after "section" insert ";

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services"

In line 37166, strike through the second "October" and insert "November"

Between lines 37166 and 37167, insert:

"Prior to the publication of the final ratings, the department shall designate and provide notice of a period of at least ten business days during which each sponsor may review the information used by the department to determine the sponsor's rating on the components prescribed by divisions (B) (1)(b) and (c) of this section. If the sponsor believes there is an error in the department's evaluation, the sponsor may request adjustments to the rating of either of those components based on documentation previously submitted as part of an evaluation. The sponsor shall provide to the department any necessary evidence or information to support the requested adjustments. The department shall review the evidence and information, determine whether an adjustment is valid, and promptly notify the sponsor of its determination and reasons. If any adjustments to the data could result in a change to the rating on the applicable component or to the overall rating, the department shall recalculate the ratings prior to publication."

In line 2 of the title, after "103.42," insert "103.47,"

In line 501, after "103.42," insert "103.47,"

In line 1884, after "(H)" insert "The"; after "JMOC" insert "chairperson"; after "may" insert ", subject to approval by the speaker of the house of representatives or the speaker's designee and the president of the senate or the president's designee."

In line 1887, strike through "serve at JMOC's pleasure" and insert "may be terminated by the chairperson, subject to approval of the speaker or the speaker's designee and president or the president's designee"

Between lines 1999 and 2000, insert:

**"Sec. 103.47.** The joint education oversight committee chairperson may, subject to approval by the speaker of the house of representatives or the speaker's designee and the president of the senate or the president's designee, employ professional, technical, and clerical employees as are necessary for the joint education oversight committee to be able successfully and efficiently to perform its duties. All the employees are in the unclassified service and ~~serve at the committee's pleasure~~ may be terminated by the chairperson, subject to approval of the speaker or the speaker's designee and president or the president's designee. The committee may contract for the services of persons who are qualified by education and experience to advise, consult with, or otherwise assist the committee in the performance of its duties."

In line 105931, after "103.42," insert "103.47,"

In line 130077, after the semicolon insert "\$250,000 in each fiscal year shall be allocated to the Ohio Military Facilities Commission exclusively to be used to finance or assist in the financing of infrastructure capital improvements at Wright-Patterson Air Force Base in preparation for future federal Defense Base Realignment and Closure Commission (BRAC) actions;"

In line 46 of the title, after "2953.25," insert "2953.32, 2953.37, 2953.38, 2953.53,"

In line 248 of the title, after "107.56," insert "109.38, 109.381,"

In line 533, after "2953.25," insert "2953.32, 2953.37, 2953.38, 2953.53,"

In line 658, after "107.56," insert "109.38, 109.381,"

Between lines 2496 and 2497, insert:

**"Sec. 109.38.(A)** As used in this section and section 109.381 of the Revised Code:

(1) "Consumer reporting agency" has the same meaning as in section 1681a(f) of the Fair Credit Reporting Act.

(2) "Conviction of crime" means a conviction of, or a plea of guilty



to, an offense.

(3) "Fair Credit Reporting Act" means 15 U.S.C. 1681 et seq., as amended.

(4) "Identified data repository" means either of the following:

(a) A person or entity that is a consumer reporting agency and is known to a qualified third party as having a database that includes publicly available records of convictions of crime and from which consumer reports are prepared pursuant to the Fair Credit Reporting Act;

(b) Any person or entity, other than a consumer reporting agency, that is known to a qualified third party as having a database that includes publicly available records of convictions of crime and that registers with a qualified third party for the purpose of receiving notices of court orders of sealed or expunged records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code and agreeing to remove those records and any references to and information from those records from the person's or entity's database.

(5) "Qualified third party" means a private entity that is selected by the attorney general pursuant to this section.

(B) The attorney general shall develop a pilot program comprised of the provisions of sections 109.38 and 109.381 of the Revised Code, as enacted by this act, and the amendments to sections 2953.32, 2953.37, 2953.38, and 2953.53 of the Revised Code made by this act. The pilot program shall end one year after the effective date of this section. Within three months after the pilot program ends, the attorney general shall submit a report of its findings and recommendations to the general assembly.

(C) The attorney general shall select a private entity as a qualified third party for the purpose of receiving notices of court orders of sealed or expunged records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code. A qualified third party selected by the attorney general shall have the following qualifications:

(1) The entity has specific knowledge and expertise regarding the operation of the Fair Credit Reporting Act.

(2) The entity has prior experience in interacting and cooperating with consumer reporting agencies regarding their obligations for accuracy under section 1681e(b) of the Fair Credit Reporting Act and reinvestigations of disputed information under section 1681i of the Fair Credit Reporting Act to ensure the accomplishment of the goal of updating the records, files, or databases of the consumer reporting agencies that contain references to, or information on, convictions of crime.

(3) The entity has relationships with data aggregators, public record vendors, and other companies that collect and compile from various sources

data or information in records of convictions of crime to ensure their cooperation in maintaining the legitimacy, accuracy, completeness, and security of that data or information.

(4) The entity has at least two years' experience in processing and sending notices of sealed or expunged records of convictions of crime to identified data repositories.

(5) The entity is not an identified data repository or an entity that is owned or controlled by an identified data repository.

(6) The entity meets all security clearances and security requirements imposed by the attorney general to ensure that the entity does not misuse any information received from the courts under section 109.381 of the Revised Code and that other persons do not have unauthorized access to that information.

(D)(1) The qualified third party selected by the attorney general under this section shall serve as such qualified third party for a minimum of three years. The attorney general may either select another qualified third party at the end of any three-year period or retain the existing qualified third party for another three-year period.

(2) Upon the selection or retention of a qualified third party under division (D)(1) of this section, the attorney general and the qualified third party shall enter into a contract that shall include all of the following:

(a) The duties of the qualified third party under section 109.381 of the Revised Code;

(b) The amount of the fee to be paid by an applicant for a court order to seal or expunge records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code who wishes to have the court send notice of the order to the qualified third party and to have the procedures under section 109.381 of the Revised Code apply to the records;

(c) Any other provisions as determined by the attorney general in the rules promulgated under division (F) of this section.

(3) The attorney general shall determine the proportion of the fee described in division (D)(2)(b) of this section that the qualified third party shall retain for its services under section 109.381 of the Revised Code and each proportion of the fee that the qualified third party shall remit to the clerk of the court that sent the notice of the order under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code, the attorney general, and the state treasury.

(E) The attorney general shall have oversight of the functions and activities of the qualified third party under section 109.381 of the Revised Code.

(F) The attorney general shall promulgate rules pursuant to Chapter

119. of the Revised Code to implement this section and section 109.381 of the Revised Code.

Sec. 109.381.(A) Upon receiving a notice of a court order under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code sealing or expunging the records subject to the order, the qualified third party shall send a notice of that order to all of the following:

(1) Identified data repositories;

(2) Web sites and publications that the qualified third party knows utilize, display, publish, or disseminate any information from those records.

(B) Immediately upon receipt of the notice from the qualified third party under division (A) of this section, the following shall apply:

(1) An identified data repository that received the notice shall remove from its database all of the records that are subject to the court order sealing or expunging the records and all references to, and information from, those records.

(2) The web sites and publications that received the notice shall remove from the web site or publication all of the records that are subject to the court order sealing or expunging the records and all references to, and information from, those records."

Between lines 30549 and 30550, insert:

"**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of the Revised Code, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing of the record of the case that pertains to the conviction. Application may be made at the expiration of three years after the offender's final discharge if convicted of a felony, or at the expiration of one year after the offender's final discharge if convicted of a misdemeanor.

(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense charged may apply to the court in which the misdemeanor criminal case was pending when bail was forfeited for the sealing of the record of the case that pertains to the charge. Except as provided in section 2953.61 of the Revised Code, the application may be filed at any time after the expiration of one year from the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first.

(B) Upon the filing of an application under this section, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for

believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The probation officer or county department of probation that the court directs to make inquiries concerning the applicant shall determine whether or not the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code. If the applicant was so fingerprinted, the probation officer or county department of probation shall include with the written report a record of the applicant's fingerprints. If the applicant was convicted of or pleaded guilty to a violation of division (A)(2) or (B) of section 2919.21 of the Revised Code, the probation officer or county department of probation that the court directed to make inquiries concerning the applicant shall contact the child support enforcement agency enforcing the applicant's obligations under the child support order to inquire about the offender's compliance with the child support order.

(C)(1) The court shall do each of the following:

(a) Determine whether the applicant is an eligible offender or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case. If the applicant applies as an eligible offender pursuant to division (A)(1) of this section and has two or three convictions that result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, in making its determination under this division, the court initially shall determine whether it is not in the public interest for the two or three convictions to be counted as one conviction. If the court determines that it is not in the public interest for the two or three convictions to be counted as one conviction, the court shall determine that the applicant is not an eligible offender; if the court does not make that determination, the court shall determine that the offender is an eligible offender.

(b) Determine whether criminal proceedings are pending against the applicant;

(c) If the applicant is an eligible offender who applies pursuant to division (A)(1) of this section, determine whether the applicant has been rehabilitated to the satisfaction of the court;

(d) If the prosecutor has filed an objection in accordance with division (B) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed against the

legitimate needs, if any, of the government to maintain those records.

(2) If the court determines, after complying with division (C)(1) of this section, that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, ~~and~~ that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is an eligible offender applying pursuant to division (A)(1) of this section has been attained to the satisfaction of the court, the court, except as provided in ~~divisions~~ division (C)(4), (G), (H), or (I) of this section, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed and, except as provided in division (F) of this section, all index references to the case that pertain to the conviction or bail forfeiture deleted and, in the case of bail forfeitures, shall dismiss the charges in the case. The proceedings in the case that pertain to the conviction or bail forfeiture shall be considered not to have occurred and the conviction or bail forfeiture of the person who is the subject of the proceedings shall be sealed, except that upon conviction of a subsequent offense, the sealed record of prior conviction or bail forfeiture may be considered by the court in determining the sentence or other appropriate disposition, including the relief provided for in sections 2953.31 to 2953.33 of the Revised Code.

(3) An applicant may request the sealing of the records of more than one case in a single application under this section. Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars, regardless of the number of records the application requests to have sealed. The court shall pay thirty dollars of the fee into the state treasury. It shall pay twenty dollars of the fee into the county general revenue fund if the sealed conviction or bail forfeiture was pursuant to a state statute, or into the general revenue fund of the municipal corporation involved if the sealed conviction or bail forfeiture was pursuant to a municipal ordinance.

(4) If the court orders the official records pertaining to the case sealed, the court shall do one of the following:

(a) If the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code and the record of the applicant's fingerprints was provided to the court under division (B) of this section, forward a copy of the sealing order and the record of the applicant's fingerprints to the bureau of criminal identification and investigation.

(b) If the applicant was not fingerprinted at the time of arrest or under section 109.60 of the Revised Code, or the record of the applicant's fingerprints was not provided to the court under division (B) of this section, but fingerprinting was required for the offense, order the applicant to appear before a sheriff to have the applicant's fingerprints taken according to the

fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation. The sheriff shall forward the applicant's fingerprints to the court. The court shall forward the applicant's fingerprints and a copy of the sealing order to the bureau of criminal identification and investigation.

Failure of the court to order fingerprints at the time of sealing does not constitute a reversible error.

(5) At the time an applicant files an application under division (A) of this section, the following shall apply:

(a) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (C)(2) of this section to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(b) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (C)(2) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(c) If the applicant does not opt out under division (C)(5)(b) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (D)(2)(b) of section 109.38 of the Revised Code.

(6)(a) Upon the issuance of an order under division (C)(2) of this section, and unless the applicant opts out under division (C)(5)(b) of this section, the clerk shall remit the fee paid by the applicant under division (C)(5)(c) of this section to the qualified third party. The court shall send notice of the order under division (C)(2) of this section to the qualified third party.

(b) If the applicant's application under division (A) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (C)(2) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (C)(2) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (C)(5)(c) of this section that is intended for the qualified third party back to the applicant.

(D) Inspection of the sealed records included in the order may be made only by the following persons or for the following purposes:

(1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged would be affected by virtue of the person's previously having been convicted of a crime;

(2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;

(3) Upon application by the person who is the subject of the records, by the persons named in the application;

(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;

(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;

(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;

(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;

(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section;

(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code;

(12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code;

(13) By a court, the registrar of motor vehicles, a prosecuting

attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed.

When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense.

(E) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing previously was issued pursuant to sections 2953.31 to 2953.36 of the Revised Code.

(F) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to this section may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word "sealed," and the name of the person, agency, office, or department that has custody of the sealed records, and shall not contain the name of the crime committed. The index shall be made available by the person who has custody of the sealed records only for the purposes set forth in divisions (C), (D), and (E) of this section.

(G) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under this section to seal the record of a conviction does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing order. An order issued under this section to seal the record of a conviction of an individual may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed conviction records of an individual that were the basis of a permanent exclusion of the individual is subject to section 2953.35 of the Revised Code.

(H) For purposes of sections 2953.31 to 2953.36 of the Revised Code, DNA records collected in the DNA database and fingerprints filed for record by the superintendent of the bureau of criminal identification and



investigation shall not be sealed unless the superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned. For purposes of this section, a court order is not "final" if time remains for an appeal or application for discretionary review with respect to the order.

(I) The sealing of a record under this section does not affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

**Sec. 2953.37.** (A) As used in this section:

(1) "Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.

(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.

(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.

(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and who is authorized by division (H)(2)(a) of that section to file an application under this section for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered;

(2) Include evidence that the offense was a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and that the applicant is authorized by division (H)(2)(a) of that section to file an application under this section;

(3) Include a request for expungement of the record of conviction of that offense under this section.

(C) Upon the filing of an application under division (B) of this section and the payment of the fee described in division (D)(3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the

objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

(D)(1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011;

(b) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F)(5) of that section as it exists on and after September 30, 2011;

(c) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(d) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged against the legitimate needs, if any, of the government to maintain those records.

(2)(a) The court may order the expungement of all official records pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, shall send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after complying with division (D)(1) of this section, determines both of the following:

(i) That the applicant has been convicted of or pleaded guilty to a violation of division (E) of section 2923.16 of the Revised Code as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, or that the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F)(5) of that section as it exists on and after September 30, 2011;

(ii) That the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged are not outweighed by any legitimate needs of the government to maintain those records.

(b) The proceedings in the case that is the subject of an order issued under division (D)(2)(a) of this section shall be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code or a determination under section 2923.125 or 2923.1212 of the Revised Code of eligibility for a concealed handgun license. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(3) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund.

(4) At the time an applicant files an application under division (B) of this section, the following shall apply:

(a) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (D)(2)(a) of this section to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(b) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (D)(2)(a) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(c) If the applicant does not opt out under division (D)(4)(b) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (D)(2)(b) of section 109.38 of the Revised Code.

(5)(a) Upon issuance of an order under division (D)(2)(a) of this section, and unless the applicant opts out under division (D)(4)(b) of this section, the clerk shall remit the fee paid by the applicant under division (D)(4)(c) of this section to the qualified third party. The court shall send notice of the order under division (D)(2)(a) of this section to the qualified third party.

(b) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing,

before the issuance of the order under division (D)(2)(a) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (D)(2)(a) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (D)(4)(c) of this section that is intended for the qualified third party back to the applicant.

**Sec. 2953.38.** (A) As used in this section:

(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

(2) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.

(3) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.

(4) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person.

(B) Any person who is or was convicted of a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code may apply to the sentencing court for the expungement of the record of conviction if the person's participation in the offense was a result of the person having been a victim of human trafficking. The person may file the application at any time. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of that offense, and the court in which the conviction occurred;

(2) Describe the evidence and provide copies of any documentation showing that the person is entitled to relief under this section;

(3) Include a request for expungement of the record of conviction of that offense under this section.

(C) The court may deny an application made under division (B) of this section if it finds that the application fails to assert grounds on which relief may be granted.

(D) If the court does not deny an application under division (C) of this section, it shall set a date for a hearing and shall notify the prosecutor for the case from which the record of conviction resulted of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court may direct its regular probation officer, a state probation officer, or the department of probation of the county in

which the applicant resides to make inquiries and written reports as the court requires concerning the applicant.

(E) At the hearing held under division (D) of this section, the court shall do both of the following:

(1) If the prosecutor has filed an objection, consider the reasons against granting the application specified by the prosecutor in the objection;

(2) Determine whether the applicant has demonstrated by a preponderance of the evidence that the applicant's participation in the offense was a result of having been a victim of human trafficking.

(F) If after a hearing the court finds that the applicant has demonstrated by a preponderance of the evidence that the applicant's participation in the offense that is the subject of the application was the result of the applicant having been a victim of human trafficking, the court shall grant the application and order that the record of conviction be expunged.

(G)(1) The court shall send notice of the order of expungement to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after complying with division (E) of this section, determines both of the following:

(a) That the applicant has been convicted of a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code;

(b) That the interests of the applicant in having the records pertaining to the applicant's conviction expunged are not outweighed by any legitimate needs of the government to maintain those records.

(2) The proceedings in the case that is the subject of an order issued under division (F) of this section shall be considered not to have occurred and the conviction of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(H) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund.

(I) At the time an applicant files an application under division (B) of this section, the following shall apply:

(1) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (F) of this section to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(2) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (F) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(3) If the applicant does not opt out under division (I)(2) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (D)(2)(b) of section 109.38 of the Revised Code.

(J)(1) Upon the issuance of an order under division (F) of this section, and unless the applicant opts out under division (I)(2) of this section, the clerk shall remit the fee paid by the applicant under division (I)(3) of this section to the qualified third party. The court shall send notice of the order under division (F) of this section to the qualified third party.

(2) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing before the issuance of the order under division (F) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (F) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (I)(3) of this section that is intended for the qualified third party back to the applicant.

**Sec. 2953.53.** (A)(1) The court shall send notice of any order to seal official records issued pursuant to division (B)(3) of section 2953.52 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any order issued pursuant to division (B)(4) of that section to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2)(a) At the time an applicant files an application under division (A) of section 2953.52 of the Revised Code, the following shall apply:

(i) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(ii) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(iii) If the applicant does not opt out under division (A)(2)(a)(ii) of

this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (D)(2)(b) of section 109.38 of the Revised Code.

(b) Upon the issuance of an order under division (B)(4) of section 2953.52 of the Revised Code, and unless the applicant opts out under division (A)(2)(a)(ii) of this section, the clerk shall remit the fee paid by the applicant under division (A)(2)(a)(iii) of this section to the qualified third party. The court shall send notice of the order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party.

(c) If the applicant's application under division (A) of section 2953.52 of the Revised Code is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (B)(4) of that section, that the applicant wishes to opt out of having the court send notice of its order under division (B)(4) of that section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (A)(2)(a)(iii) of this section that is intended for the qualified third party back to the applicant.

(B) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.52 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(C) An order to seal official records issued pursuant to section 2953.52 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant to division (A) or (B) of this section.

(D) Upon receiving a copy of an order to seal official records pursuant to division (A) or (B) of this section or upon otherwise becoming aware of an applicable order to seal official records issued pursuant to section 2953.52 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with the provisions of section 2953.54 of the Revised Code, except that it may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any reference to the person who is the subject of the case and the order.

A public office or agency also may maintain an index of sealed official records, in a form similar to that for sealed records of conviction as set forth in division (F) of section 2953.32 of the Revised Code, access to which may not be afforded to any person other than the person who has custody of the sealed official records. The sealed official records to which such an index pertains shall not be available to any person, except that the

official records of a case that have been sealed may be made available to the following persons for the following purposes:

(1) To the person who is the subject of the records upon written application, and to any other person named in the application, for any purpose;

(2) To a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

(3) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(4) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E)(2)(b) of section 4301.69 of the Revised Code."

In line 105963, after "2953.25," insert "2953.32, 2953.37, 2953.38, 2953.53,"

In line 449 of the title, delete the first "section" and insert "sections 4781.02 and"

In line 126688, delete "section" insert "sections 4781.02 and"

Between lines 127192 and 127193, insert:

"Sec. 4781.02. (A) There is hereby created the manufactured homes advisory council, within the department of commerce, that shall consist of seven members.

(B) The director of commerce shall appoint five members as follows:

(1) One member who possesses either of the following:

(a) A class I water supply operator certification issued in accordance with Chapter 6109. of the Revised Code and rule 3745-7-06 of the Administrative Code;

(b) A class I wastewater works operator certification issued in accordance with Chapter 6111. of the Revised Code and rule 3745-7-06 of the Administrative Code.

(2) One member who has expertise and background in public health;

(3) One member who has been appointed as a local fire chief pursuant to section 505.38, 737.08, or 737.22 of the Revised Code;

(4) One member who is a manufactured home park operator;

(5) One member who is either a manufactured housing dealer or a salesperson.

(C) One member shall be appointed by the speaker of the house of



representatives. One member shall be appointed by the president of the senate. Members appointed pursuant to this division shall be public members, and shall have no pecuniary or fiduciary interest in the manufactured housing industry in this state. They shall not be members of the Ohio manufactured homes association or any successor entity.

(D) The director shall consider any recommendations made by the Ohio manufactured homes association, or any successor entity, for any appointments.

(E) Unless otherwise provided by law, nothing in this section shall prohibit a public official or employee, as defined in section 102.01 of the Revised Code, from being appointed to the council.

(F)(1) Initial terms shall end on December 31, 2021. Thereafter, each member's term of office shall be four years and shall end on the thirty-first day of December of the fourth year. A member shall hold office from the date of appointment until the end of the term. No member may serve more than two consecutive four-year terms.

(2) Any member appointed to fill a vacancy that occurs prior to the expiration of a term continues in office for the remainder of that term. Any member shall continue to hold office subsequent to the expiration date of that member's term until the member's successor takes office or until sixty days have elapsed, whichever occurs first.

(G)(1) The director may remove any member from office for incompetence, neglect of duty, misfeasance, nonfeasance, malfeasance, or unprofessional conduct in office.

(2) Vacancies shall be filled in the manner of the original appointment.

(H) The council shall advise the director of commerce concerning the director's duties in the regulation of manufactured housing in this state."

In line 8880, after "than" insert "one-half of"

In line 129974, delete "\$13,549,956 \$13,299,956" and insert "\$13,599,956 \$13,349,956"

In line 129984, add \$50,000 to each fiscal year

In line 130044, add \$50,000 to each fiscal year

In line 130077, delete "\$25,000" and insert "\$75,000"

In line 48 of the title, after "3301.0715," insert "3301.16,"

In line 255 of the title, after "2967.122," insert "3301.164,"

In line 535, after "3301.0715," insert "3301.16,"

In line 664, after "2967.122," insert "3301.164,"

Between lines 32728 and 32729, insert:

**"Sec. 3301.16.** Pursuant to standards prescribed by the state board of education as provided in division (D) of section 3301.07 of the Revised Code, the state board shall classify and charter school districts and individual schools within each district except that no charter shall be granted to a nonpublic school unless the school complies with divisions (K)(1) and (L) of section 3301.0711, as applicable, and ~~section~~ sections 3301.164 and 3313.612 of the Revised Code.

In the course of considering the charter of a new school district created under section 3311.26 or 3311.38 of the Revised Code, the state board shall require the party proposing creation of the district to submit to the board a map, certified by the county auditor of the county in which the proposed new district is located, showing the boundaries of the proposed new district. In the case of a proposed new district located in more than one county, the map shall be certified by the county auditor of each county in which the proposed district is located.

The state board shall revoke the charter of any school district or school which fails to meet the standards for elementary and high schools as prescribed by the board. The state board shall also revoke the charter of any nonpublic school that does not comply with divisions (K)(1) and (L) of section 3301.0711, if applicable, and ~~section~~ sections 3301.164 and 3313.612 of the Revised Code.

In the issuance and revocation of school district or school charters, the state board shall be governed by the provisions of Chapter 119. of the Revised Code.

No school district, or individual school operated by a school district, shall operate without a charter issued by the state board under this section.

In case a school district charter is revoked pursuant to this section, the state board may dissolve the school district and transfer its territory to one or more adjacent districts. An equitable division of the funds, property, and indebtedness of the school district shall be made by the state board among the receiving districts. The board of education of a receiving district shall accept such territory pursuant to the order of the state board. Prior to dissolving the school district, the state board shall notify the appropriate educational service center governing board and all adjacent school district boards of education of its intention to do so. Boards so notified may make recommendations to the state board regarding the proposed dissolution and subsequent transfer of territory. Except as provided in section 3301.161 of the Revised Code, the transfer ordered by the state board shall become effective on the date specified by the state board, but the date shall be at least thirty days following the date of issuance of the order.

A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07

and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects as may be approved by the state board of education.

An elementary school is one in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

**Sec. 3301.164.** Each chartered nonpublic school shall publish on the school's web site both of the following:

(A) The number of students enrolled in the school by the last day of October of the current school year;

(B) The school's policy regarding background checks for teaching and nonteaching employees and for volunteers who have direct contact with students."

In line 105965, after "3301.0715," insert "3301.16,"

Between lines 47407 and 47408, insert:

"(E) The college to which a student applies to participate under this section shall pay for one assessment used to determine that student's eligibility under this section. However, notwithstanding anything to the contrary in Chapter 3365. of the Revised Code, any additional assessments used to determine the student's eligibility shall be the financial responsibility of the student."

In line 47488, delete everything after "(1)"

Delete lines 47489 through 47510

In line 47511, delete "(2)"

In line 47514, reinsert "(2)"; delete "(3)"

In line 47518, reinsert "(3)"; delete "(4)"

In line 85 of the title, after "3365.12," insert "3365.15,"

In line 562, after "3365.12," insert "3365.15,"

In line 47465, after "shall" insert "require a participant to receive a grade of "C" or better in the course in order to receive high school credit for that course."

The policy also shall"

In line 47555, after "(G)" insert "Implement a policy for the awarding of grades for courses taken under the program. The policy adopted under this division shall require a participant to receive a grade of "C" or better in the course in order to receive college credit for that course."

(H)"

In line 47564, strike through "(H)" and insert "(I)"

In line 47568, strike through "(I)" and insert "(J)"

In line 47892, strike through "High" and insert "In accordance with division (E) of section 3365.04 of the Revised Code, high"

Between lines 47912 and 47913, insert:

**"Sec. 3365.15.** The chancellor of higher education and the superintendent of public instruction jointly shall do all of the following:

(A) Adopt data reporting guidelines specifying the types of data that public and participating nonpublic secondary schools and public and participating private colleges, including eligible out-of-state colleges participating in the program, must annually collect, report, and track under division (G) of section 3365.04 and division ~~(H)~~(I) of section 3365.05 of the Revised Code. The types of data shall include all of the following:

(1) For each secondary school and college:

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of education pursuant to section 3365.071 of the Revised Code.

(3) For each college:

(a) The number of students who applied to enroll in the college under the program but were not granted admission;

(b) The average number of completed courses per participant;

(c) The average grade point average for participants in college courses under the program.

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.

(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data

from the previous school year shall be posted in a prominent location on both the chancellor of higher education's and the department of education's web sites.

(C) Submit a biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program, to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. The first report shall be submitted not later than December 31, 2017, and each subsequent report shall be submitted not later than the thirty-first day of December every two years thereafter.

(D) Establish a college credit plus advisory committee to assist in the development of performance metrics and the monitoring of the program's progress. At least one member of the advisory committee shall be a school guidance counselor.

The chancellor shall also, in consultation with the superintendent, create a standard packet of information for the college credit plus program directed toward students and parents that are interested in the program."

In line 105992, after "3365.12," insert "3365.15,"

In line 259 of the title, after "3333.0415," insert "3333.0416,"

In line 666, after "3333.0415," insert "3333.0416,"

Between lines 45699 and 45700, insert:

"Sec. 3333.0416. (A) The chancellor of higher education may do both of the following with regard to student fees:

(1) Investigate all fees charged to students by any state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) Prohibit any state institution from charging a fee that the chancellor determines is not in the best interest of the students.

(B) If the chancellor prohibits a state institution from charging a fee pursuant to this section, the institution may seek approval from the controlling board to charge the fee."

In line 261 of the title, delete "3358.051,"

In line 668, delete "3358.051,"

Delete lines 47042 through 47071

In line 137709, delete "\$2,081,865 \$2,081,865" and insert "\$2,038,940 \$2,038,940"

In line 137710, delete "\$3,071,199 \$3,071,199" and insert "\$3,007,876 \$3,007,876"

In line 137712, delete "\$506,486 \$506,486" and insert "\$496,043

\$496,043"

In line 137713, delete "\$1,425,000 \$1,425,000" and insert "\$1,425,000 \$1,425,000"

In line 137715, delete "\$9,378,873 \$9,378,873" and insert "\$9,185,494 \$9,185,494"

In line 137716, delete "\$7,813,996 \$7,813,996" and insert "\$7,554,944 \$7,554,944"

In line 137717, delete "\$6,012,642 \$6,012,642" and insert "\$5,888,670 \$5,888,670"

In line 137718, delete "\$2,921,058 \$2,921,058" and insert "\$2,860,830 \$2,860,830"

In line 137719, delete "\$2,823,876 \$2,823,876" and insert "\$2,765,651 \$2,765,651"

In line 137720, delete "\$2,904,353 \$2,904,353" and insert "\$2,844,469 \$2,844,469"

In line 137726, delete "\$315,541 \$315,541" and insert "\$309,035 \$309,035"

In line 137728, delete "\$743,537 \$743,537" and insert "\$728,206 \$728,206"

In line 137732, subtract \$923,268 from each fiscal year

In line 137759, subtract \$923,268 from each fiscal year

Between lines 139070 and 139071, insert:

"MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For fiscal year 2019 and for each fiscal year thereafter, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating."

In line 137727, delete "\$103,425,000 \$104,875,000" and insert "\$99,425,000 \$100,875,000"

In line 137732, subtract \$4,000,000 from each fiscal year

In line 137759, subtract \$4,000,000 from each fiscal year

In line 138800, delete "\$97,792,598" and insert "\$94,010,433"

In line 138801, delete "\$99,132,084" and insert "\$95,351,123"

Delete lines 139115 through 139122

In line 263 of the title, delete "3901.89,"

In line 669, delete "3901.89,"

Delete lines 58391 through 58396

In line 32 of the title, after "1509.071," insert "1509.71,"

In line 523, after "1509.071," insert "1509.71,"

Between lines 22731 and 22732, insert:

**"Sec. 1509.71.(A)** It is the policy of the state to provide access to and support the exploration for, development of, and production of oil and natural gas resources owned or controlled by the state in an effort to use the state's natural resources responsibly.

(B) There is hereby created the oil and gas leasing commission consisting of the chief of the division of geological survey and the following four members ~~appointed by the governor~~:

(1) Two members, appointed by the speaker of the house of representatives, from a list of not less than four persons recommended by a statewide organization representing the oil and gas industry;

(2) One member, appointed by the president of the senate, of the public with expertise in finance or real estate;

(3) One member, appointed by the president of the senate, representing a statewide environmental or conservation organization.

(C) Initial appointments shall be made to the commission not later than thirty days after the effective date of this ~~section~~ amendment. Of the initial members appointed to the commission by the speaker of the house of representatives, one shall serve a term of two years; ~~and~~ one shall serve a term of three years. Of the initial members appointed by the president of the senate, one shall serve a term of four years; and one shall serve a term of five years. Thereafter, terms of office of members shall be for five years from the date of appointment. Each member appointed by the ~~governor~~ speaker or president shall hold office from the date of appointment until the end of the term for which the member was appointed. ~~The governor shall fill a vacancy occurring on the commission by appointing a member within sixty days after the vacancy occurs~~ A vacancy shall be filled in the same manner as the original appointment. A 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 that term. A 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.

(D) Three members constitute a quorum of the commission, and no action of the commission is valid unless it has the concurrence of at least three members. The commission shall keep a record of its proceedings. The chief of the division of geological survey shall serve as the chairperson of the commission.

(E) The ~~governor~~ speaker or president may remove an appointed member from the commission for inefficiency, malfeasance, misfeasance, or nonfeasance.

(F) Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in the course of the performance of their duties as members of the commission.

(G) The department of natural resources shall furnish clerical, technical, legal, and other services required by the commission in the performance of its duties."

In line 105953, after "1509.071," insert "1509.71,"

In line 13 of the title, after "143.01," insert "147.541,"

In line 251 of the title, after "135.78," insert "147.542, 147.543,"

In line 509, after "143.01," insert "147.541,"

In line 660, after "135.78," insert "147.542, 147.543,"

Between lines 10397 and 10398, insert:

"**Sec. 147.541.** The words "acknowledged before me" means that:

(A) The person acknowledging appeared before the person taking the acknowledgment, including by visually appearing through the use of any electronic communications devices approved by the secretary of state;

(B) ~~He~~ The person acknowledging acknowledged ~~he executed~~ executing the instrument, including through the use of an electronic signature from technology approved by the secretary of state;

(C) In the case of:

(1) A natural person, ~~he~~ the person executed the instrument for the purposes therein stated;

(2) A corporation, the officer or agent acknowledged ~~he held~~ holding the position or title set forth in the instrument and certificate, ~~he~~ the officer or agent signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;



(3) A partnership, the partner or agent acknowledged ~~he signed~~ signing the instrument on behalf of the partnership by proper authority and ~~he the partner or agent~~ executed the instrument as the act of the partnership for the purposes therein stated;

(4) A person acknowledging as principal by an attorney in fact, ~~he the attorney in fact~~ executed the instrument by proper authority as the act of the principal for the purposes therein stated;

(5) A person acknowledging as a public officer, trustee, administrator, guardian, or other representative, ~~he the person~~ signed the instrument by proper authority and ~~he the person~~ executed the instrument in the capacity and for the purposes therein stated; and

(D) The person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

**Sec. 147.542.**(A) A notary public, otherwise commissioned and appointed under this chapter, may use an electronic communications device, including a web site application, approved by the secretary of state to satisfy the acknowledgment requirements under sections 147.51 to 147.58 of the Revised Code and to electronically sign as the notary public. A notary public shall not use an electronic communications device to meet these requirements for a notarial act that is a deposition.

(B) The secretary of state shall establish standards for approving an electronic communications device that may be used by a notary public. The office of information technology in the department of administrative services shall provide assistance to the secretary relating to the equipment, security, and technological aspects of the standards established.

**Sec. 147.543.**(A) Before a currently commissioned and appointed notary public may use an electronic communications device to satisfy the acknowledgment requirements under sections 147.51 to 147.58 of the Revised Code, the notary public shall submit a registration form established by the secretary of state to be commissioned as an electronic notary public. The secretary may establish a reasonable fee, not to exceed five dollars, for submitting and processing the registration form. The registration form shall include all of the following information and be transmitted electronically to the secretary of state:

(1) The notary public's full legal name and official notary public name;

(2) A description of the technology the notary public will use to create an electronic signature in performing official acts;

(3) Certification of compliance with electronic notary public standards developed in accordance with division (B) of section 147.542 of

the Revised Code:

(4) The electronic mail address of the notary public;

(5) The signature of the notary public applying to use the electronic signature described in the form;

(6) Any decrypting instructions, codes, keys, or software that allow the registration to be read; and

(7) Any other information the secretary of state may require.

(B) The secretary of state may deny a registration for an electronic notary public if any of the required information is missing or incorrect on the registration form, or if the technology the notary public identifies as being the technology the notary public will use is not approved by the secretary.

(C) An electronic notary public's term shall expire and may be renewed at the same time the notary public's commission expires under section 147.03 of the Revised Code.

(D) Nothing in division (A) of this section shall be construed to prevent a registered and commissioned electronic notary public from using updated technology during the term of the notary public's commission. If the notary public uses updated technology, the notary public shall notify the secretary of state electronically within ninety days of installation or use of the updated technology and provide a brief description of that technology."

In line 105939, after "143.01," insert "147.541,"

In line 6728, after "picture" insert "including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget of the motion picture"

In line 6793, after "2016" insert "provided that, for any fiscal year in which the amount of tax credits allowed under this section is less than that maximum annual amount, the amount not allowed for that fiscal year shall be added to the maximum annual amount that may be allowed for the following fiscal year"

Between lines 6793 and 6794, insert:

"(5) In approving applications for tax credits under this section, the director shall give priority to tax-credit eligible productions that are television series or miniseries."

In line 6833, strike through "The" and insert "To cover the administrative costs of the program, the"; strike through "may" and insert "shall"; strike through "a reasonable" and insert "each applicant to pay an"; strike through "to"

In line 6834, strike through "cover administrative costs of the tax credit program" and insert "equal to the lesser of ten thousand dollars or one per cent of the estimated value of the tax credit as stated in the application"

In line 226 of the title, delete "5733.40,"

In line 642, delete "5733.40,"

Delete lines 94987 through 95280

In line 106072, delete "5733.40,"

Delete lines 144525 through 144527

In line 144520, delete "ending" and insert "beginning"

In line 144521, delete everything before the period and insert "January 1, 2018"

In line 95609, reinsert "eyeglasses,"

In line 95610, delete all after the period

In line 95611, delete all before "Veterinarians"

In line 95691, strike through "and"; after "(4)" insert ", and (5)"

Between lines 95784 and 95785, insert:

"(5) In the case of transactions for optical aids or components thereof that are sold by a vendor licensed under Chapter 4725. or 4731. of the Revised Code or otherwise authorized to dispense optical aids or components under the laws of another state, country, or province, "price" has the same meaning as in division (H)(1) of this section, reduced by six hundred fifty dollars.

As used in division (H)(5) of this section:

(a) "Optical aid" means eyeglasses, contact lenses, or other instruments or devices that may aid or correct human vision and that have been prescribed by a physician or optometrist licensed by any state, country, or province.

(b) "Eyeglasses" includes lenses and frames into which lenses have been installed if the lenses have been prescribed by a physician or optometrist licensed by any state, country, or province."

Delete lines 97158 through 97171

In line 97172, delete "(56)" and insert "(55)"

In line 97178, delete "(56)" and insert "(55)"

In line 144410, delete the first "division" and insert "divisions"; after "(C)" insert "and (H)"; delete "and division"

In line 144411, delete "(B)(55) of section 5739.02"

In line 220 of the title, after "5709.68," insert "5709.73,"

In line 638, after "5709.68," insert "5709.73,"

Between lines 92632 and 92633, 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) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees.

(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except with the approval 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 (C)(2) of this section, exempt from taxation as provided in this section, but no board of township trustees of a township that has a population that exceeds twenty-five thousand, as shown by the most recent federal

decennial census, shall adopt a resolution that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the township that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the township for the preceding tax year. The district shall be located within the unincorporated area of the township and shall not include any territory that is included within a district created under division (B) of section 5709.78 of the Revised Code. The resolution shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. A resolution may create more than one such district, and more than one resolution may be adopted under division (C)(1) of this section.

(2)(a) Not later than thirty days prior to adopting a resolution under division (C)(1) of this section, if the township intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The notice shall include a map of the proposed incentive district on which the board of township trustees shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of county commissioners of the county in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (A) or (B) of section 5709.78 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section who meets the conditions specified in divisions (C)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall include a copy of the statement submitted under division (C)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (C)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (C)(2)(b) of this section. A township shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and 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 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or families;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.

(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 services a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with the expenditures; and a quantitative summary of changes in private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a board of township trustees from declaring to be a public purpose improvements with respect to more than one parcel.

If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(K) A board of township trustees that adopted a resolution under this section prior to July 21, 1994, may amend that resolution to include any additional public infrastructure improvement. A board of township trustees that seeks by the amendment to utilize money from its township public improvement tax increment equivalent fund for land acquisition in aid of industry, commerce, distribution, or research, demolition on private property, or stormwater and flood remediation projects may do so provided that the board currently is a party to a hold-harmless agreement with the board of education of the city, local, or exempted village school district within the territory of which are located the parcels that are subject to an exemption. For the purposes of this division, a "hold-harmless agreement" means an agreement under which the board of township trustees agrees to compensate the school district for one hundred per cent of the tax revenue that the school district would have received from further improvements to parcels designated in the resolution were it not for the exemption granted by the resolution.

(L) Notwithstanding the limitation prescribed by division (D) of this section on the number of years that improvements to a parcel or parcels may be exempted from taxation, a board of trustees of a township with a population of fifteen thousand or more may amend a resolution originally

adopted under this section before December 31, 1994, to extend the exemption of improvements to the parcel or parcels included in such resolution for an additional period not to exceed fifteen years. The amendment shall not increase the percentage of improvements to the parcel or parcels exempted from taxation. The Before adopting an amendment authorized under this division, the board of township trustees shall obtain the approval of each board of education of the city, local, or exempted village school district within which the exempted parcels are located in the manner required under division (D) of this section, except that (1) the board of education may approve the exemption on the condition that the board of township trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to the amount of taxes the district forgoes in each year the exemption is extended pursuant to this division or any other mutually agreeable compensation and (2) if the board of education fails to certify a resolution approving the amendment to the board of township trustees within the time prescribed by division (D) of this section, the board of township trustees shall not adopt the amendment authorized under this division.

No approval under this division shall be required from a board of education that has adopted a resolution waiving its right to approve exemptions from taxation pursuant to division (D) of this section. If the board of education has adopted such a resolution, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt an amendment authorized under this division unless the board of education has adopted a resolution under that section waiving its right to receive the notice. ~~The~~ Not later than fourteen days before adopting an amendment authorized under this division, the board of township trustees shall deliver an identical a notice identical to a notice required under section 5709.83 of the Revised Code to the board of county commissioners of each county in which the exempted parcels are located.

In line 106068, after "5709.68," insert "5709.73,"

Between lines 144527 and 144528, insert:

**"Section 803. \_\_\_\_.** The amendment by this act of division (L) of section 5709.73 of the Revised Code applies to amendments adopted under that division on or after the effective date of the amendment to that division."

In line 93223, delete ". For the purposes of"

Delete lines 93224 and 93225

In line 93226, delete "crops"

In line 93404, after "service" insert "or another published source"

Delete lines 93407 through 93409, and insert:

"(b) The commissioner shall assume that the holding period for agricultural land is twenty-five years for the purpose of computing buildup of equity or appreciation with respect to that land."

Between lines 93421 and 93422, insert:

"(3) Notwithstanding any other provision of this chapter and Chapter 5713. of the Revised Code, the current agricultural use value of land devoted exclusively to agricultural use shall equal the following amounts for the years specified:

(a) In counties that undergo a reappraisal or triennial update in 2017, the current agricultural use value of the land for each of the 2017, 2018, and 2019 tax years shall equal the sum of the following amounts:

(i) The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(a)(ii) of this section;

(ii) One-half of the amount, if any, by which the value of the land for the 2016 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2016 tax year, exceeds the value determined under division (A)(3)(a)(i) of this section.

(b) In counties that undergo a reappraisal or triennial update in 2018, the current agricultural use value of the land for each of the 2018, 2019, and 2020 tax years shall equal the sum of the following amounts:

(i) The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(b)(ii) of this section;

(ii) One-half of the amount, if any, by which the value of the land for the 2017 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2017 tax year, exceeds the value determined under division (A)(3)(b)(i) of this section.

(c) In counties that undergo a reappraisal or triennial update in 2019, the current agricultural use value of the land for each of the 2019, 2020, and 2021 tax years shall equal the sum of the following amounts:

(i) The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(c)(ii) of this section;

(ii) One-half of the amount, if any, by which the value of the land for the 2018 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant to those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2018 tax year, exceeds the value determined under division (A) (3)(c)(i) of this section."

Delete lines 144514 through 144518

In line 41 of the title, after "1923.14," insert "2151.34,"

In line 44 of the title, after "2743.75," insert "2903.213, 2903.214, 2919.26,"

In line 47 of the title, after "3113.07," insert "3113.31,"

In line 530, after "1923.14," insert "2151.34,"

In line 532, after "2743.75," insert "2903.213, 2903.214, 2919.26,"

In line 534, after "3113.07," insert "3113.31,"

Between lines 27195 and 27196, insert:

**"Sec. 2151.34. (A)** As used in this section:

(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides.

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.

(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed.

(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section.

(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.

(9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(10) "Expunge" has the same meaning as in section 2151.355 of the Revised Code.



(B) The court has jurisdiction over all proceedings under this section.

(C)(1) Any of the following persons may seek relief under this section by filing a petition with the court:

(a) Any person on behalf of that person;

(b) Any parent or adult family or household member on behalf of any other family or household member;

(c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child.

(2) The petition shall contain or state all of the following:

(a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order, including a description of the nature and extent of the violation;

(b) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(c) A request for relief under this section.

(3) The court in its discretion may determine whether or not to give notice that a petition has been filed under division (C)(1) of this section on behalf of a child to any of the following:

(a) A parent of the child if the petition was filed by any person other than a parent of the child;

(b) Any person who is determined by the court to be an appropriate person to receive notice of the filing of the petition.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day after the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for

purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order.

(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term

authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.

(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2)(b) of this section or the court, upon its own motion, finds upon clear and convincing evidence that the petitioner reasonably believed that the respondent's conduct at any time preceding the filing of the petition endangered the health, welfare, or safety of the person to be protected and that the respondent presents a continuing danger to the person to be protected and if division (N) of this section does not prohibit the issuance of an order that the respondent be electronically monitored, the court may order that the respondent be electronically monitored for a period of time and under the terms and conditions that the court determines are appropriate. Electronic monitoring shall be in addition to any other relief granted to the petitioner.

(2)(a) Any protection order issued pursuant to this section shall be valid until a date certain but not later than the date the respondent attains nineteen years of age.

(b) Any protection order issued pursuant to this section may be renewed in the same manner as the original order was issued.

(3) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order issued pursuant to division (E)(3) of this

section, or has violated a protection order issued pursuant to this section or section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E)(3) of this section.

(4) No protection order issued pursuant to this section shall in any manner affect title to any real property.

(5)(a) A protection order issued under this section shall clearly state that the person to be protected by the order cannot waive or nullify by invitation or consent any requirement in the order.

(b) Division (E)(5)(a) of this section does not limit any discretion of a court to determine that a respondent alleged to have violated section 2919.27 of the Revised Code, violated a municipal ordinance substantially equivalent to that section, or committed contempt of court, which allegation is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(6) Any protection order issued pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued on the date the respondent attains the age of nineteen years unless the petitioner provides the court with evidence that the respondent has not complied with all of the terms of the protection order. The protection order shall specify the date when the respondent attains the age of nineteen years.

(F)(1) The court shall cause the delivery of a copy of any protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the respondent and the parent, guardian, or legal custodian of the respondent on the same day that the order is entered.

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(4) Regardless of whether the petitioner has registered the

protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.

(G)(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that a protection order may be obtained under this section with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies or any other available remedies under Chapter 2151. or 2152. of the Revised Code.

(2) If as provided in division (G)(1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be expunged after either of the following occurs:

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law.

(I) Any law enforcement agency that investigates an alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged commission of a sexually oriented offense, or an alleged violation of a municipal ordinance that is substantially equivalent to any of those offenses shall provide information to the victim and the family or household members of the victim regarding the relief available under this section.

(J)(1) Subject to division (J)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(K)(1) A person who violates a protection order issued under this section is subject to the following sanctions:

(a) A delinquent child proceeding or a criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that section, and a person convicted of or adjudicated a delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(M)(1) A petitioner who obtains a protection order under this section may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M)(2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a protection order issued pursuant to this section in a county other than the county in which the court that issued the order is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county

court in the county in which the order is to be registered.

(b) Upon accepting the certified copy of the order for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order and give the petitioner a copy of the order that bears that proof of registration.

(3) The clerk of each court of common pleas, municipal court, or county court shall maintain a registry of certified copies of protection orders that have been issued by courts in other counties pursuant to this section and that have been registered with the clerk.

(N) If the court orders electronic monitoring of the respondent under this section, the court shall direct the sheriff's office or any other appropriate law enforcement agency to install the electronic monitoring device and to monitor the respondent. Unless the court determines that the respondent is indigent, the court shall order the respondent to pay the cost of the installation and monitoring of the electronic monitoring device. If the court determines that the respondent is indigent and subject to the maximum amount allowable to be paid in any year from the fund and the rules promulgated by the attorney general under section 2903.214 of the Revised Code, the cost of the installation and monitoring of the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount paid from the reparations fund created pursuant to section 2743.191 of the Revised Code for electronic monitoring under this section and sections 2903.214 and 2919.27 of the Revised Code shall not exceed three hundred thousand dollars per year. When the total amount paid from the reparations fund in any year for electronic monitoring under those sections equals or exceeds three hundred thousand dollars, the court shall not order pursuant to this section that an indigent respondent be electronically monitored.

(O) The court, in its discretion, may determine if the respondent is entitled to court-appointed counsel in a proceeding under this section."

Between lines 28904 and 28905, insert:

**"Sec. 2903.213.** (A) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk

of the court that has jurisdiction of the case at any time after the filing of the complaint. If the complaint involves a person who is a family or household member, the complainant, the alleged victim, or the family or household member may file a motion for a temporary protection order pursuant to section 2919.26 of the Revised Code.

(B) A motion for a protection order under this section shall be prepared on a form that is provided by the clerk of the court, and the form shall be substantially as follows:

"Motion for Protection Order

.....

Name and address of court

State of Ohio

v.

No. ....

.....

Name of Defendant

(Name of person), moves the court to issue a protection order containing terms designed to ensure the safety and protection of the complainant or the alleged victim in the above-captioned case, in relation to the named defendant, pursuant to its authority to issue a protection order under section 2903.213 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense.

I understand that I must appear before the court, at a time set by the court not later than the next day that the court is in session after the filing of this motion, for a hearing on the motion, and that any protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the attached complaint.

.....

Signature of person

.....

Address of person"

(C)(1) As soon as possible after the filing of a motion that requests



the issuance of a protection order under this section, but not later than the next day that the court is in session after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant or the alleged victim, and may include within the order a term authorizing the complainant or the alleged victim to remove a companion animal owned by the complainant or the alleged victim from the possession of the alleged offender.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(D)(1) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation specified in division (A) of this section, the court, upon its own motion, may issue a protection order under this section as a pretrial condition of release of the alleged offender if it finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender.

(2)(a) If the court issues a protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order but not later than the next day that the court is in session after its issuance, a hearing to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

(b) If at a hearing conducted under division (D)(2)(a) of this section the court determines that the ex parte order that the court issued should be revoked, the court, on its own motion, shall order that the ex parte order that is revoked and all of the records pertaining to that ex parte order be expunged.

(3) If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the disposition, by the court that issued the order or, in the circumstances described in division (D)(3) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint filed under this section;

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the

commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.

(F) A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a protection order under this section.

(G)(1) A copy of a protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(3) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.

(2) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time of the agency's receipt of the order.

(3) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section in accordance with the provisions of the order.

(H) Upon a violation of a protection order issued pursuant to this section, the court may issue another protection order under this section, as a pretrial condition of release, that modifies the terms of the order that was violated.

(I)(1) Subject to division (I)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the movant any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining certified copies of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, if the defendant is convicted the court may assess costs against the defendant in connection with the filing,

issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(J) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(3) "Expunge" means to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.

**Sec. 2903.214.** (A) As used in this section:

(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.

(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section.

(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:

(1) An allegation that the respondent is eighteen years of age or older and engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;

(2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member. If the court includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member in the order, it also shall include in the order provisions of the type described in division (E)(5) of this section. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.

(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2) of this section, or the court upon its own motion, finds upon clear and convincing evidence that the petitioner reasonably believed that the respondent's conduct at any time preceding the filing of the petition endangered the health, welfare, or safety of the person to be protected and that the respondent presents a continuing danger to the person to be protected, the court may order that the respondent be electronically monitored for a period of time and under the terms and conditions that the court determines are appropriate. Electronic monitoring shall be in addition to any other relief granted to the petitioner.

(2)(a) Any protection order issued pursuant to this section shall be valid until a date certain but not later than five years from the date of its issuance.

(b) Any protection order issued pursuant to this section may be renewed in the same manner as the original order was issued.

(3) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served with notice of the respondent's petition

at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order issued pursuant to division (E)(3) of this section, has committed a sexually oriented offense against the person to be protected by the protection order issued pursuant to division (E)(3) of this section, or has violated a protection order issued pursuant to section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E)(3) of this section.

(4) No protection order issued pursuant to this section shall in any manner affect title to any real property.

(5)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the petitioner or family or household member.

(b) Division (E)(5)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(F)(1) The court shall cause the delivery of a copy of any protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the respondent on the same day that the order is entered.

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.

(G)(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that a protection order may be obtained under this section with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies.

(2) If as provided in division (G)(1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be expunged after either of the following occurs:

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law.

(I) Any law enforcement agency that investigates an alleged violation of section 2903.211 of the Revised Code or an alleged commission of a sexually oriented offense shall provide information to the victim and the family or household members of the victim regarding the relief available under this section and section 2903.213 of the Revised Code.



(J)(1) Subject to division (J)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or by a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(K)(1) A person who violates a protection order issued under this section is subject to the following sanctions:

(a) Criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(M)(1) A petitioner who obtains a protection order under this section or a protection order under section 2903.213 of the Revised Code may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M)(2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a protection order issued pursuant to this section or section 2903.213 of the Revised Code in a county other than the county in which the court that issued the order is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered.

(b) Upon accepting the certified copy of the order for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order and give the petitioner a copy of the order that bears that proof of registration.

(3) The clerk of each court of common pleas, municipal court, or county court shall maintain a registry of certified copies of protection orders that have been issued by courts in other counties pursuant to this section or section 2903.213 of the Revised Code and that have been registered with the clerk.

(N)(1) If the court orders electronic monitoring of the respondent under this section, the court shall direct the sheriff's office or any other appropriate law enforcement agency to install the electronic monitoring device and to monitor the respondent. Unless the court determines that the respondent is indigent, the court shall order the respondent to pay the cost of the installation and monitoring of the electronic monitoring device. If the court determines that the respondent is indigent and subject to the maximum amount allowable to be paid in any year from the fund and the rules promulgated by the attorney general under division (N)(2) of this section, the cost of the installation and monitoring of the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount of costs for the installation and monitoring of electronic monitoring devices paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code from the reparations fund shall not exceed three hundred thousand dollars per year.

(2) The attorney general may promulgate rules pursuant to section 111.15 of the Revised Code to govern payments made from the reparations fund pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code. The rules may include reasonable limits on the total cost paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code per respondent, the amount of the three hundred thousand dollars allocated to each county, and how invoices may be submitted by a county, court, or other entity.

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that alleges a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised

Code if the alleged victim of the violation was a family or household member at the time of the violation, a violation of a municipal ordinance that is substantially similar to any of those sections if the alleged victim of the violation was a family or household member at the time of the violation, any offense of violence if the alleged victim of the offense was a family or household member at the time of the commission of the offense, or any sexually oriented offense if the alleged victim of the offense was a family or household member at the time of the commission of the offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file, or, if in an emergency the alleged victim is unable to file, a person who made an arrest for the alleged violation or offense under section 2935.03 of the Revised Code may file on behalf of the alleged victim, a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint.

(2) For purposes of section 2930.09 of the Revised Code, all stages of a proceeding arising out of a complaint alleging the commission of a violation, offense of violence, or sexually oriented offense described in division (A)(1) of this section, including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v.

No. ....

.....

Name of Defendant

(name of person), moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with ..... (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or

household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged), or charging the named defendant with a violation of a municipal ordinance that is substantially similar to ..... (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged) involving a family or household member.

I understand that I must appear before the court, at a time set by the court within twenty-four hours after the filing of this motion, for a hearing on the motion or that, if I am unable to appear because of hospitalization or a medical condition resulting from the offense alleged in the complaint, a person who can provide information about my need for a temporary protection order must appear before the court in lieu of my appearing in court. I understand that any temporary protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint, or the issuance of a civil protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint, under section 3113.31 of the Revised Code.

.....

Signature of person

(or signature of the arresting officer who filed the motion on behalf of the alleged victim)

.....

Address of person (or office address of the arresting officer who filed the motion on behalf of the alleged victim)"

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from

entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant, alleged victim, or any other family or household member of the alleged victim, and may include within the order a term authorizing the complainant, alleged victim, or other family or household member of the alleged victim to remove a companion animal owned by the complainant, alleged victim, or other family or household member from the possession of the alleged offender.

(2)(a) If the court issues a temporary protection order that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, the alleged victim, or the family or household member, the order shall state clearly that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, alleged victim, or family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, alleged victim, or family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a temporary protection order issued under this section, did not commit the violation or was not in contempt of court.

(D)(1) Upon the filing of a complaint that alleges a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the alleged victim of the violation was a family or household member at the time of the violation, a violation of a municipal ordinance that is substantially similar to any of those sections if the alleged victim of the violation was a family or household member at the time of the violation, any offense of violence if the alleged victim of the offense was a family or household member at the time of the commission of the offense, or any sexually oriented offense if the alleged victim of the offense was a family or household member at the time of the commission of the offense, the court, upon its own motion, may issue a temporary protection order as a pretrial condition of release if it finds that the safety and protection of the complainant, alleged victim, or other family or household member of the alleged offender may be impaired by the continued presence of the alleged offender.

(2)(a) If the court issues a temporary protection order under this

section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order, a hearing in the presence of the alleged offender not later than the next day on which the court is scheduled to conduct business after the day on which the alleged offender was arrested or at the time of the appearance of the alleged offender pursuant to summons to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

(b) If at a hearing conducted under division (D)(2)(a) of this section the court determines that the ex parte order that the court issued should be revoked, the court, on its own motion, shall order that the ex parte order that is revoked and all of the records pertaining to that ex parte order be expunged.

(3) An order issued under this section shall contain only those terms authorized in orders issued under division (C) of this section.

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A temporary protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the occurrence of either of the following:

(a) The disposition, by the court that issued the order or, in the circumstances described in division (D)(4) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is

based;

(b) The issuance of a protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint upon which the order is based, under section 3113.31 of the Revised Code;

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense, and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.

(F) A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a temporary protection order.

(G)(1) A copy of any temporary protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(4) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE

As a result of this protection order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency.

(4) A complainant, alleged victim, or other person who obtains a temporary protection order under this section may provide notice of the

issuance of the temporary protection order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county in accordance with division (N) of section 3113.31 of the Revised Code and filing a copy of the registered protection order with a law enforcement agency in the other county in accordance with that division.

(5) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction as authorized by division (G)(4) of this section.

(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated.

(I)(1) As used in divisions (I)(1) and (2) of this section, "defendant" means a person who is alleged in a complaint to have committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section.

(2) If a complaint is filed that alleges that a person committed a violation, offense of violence, or sexually oriented offense of the type described in division (A) of this section, the court may not issue a temporary protection order under this section that requires the complainant, the alleged victim, or another family or household member of the defendant to do or refrain from doing an act that the court may require the defendant to do or refrain from doing under a temporary protection order unless both of the following apply:

(a) The defendant has filed a separate complaint that alleges that the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act committed a violation or offense of violence of the type described in division (A) of this section.

(b) The court determines that both the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act and the defendant acted primarily as aggressors, that neither the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act nor the defendant acted primarily in self-defense, and, in accordance with the standards and criteria of this section as applied in relation to the separate complaint filed by the defendant, that it should issue the order to require the complainant, alleged victim, or other family or household member in question to do or refrain from doing the act.



(J)(1) Subject to division (J)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge the movant any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, if the defendant is convicted the court may assess costs against the defendant in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(K) As used in this section:

(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(2) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(3) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings.

(4) "Expunge" has the same meaning as in section 2903.213 of the Revised Code."

Between lines 30891 and 30892, insert:

"**Sec. 3113.31.**(A) As used in this section:

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

(a) Attempting to cause or recklessly causing bodily injury;

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

(d) Committing a sexually oriented offense.

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county

in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.

(3) "Family or household member" means any of the following:

(a) Any of the following who is residing with or has resided with the respondent:

(i) A spouse, a person living as a spouse, or a former spouse of the respondent;

(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence;

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate and present danger of domestic violence to the family or household member constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member with bodily harm, in which the respondent has threatened the family or household member with a sexually oriented offense, or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense that constitutes domestic violence against the family or household member.

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:

(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members;

(b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

(c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

(d) Temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;

(e) Require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member;

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the

apportionment of household and family personal property;

(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner;

(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent;

(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code.

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E)(7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order provisions of the type described in division (E)(7) of this section.

(3)(a) Any protection order issued or consent agreement approved under this section shall be valid until a date certain, but not later than five years from the date of its issuance or approval, or not later than the date a respondent who is less than eighteen years of age attains nineteen years of age, unless modified or terminated as provided in division (E)(8) of this section.

(b) Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental rights and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(e) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues a support order.

(c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved.

(4) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property.

(6)(a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the supervision.

(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court.

(8)(a) The court may modify or terminate as provided in division (E)(8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or termination of the protection order or consent agreement pursuant to division (E)(8) of this section.

(b) Either the petitioner or the respondent of the original protection order or consent agreement may bring a motion for modification or termination of a protection order or consent agreement that was issued or approved after a full hearing. The court shall require notice of the motion to be made as provided by the Rules of Civil Procedure. If the petitioner for the original protection order or consent agreement has requested that the petitioner's address be kept confidential, the court shall not disclose the address to the respondent of the original protection order or consent agreement or any other person, except as otherwise required by law. The moving party has the burden of proof to show, by a preponderance of the evidence, that modification or termination of the protection order or consent agreement is appropriate because either the protection order or consent agreement is no longer needed or because the terms of the original protection order or consent agreement are no longer appropriate.

(c) In considering whether to modify or terminate a protection order

or consent agreement issued or approved under this section, the court shall consider all relevant factors, including, but not limited to, the following:

(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement;

(ii) Whether the petitioner fears the respondent;

(iii) The current nature of the relationship between the petitioner and the respondent;

(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;

(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;

(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;

(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;

(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;

(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;

(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;

(xi) The age and health of the respondent;

(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.

(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.



(e) If the respondent moves for modification or termination of a protection order or consent agreement pursuant to this section and the court denies the motion, the court may assess costs against the respondent for the filing of the motion.

(9) Any protection order issued or any consent agreement approved pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued or agreement approved on the date the respondent attains the age of nineteen years unless the petitioner provides the court with evidence that the respondent has not complied with all of the terms of the protection order or consent agreement. The protection order or consent agreement shall specify the date when the respondent attains the age of nineteen years.

(F)(1) A copy of any protection order, or consent agreement, that is issued, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered.

(2) Upon the issuance of a protection order or the approval of a consent agreement under this section, the court shall provide the parties to the order or agreement with the following notice orally or by form:

"NOTICE

As a result of this order or consent agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders and the approved consent agreements delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order and consent agreement delivered, each agency shall note on the index the date and time that it received the order or consent agreement.

(4) Regardless of whether the petitioner has registered the order or agreement in the county in which the officer's agency has jurisdiction pursuant to division (N) of this section, any officer of a law enforcement agency shall enforce a protection order issued or consent agreement approved by any court in this state in accordance with the provisions of the order or agreement, including removing the respondent from the premises, if appropriate.

(G)(1) Any proceeding under this section shall be conducted in

accordance with the Rules of Civil Procedure, except that an order under this section may be obtained with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order or approves a consent agreement, that refuses to grant a protection order or approve a consent agreement that modifies or terminates a protection order or consent agreement, or that refuses to modify or terminate a protection order or consent agreement, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies.

(2) If as provided in division (G)(1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be expunged after either of the following occurs:

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is appealed and an appellate court to which the last appeal of that order is taken affirms the order.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law. When a petition under this section alleges domestic violence against minor children, the court shall report the fact, or cause reports to be made, to a county, township, or municipal peace officer under section 2151.421 of the Revised Code.

(I) Any law enforcement agency that investigates a domestic dispute shall provide information to the family or household members involved regarding the relief available under this section and section 2919.26 of the Revised Code.

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge the petitioner any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the respondent in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection

order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(K)(1) The court shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code when it makes or modifies an order for child support under this section.

(2) If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(L)(1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions:

(a) Criminal prosecution or a delinquent child proceeding for a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person or a delinquent child proceeding concerning the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of or adjudication as a delinquent child for a violation of that section, and a person convicted of or adjudicated a delinquent child for a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to

the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order or agreement is to be registered.

(b) Upon accepting the certified copy of the order or agreement for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order or agreement and give the petitioner a copy of the order or agreement that bears that proof of registration.

(3) The clerk of each court of common pleas, the clerk of each municipal court, and the clerk of each county court shall maintain a registry of certified copies of temporary protection orders, protection orders, or consent agreements that have been issued or approved by courts in other counties and that have been registered with the clerk.

(O) Nothing in this section prohibits the domestic relations division of a court of common pleas in counties that have a domestic relations division or a court of common pleas in counties that do not have a domestic relations division from designating a minor child as a protected party on a protection order or consent agreement."

In line 105960, after "1923.14," insert "2151.34,"

In line 105962, after "2743.75," insert "2903.213, 2903.214, 2919.26,"

In line 105964, after "3113.07," insert "3113.31,"

Between lines 144651 and 144652, insert:

"Section 2151.34 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly."

Between lines 144657 and 144658, insert:

"Section 2903.213 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.

Section 2903.214 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly.

Section 2919.26 of the Revised Code as amended by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly."

In line 114 of the title, after "4511.19," insert "4582.12, 4582.31,"

In line 583, after "4511.19," insert "4582.12, 4582.31,"

Between lines 65186 and 65187, insert:

"**Sec. 4582.12.** (A)(1) Except as otherwise provided in division (E) of section 307.671 of the Revised Code, division (A) of this section does not apply to a port authority educational and cultural facility acquired, constructed, and equipped pursuant to a cooperative agreement entered into under section 307.671 of the Revised Code.

(2)(a) Except as provided in division (C) of this section or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under sections 153.65 to 153.73 of the Revised Code, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding ~~the higher of one hundred fifty thousand dollars or the amount as adjusted under division (A)(2)(b) of this section~~ and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the jurisdiction of the port authority. Each such contract shall be let to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. Every contract let shall be in writing and if the contract involves work or construction, it shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, signed by an authorized officer of the port authority and by the contractor, and shall be executed in triplicate.

Each bid shall be awarded in accordance with sections 153.54, 153.57, and 153.571 of the Revised Code.

The port authority may reject any and all bids.

~~(b) On January 1, 2012, and the first day of January of every even-numbered year thereafter, the director of commerce shall adjust the threshold level for contracts subject to the bidding requirements contained in division (A)(2)(a) of this section. The director shall adjust this amount according to the average increase for each of the two years immediately preceding the adjustment as set forth in the producer price index for material and supply inputs for new nonresidential construction as determined by the bureau of labor statistics of the United States department of labor or, if that index no longer is published, a generally available comparable index. If there is no~~

~~resulting increase, the threshold shall remain the same until the next scheduled adjustment on the first day of January of the next even-numbered year.~~

(B) The board of directors of a port authority by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building, structure, or other improvement under any of the following circumstances:

(1) There exists a real and present emergency that threatens damage or injury to persons or property of the port authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract.

(2) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement.

(3) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code.

(4) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material.

(5) A single bid is received by the port authority after complying with the provisions of division (A) of this section.

(C)(1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(2) of this section, the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority.

(2) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(4) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material.

**Sec. 4582.31.** (A) A port authority created in accordance with section 4582.22 of the Revised Code may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Adopt an official seal;

(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require;

(4) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, or lease with an option to purchase, convey other interests in real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose and operate any property in connection with transportation, recreational, governmental operations, or cultural activities;

(5) Straighten, deepen, and improve any channel, river, stream, or other water course or way which may be necessary or proper in the development of the facilities of a port authority;

(6) Make available the use or services of any port authority facility to one or more persons, one or more governmental agencies, or any combination thereof;

(7) Issue bonds or notes for the acquisition, construction, furnishing, or equipping of any port authority facility or other permanent improvement that a port authority is authorized to acquire, construct, furnish, or equip, in compliance with Chapter 133. of the Revised Code, except that such bonds or notes may only be issued pursuant to a vote of the electors residing within the area of jurisdiction of the port authority. The net indebtedness incurred by a port authority shall never exceed two per cent of the total value of all property within the territory comprising the port authority as listed and assessed for taxation.

(8) Issue port authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in section 4582.48 of the Revised Code, for the purpose of providing funds to pay the costs of any port authority facility or facilities or parts thereof;

(9) Apply to the proper authorities of the United States pursuant to appropriate law for the right to establish, operate, and maintain foreign trade zones and establish, operate, and maintain foreign trade zones and to acquire, exchange, sell, lease to or from, lease with an option to purchase, or operate facilities, land, or property therefor in accordance with the "Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 81u;

(10) Enjoy and possess the same rights, privileges, and powers granted municipal corporations under sections 721.04 to 721.11 of the Revised Code;

(11) Maintain such funds as it considers necessary;

(12) Direct its agents or employees, when properly identified in writing, and after at least five days' written notice, to enter upon lands within the confines of its jurisdiction in order to make surveys and examinations preliminary to location and construction of works for the purposes of the port

authority, without liability of the port authority or its agents or employees except for actual damage done;

(13) Promote, advertise, and publicize the port authority and its facilities; provide information to shippers and other commercial interests; and appear before rate-making authorities to represent and promote the interests of the port authority;

(14) Adopt rules, not in conflict with general law, it finds necessary or incidental to the performance of its duties and the execution of its powers under sections 4582.21 to 4582.54 of the Revised Code. Any such rule shall be posted at no less than five public places in the port authority, as determined by the board of directors, for a period of not fewer than fifteen days, and shall be available for public inspection at the principal office of the port authority during regular business hours. No person shall violate any lawful rule adopted and posted as provided in this division.

(15) Do any of the following, in regard to any interests in any real or personal property, or any combination thereof, including, without limitation, machinery, equipment, plants, factories, offices, and other structures and facilities related to, useful for, or in furtherance of any authorized purpose, for such consideration and in such manner, consistent with Article VIII of the Ohio Constitution, as the board in its sole discretion may determine:

(a) Loan moneys to any person or governmental entity for the acquisition, construction, furnishing, and equipping of the property;

(b) Acquire, construct, maintain, repair, furnish, and equip the property;

(c) Sell to, exchange with, lease, convey other interests in, or lease with an option to purchase the same or any lesser interest in the property to the same or any other person or governmental entity;

(d) Guarantee the obligations of any person or governmental entity.

A port authority may accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board in its discretion may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

(16) Sell, lease, or convey other interests in real and personal property, and grant easements or rights-of-way over property of the port authority. The board of directors shall specify the consideration and any terms for the sale, lease, or conveyance of other interests in real and personal property. Any determination made by the board under this division shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

(17) Exercise the right of eminent domain to appropriate any land, rights, rights-of-way, franchises, easements, or other property, necessary or



proper for any authorized purpose, pursuant to the procedure provided in sections 163.01 to 163.22 of the Revised Code, if funds equal to the appraised value of the property to be acquired as a result of such proceedings are available for that purpose. However, nothing contained in sections 4582.201 to 4582.59 of the Revised Code shall authorize a port authority to take or disturb property or facilities belonging to any agency or political subdivision of this state, public utility, cable operator, or common carrier, which property or facilities are necessary and convenient in the operation of the agency or political subdivision, public utility, cable operator, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facilities, or upon the election of the agency or political subdivision, public utility, cable operator, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that:

(a) If any restoration or duplication proposed to be made under this section involves a relocation of the property or facilities, the new facilities and location shall be of at least comparable utilitarian value and effectiveness and shall not impair the ability of the public utility, cable operator, or common carrier to compete in its original area of operation;

(b) If any restoration or duplication made under this section involves a relocation of the property or facilities, the port authority shall acquire no interest or right in or to the appropriated property or facilities, except as provided in division (A)(15) of this section, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility, cable operator, or common carrier.

As used in division (A)(17) of this section, "cable operator" has the same meaning as in the "Cable Communications Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as amended by the "Telecommunications Act of 1996," Pub. L. No. 104-104, 110 Stat. 56.

(18)(a) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under sections 4582.21 to 4582.59 of the Revised Code.

(b)(†) Except as provided in division (A)(18)(c) of this section or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under section 153.65 to 153.73 of the Revised Code, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding the higher of one hundred fifty thousand dollars or the amount as adjusted under division (A)(18)(b)(ii) of this section, and the port authority is the contracting entity, the port authority shall make a written contract after

notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. Each such contract shall be let to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. Every contract shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, signed by an authorized officer of the port authority and by the contractor, and shall be executed in triplicate.

Each bid shall be awarded in accordance with sections 153.54, 153.57, and 153.571 of the Revised Code. The port authority may reject any and all bids.

~~(ii) On January 1, 2012, and the first day of January of every even-numbered year thereafter, the director of commerce shall adjust the threshold level for contracts subject to the bidding requirements contained in division (A)(18)(b)(i) of this section. The director shall adjust this amount according to the average increase for each of the two years immediately preceding the adjustment as set forth in the producer price index for material and supply inputs for new nonresidential construction as determined by the bureau of labor statistics of the United States department of labor or, if that index no longer is published, a generally available comparable index. If there is no resulting increase, the threshold shall remain the same until the next scheduled adjustment on the first day of January of the next even-numbered year.~~

(c) The board of directors by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building or structure or other improvement under any of the following circumstances:

(i) There exists a real and present emergency that threatens damage or injury to persons or property of the port authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract.

(ii) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement.

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code.

(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material.

(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section.

(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority.

(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material.

(e)(i) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution, shall be made in such manner and subject to such terms and conditions as may be determined by the board of directors in its discretion.

(ii) Division (A)(18)(e)(i) of this section applies to all contracts that are subject to the division, notwithstanding any other provision of law that might otherwise apply, including, without limitation, any requirement of notice, any requirement of competitive bidding or selection, or any requirement for the provision of security.

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not apply to either of the following: any contract secured by or to be paid from moneys raised by taxation or the proceeds of obligations secured by a pledge of moneys raised by taxation; or any contract secured exclusively by or to be paid exclusively from the general revenues of the port authority. For the purposes of this section, any revenues derived by the port authority under a lease or other agreement that, by its terms, contemplates the use of amounts payable under the agreement either to pay the costs of the improvement that is the subject of the contract or to secure obligations of the port authority issued to finance costs of such improvement, are excluded from general revenues.

(19) Employ managers, superintendents, and other employees and

retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and any other consultants and independent contractors as are necessary in its judgment to carry out this chapter, and fix the compensation thereof. All expenses thereof shall be payable from any available funds of the port authority or from funds appropriated for that purpose by a political subdivision creating or participating in the creation of the port authority.

(20) Receive and accept from any state or federal agency grants and loans for or in aid of the construction of any port authority facility or for research and development with respect to port authority facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;

(21) Engage in research and development with respect to port authority facilities;

(22) Purchase fire and extended coverage and liability insurance for any port authority facility and for the principal office and branch offices of the port authority, insurance protecting the port authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the port authority may agree to provide under any resolution authorizing its port authority revenue bonds or in any trust agreement securing the same;

(23) Charge, alter, and collect rentals and other charges for the use or services of any port authority facility as provided in section 4582.43 of the Revised Code;

(24) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(25) Establish and administer one or more payment card programs for purposes of paying expenses related to port authority business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.

(26) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code.

(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor."

In line 106013, after "4511.19," insert "4582.12, 4582.31,"

Between lines 142716 and 142717, insert:

**"Section 701.\_\_\_\_\_.** (A) There is created the Joint Legislative Task Force on Creating a Legislative Budget Office to study and make recommendations regarding the feasibility and effectiveness of creating a Legislative Budget Office.

(B) The Joint Legislative Task Force shall consist of the following six members:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a member of the minority party; and

(2) Three members of the Senate appointed by the President of the Senate one of whom shall be a member of the minority party.

Members shall be appointed not later than thirty days after the effective date of this section. A vacancy shall be filled in the same manner as the original appointment.

(C) The Speaker of the House of Representatives and the President of the Senate jointly shall choose a member of the Task Force to serve as the chairperson. Meetings shall be held at the discretion of the chairperson. A majority of the members of the Task Force constitutes a quorum for the conduct of meetings.

(D) Members of the Task Force shall receive no compensation, except to the extent that serving as a member is part of the individual's regular duties of employment, and days on which Task Force meetings are held shall be considered as legislative days.

(E) Not later than July 1, 2018, the Task Force shall issue a report of its recommendations to the Speaker and the Minority Leader of the House of Representatives and to the President and the Minority Leader of the Senate, at which time the Task Force shall cease to exist."

In line 104 of the title, after "3745.016," insert "3745.03,"

In line 286 of the title, after "5907.18," insert "6111.561, 6111.562, 6111.563, 6111.564,"

In line 576, after "3745.016," insert "3745.03,"

In line 681, after "5907.18," insert "6111.561, 6111.562, 6111.563, 6111.654,"

Between lines 56167 and 56168, insert:

**"Sec. 3745.03.(A)** The environmental review appeals commission shall adopt or amend, as appropriate, regulations governing procedure to be followed for hearings before it, including regulations governing all of the following:

(1) Expedited hearings;

(2) Expedited decisions:

(3) Stays. No

(B) No regulation adopted by the commission shall be effective until the tenth day after it has been adopted by the filing of a certified copy thereof with the secretary of state who shall record them under the heading "regulations of the environmental review appeals commission." The regulations shall be numbered consecutively under the heading and shall bear the date of filing. The regulations shall be public records open to public inspection.

(C) No regulation filed in the office of the secretary of state pursuant to this section shall be amended except by a regulation which contains the entire regulation as amended and which repeals the regulation amended. Each regulation which amends a regulation shall bear the same consecutive regulation number as the number of the regulation which it amends, and it shall bear the date of filing.

(D) No regulation filed in the office of the secretary of state pursuant to this section shall be repealed except by a regulation. Each regulation which repeals a regulation shall bear the same consecutive regulation number as the number of the regulation which it repeals, and it shall bear the date of filing.

(E) The authority and the duty of the commission to adopt regulations under this section shall not be governed by or be subject to Chapter 119. of the Revised Code.

(F) The commission shall have available at all times copies of all regulations of the commission which it has filed in the office of the secretary of state pursuant to this section, and shall furnish them free of charge to any person requesting them.

(G) The commission shall maintain and keep available for public inspection, at its principal office, a current register of all appeals filed, hearings pending, its final action thereon, and the dates on which such filings, hearings, and final actions occur."

Between lines 104374 and 104375, insert:

"(U) Establish the total maximum daily load (TMDL) for waters of the state where a TMDL is required under the Federal Water Pollution Control Act."

Between lines 105230 and 105231, insert:

"Sec. 6111.561.(A) As used in sections 6111.561 to 6111.654 of the Revised Code:

(1) "NPDES" means national pollutant discharge elimination system.

(2) "TMDL" means total maximum daily load.

(B) The director of environmental protection shall develop and establish a TMDL for waters of the state where required under section 1313(d) of the Federal Water Pollution Control Act. The director shall establish a TMDL only for pollutants that the administrator of the United States environmental protection agency has identified under section 1314(a) (2) of that act as suitable for such calculation. The director may modify a TMDL subsequent to the establishment of the TMDL in accordance with division (G) of section 6111.563 of the Revised Code. The development, establishment, or modification of a TMDL is not subject to the rule adoption, amendment, and rescission procedures under Chapters 106., 111., 119., and 121. of the Revised Code. The director shall develop any plans or actions necessary for implementing a TMDL in accordance with this chapter.

The director shall establish each TMDL at a level necessary to achieve the applicable water quality standards for which the water of the state is impaired that accounts for seasonal variations, a margin of safety, and lack of knowledge concerning the relationship between effluent limitations and water quality.

The establishment of a final TMDL by the director is not a final action of the director and does not have the force and effect of law, but may be challenged in accordance with section 6111.564 of the Revised Code.

(C) A TMDL submitted to and approved by the United States environmental protection agency prior to March 24, 2015, is valid and remains in full force and effect as approved. The director may modify such a TMDL, but a modification of the TMDL shall be developed in accordance with sections 6111.562 and 6111.563 of the Revised Code. The TMDL, as established, and any modification of the TMDL, is not subject to the rule adoption, amendment, and rescission procedures of Chapters 106., 111., 119., and 121. of the Revised Code.

**Sec. 6111.562.** (A)(1) The director of environmental protection shall provide notice of and opportunity for input from potentially affected dischargers, county soil and water conservation districts, and other stakeholders during the development of a TMDL after March 24, 2015, at each of the following stages of development of a TMDL and plans and actions necessary for TMDL implementation:

(a) The project assessment study plan, including portions of the plan that seek to determine the causes and sources of impairments or threats;

(b) The biological and water quality study report or its equivalent;

(c) The loading analysis plan, including, but not limited to, the proposed modeling approach and the water quality restoration targets, goals, or criteria;

(d) The preliminary modeling results including any management choices, load allocations, wasteload allocations, allowances for margin of safety and future growth, and permit limits necessary to achieve a water quality target, goal, or criterion and the preliminary TMDL implementation plan establishing specific actions, schedules, and monitoring proposed to effectuate a TMDL.

The director shall allow not less than thirty days for input at each stage described in divisions (A)(1)(a) to (d) of this section.

(2) The director shall make available to stakeholders documentation, including, but not limited to, data and modeling that was relied on during each stage of development of a TMDL and plans and actions necessary for TMDL implementation, as described in divisions (A)(1)(a) to (d) of this section. The director also shall make the documentation available on the environmental protection agency's web site, to the extent the director determines it is practical.

(3) The director shall provide at least two opportunities for stakeholder input on a TMDL and the plans and actions necessary for TMDL implementation if the stages described in divisions (A)(1)(a) to (d) of this section have been completed but the TMDL has not been submitted to the United States environmental protection agency for approval prior to the effective date of this section.

As used in this section, "input" means opportunity for comment and, if warranted by the level of interest or nature of the comments, input includes meetings with stakeholders.

(B) In developing wasteload and load allocations in connection with a TMDL, and in evaluating plans and actions necessary for TMDL implementation, the director of environmental protection shall consider and evaluate, at a minimum, all of the following factors:

(1) The relative contribution of pollutant loading between point sources and nonpoint sources;

(2) The flow dynamics, including but not limited to, periodic or seasonal flow variations, runoff, groundwater, and hydrologic or channel modifications;

(3) The degree to which point source reductions would influence attainment of applicable water quality standards for which the water of the state is impaired;

(4) The degree to which nonpoint source reductions would influence attainment of the applicable water quality standards for which the water of the state is impaired;

(5) Reasonable assurances that reductions can be implemented;

(6) The site of the impairment relative to the location of the source;



(7) The degree to which habitat affects impairment and restoration potential.

(C) Unless inconsistent with the Federal Water Pollution Control Act or this chapter, and in addition to the factors described in division (A) of this section, when developing wasteload and load allocations, pollution control measures to achieve pollutant load reductions, and implementation plans and schedules, the director shall consider and evaluate, at a minimum, all of the following:

(1) The feasibility of available demonstrated treatment technology to achieve the degree of pollutant treatment removal necessary to attain the point source reduction recommended in the TMDL wasteload allocation;

(2) Sources of funding available for point and nonpoint sources;

(3) Alternative approaches and actions for point and nonpoint sources to achieve TMDL-recommended pollutant reductions, agreements between and among point and nonpoint sources to jointly achieve pollutant load reductions, and adaptive management;

(4) The implementation of the recommended wasteload reductions over multiple NPDES permit renewals to achieve compliance with water quality standards, as appropriate, to mitigate potential economic impacts of the TMDL's recommended load reductions on such sources;

(5) The estimated economic impact, on a categorical basis, on governmental subdivisions, point sources, agricultural operations, and nonpoint sources;

(6) Information submitted by indirect dischargers or other stakeholders relating but not limited to cost, economic impact, environmental benefit, and technical feasibility.

**Sec. 6111.563.** (A) Before establishing a final TMDL and plans and actions necessary for TMDL implementation, the director of environmental protection shall prepare an official draft TMDL. The official draft TMDL shall include, at a minimum, both of the following:

(1) An estimate of the total amount of each pollutant that causes water quality impairment from all sources;

(2) An estimate of the total amount of pollutants that may be added to the water of the state while still allowing the water of the state to achieve and maintain applicable water quality standards.

(B) The director shall provide all of the following:

(1) Public notice of the official draft TMDL. At a minimum, the director shall send the public notice to all individual NPDES permit holders that discharge into the water of the state to which the official draft TMDL relates, all significant industrial users listed in the permit holders' annual

report, and any other stakeholder that has provided input in accordance with section 6111.562 of the Revised Code.

(2) A time period for comment of not less than sixty days on the official draft TMDL;

(3) An opportunity for a public hearing regarding the official draft TMDL if there is significant public interest, as determined by the director.

(C) The director shall specify both of the following in the public notice required under division (B)(1) of this section:

(1) The water of the state to which the official draft TMDL relates;

(2) The time, date, and location of the public hearing, if applicable.

(D) After the time period for comment expires on an official draft TMDL, the director shall prepare and make available a written responsiveness summary of the comments.

(E)(1) After conclusion of the public comment period, completion of the responsiveness summary under division (D) of this section, completion of any public hearing, and if the director determines it is appropriate to complete the TMDL, the director shall establish a final TMDL.

(2) The director shall modify a TMDL that is successfully challenged under section 6111.564 of the Revised Code and to which no further appeals are available to conform to the final decision of the highest tribunal of competent jurisdiction. The director then shall submit the modified TMDL to the United States environmental protection agency for approval.

(F) When establishing schedules of compliance in NPDES permits necessary to meet TMDL-based limits or conditions, the director shall consider the likelihood of a legal challenge based on comments received during the development of the TMDL or during the public comment period on a draft NPDES permit. The director also shall consider the likely time before an appeal is concluded.

(G) The director may modify an official draft, final, or United States environmental protection agency approved TMDL. A modification, other than a modification consistent with comments received, is subject to the same notice, comment, and public hearing requirements of divisions (B), (C), and (D) of this section that apply to an official draft TMDL and is subject to rules adopted under division (H) of this section. A revised effluent limit, pretreatment limit, or other term or condition based on such a modification may be challenged in accordance with section 6111.564 of the Revised Code.

(H) Not later than December 31, 2018, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish both of the following:

(1) Procedures for providing notice to stakeholders;

(2) Criteria for determining significant public interest in TMDL development.

Sec. 6111.564. (A) A final TMDL established by the director of environmental protection or a United States environmental protection agency approved TMDL may be challenged during the appeal of an NPDES permit containing TMDL-based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL before the environmental review appeals commission in accordance with Chapter 3745. of the Revised Code.

(B) In the case of a TMDL-based permit appeal by a publicly owned treatment works, the environmental review appeals commission shall join as parties to the appeal, subject to a right of voluntary dismissal, all significant industrial users listed in those NPDES permit holders' annual pretreatment program reports who are known to discharge a significant amount of a pollutant limited by the TMDL into the publicly owned treatment works.

(C)(1) In the case of an NPDES permit issued in draft or final form to a publicly owned treatment works that contains TMDL-based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL, the director shall notify the NPDES permit holder and all significant industrial users listed in that NPDES permit holder's annual pretreatment program report that are known to discharge a significant amount of a pollutant recommended to be limited by the TMDL and for whom a new or modified pretreatment limit may be required.

(2) The director shall include in the notice, at a minimum, both of the following:

(a) A statement that the TMDL-based effluent limits or other terms and conditions based on the TMDL may result in more stringent direct or indirect discharge limits;

(b) A statement that notifies the significant industrial users that an appeal of the NPDES permit may be filed by a significant industrial user with the environmental review appeals commission in accordance with Chapter 3745. of the Revised Code.

(D)(1) A direct or indirect discharger pursuing an appeal or an indirect discharger joined to an appeal shall not be dismissed from the proceeding on grounds that the matter is not ripe for review.

(2) A challenge of TMDL based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL during the appeal of an NPDES permit shall not be dismissed on grounds that the matter is not ripe for review."

In line 106006, after "3745.016," insert "3745.03,"

In line 252 of the title, after "313.132," insert "340.30,"

In line 661, after "313.132," insert "340.30,"

Between lines 16750 and 16751, insert:

"Sec. 340.30.(A) There is hereby created the county hub program to combat opioid addiction. The purposes of the program are as follows:

(1) To strengthen county and community efforts to prevent and treat opioid addiction;

(2) To educate youth and adults about the dangers of opioid addiction and the negative effects it has on society;

(3) To promote family building and workforce development as ways of combatting opioid addiction in communities;

(4) To encourage community engagement in efforts to address the purposes specified in divisions (A)(1) to (3) of this section.

(B) The program shall be administered by each board of alcohol, drug addiction, and mental health services. If the service district a board represents consists of more than one county, the board shall administer the program in each county.

(C) Not later than January 1, 2020, each board shall submit a report to the department of mental health and addiction services summarizing the board's work on, and progress toward, addressing each of the program's purposes. The department shall aggregate the reports received from the boards and submit a statewide report to the governor and general assembly. The copy submitted to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code."

In line 129300, delete "\$2,500,000 \$2,500,000" and insert "\$1,500,000 \$1,500,000"

In line 129302, subtract \$1,000,000 from each fiscal year

In line 129343, subtract \$1,000,000 from each fiscal year

Delete lines 136432 and 136432a

In line 136435, delete "\$72,214,846 \$72,214,846" and insert "\$75,714,846 \$75,714,846"

In line 136436, delete "\$13,416,418 \$14,416,418" and insert "\$13,916,418 \$14,916,418"

In line 136440, delete "\$9,600,000 \$13,000,000" and insert "\$8,100,000 \$11,500,000"

In line 136442, delete "\$15,002,875 \$15,002,875" and insert "\$16,002,875 \$16,002,875"

In line 136445, add \$1,000,000 to each fiscal year

Between lines 136447a and 136448, insert:

"5TZ0 336643 ADAMHS Boards \$5,000,000 \$5,000,000"

In line 136456, add \$5,000,000 to each fiscal year

In line 136477, add \$6,000,000 to each fiscal year

Delete lines 136491 through 136497

Between lines 136535 and 136536, insert:

"(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$2,000,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. These funds shall be used in conjunction with appropriation item 336643, ADAMHS Boards, and allocated as follows:

(1) Each board shall receive \$75,000 in each fiscal year for each of the counties that are part of the board's service district.

(2) Each board shall receive a percentage of any remaining amount, allocated in this division from appropriation item 336421 and appropriation item 336643, to be determined as follows:

(a) Determine the sum of the following:

(i) The state's total population as of January 1, 2017;

(ii) The average number of opioid overdose deaths that occurred in the state during the immediately preceding three fiscal years.

(b) Determine the sum of the following:

(i) The population of the board's service district as of January 1, 2017;

(ii) The average number of opioid overdose deaths that occurred in the board's service district during the immediately preceding three fiscal years.

(c) Determine the percentage that the sum determined under division (E)(2)(b) of this section is of the sum determined under division (E)(2)(a) of this section.

(F)(1) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers. There shall be one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and

administered under division (F) of this section complies with all of the following:

(a) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(b) It admits individuals before and after the individuals are confined in state or local correctional facilities.

(c) It has a Medicaid provider agreement.

(d) It is located in a building constructed for another purpose before the effective date of this section.

(e) It admits individuals who have been identified as needing the stabilization services provided by the center.

(f) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(2) The Department of Mental Health and Addiction Services shall conduct an analysis of each mental health crisis stabilization center. Not later than June 30, 2019, the Department shall submit the findings of the analysis to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code.

(G) As used in this section:

(1) "State or local correctional facility" means any of the following:

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;

(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.

(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code."

In line 136537, delete "The" and insert "Except as otherwise provided in this act, the"

Between lines 136739 and 136740, insert:

**"Section 337.71.PILOT PROGRAM FOR SUPPORT OF MENTAL HEALTH COURTS**

(A) As used in this section:

(1) "Certified mental health court program" means a session of any

of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for mental health: a common pleas court, municipal court, or county court or a division of any of those courts.

(2) "Community mental health services provider," "mental health services," and "recovery supports" have the same meanings as in section 5119.01 of the Revised Code.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(B) During fiscal year 2018 and fiscal year 2019, the Department of Mental Health and Addiction Services shall conduct a pilot program to provide mental health services and recovery supports to persons who are offenders within the criminal justice system, eligible to participate in a certified mental health court program, and selected to be participants in the pilot program because of their mental health conditions. The purpose of the program is to reduce recidivism into criminal behavior by assisting the selected participants in addressing their mental health service needs, including by providing access to drugs that are used to treat mental health conditions.

(C) The Department shall conduct the pilot program in the courts of Franklin and Warren counties that are conducting certified mental health court programs. If in either of these counties there is no court conducting a certified mental health court program, the Department shall conduct the pilot program in a court that is conducting a certified mental health court program in another county.

The Department may conduct the pilot program in any court that is conducting a certified mental health court program in any other county.

(D) In conducting the pilot program, the Department shall collaborate with the Supreme Court of Ohio, the Department of Rehabilitation and Correction, and any other state agency that it determines may be of assistance in accomplishing the objectives of the pilot program. In addition, the Department may collaborate with the boards of alcohol, drug addiction, and mental health services and local law enforcement agencies that serve the counties in which the courts participating in the pilot program are located.

(E) Not later than sixty days after the effective date of this section, the Department shall develop a plan for evaluating the pilot program. The evaluation plan shall include performance measures that reflect the purpose of the pilot program.

(F) Services and supports may be provided under the pilot program only by a community mental health services provider. In providing the

services and supports, a community mental health services provider shall do all of the following:

(1) Use an integrated service delivery model that consists of the coordination of care between a prescriber and the community mental health services provider;

(2) Conduct assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from participation;

(3) Based on the assessments, determine the mental health service needs of the participants served by the provider;

(4) Develop individualized goals and objectives for the participants served by the provider;

(5) As part of the mental health services included in the pilot program, provide access to drugs that are used to treat mental health conditions, including federally approved drugs that are known as atypical antipsychotics and are administered or dispensed in a long-acting injectable form;

(6) As part of the recovery supports included in the pilot program, provide supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider;

(7) Address any disorders that are considered by the provider to be co-occurring disorders;

(8) Monitor compliance of the pilot program participants being served by the provider.

(G) The Department shall prepare a report of the findings obtained from the pilot program. The report shall include data derived from the performance measures used in the pilot program.

Not later than six months after the conclusion of the pilot program, the Department shall complete its report. On completion, the Department 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 Rehabilitation and Correction, and any other state agency the Department of Mental Health and Addiction Services collaborates with in conducting the pilot program.

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$500,000 in each fiscal year shall be used for the pilot program established under this section for the support of certified mental health court programs."



In line 136871, delete "\$4,000,000" and insert "\$2,500,000"

Between lines 137026 and 137027, insert:

**"Section 337.\_\_\_\_. ADAMHS BOARDS**

The foregoing appropriation item 336643, ADAMHS Boards, shall be used in accordance with division (E) of Section 337.50 and division (G)(6) of Section 757.20 of this act."

In line 139156, delete "\$10,000,000 \$10,000,000" and insert "\$5,000,000 \$5,000,000"

In line 139158, subtract \$5,000,000 from each fiscal year

In line 139172, subtract \$5,000,000 from each fiscal year

In line 143937, delete "\$10,000,000" and insert "\$5,000,000"

Between lines 143988 and 143989, insert:

"(6) In each fiscal year, \$5,000,000 shall be allocated to the Department of Mental Health and Addiction Services and used in accordance with division (E) of Section 337.50 of this act."

In line 28921, after "action" insert "for injunctive relief"

In line 28922, delete "award compensatory damages and" and insert "grant"

In line 28923, delete "equitable relief, including"; delete the second underlined comma

In line 28924, delete everything after the underlined period

Delete lines 28925 and 28926

In line 37 of the title, after "1533.12," insert "1533.32,"

In line 526, after "1533.12," insert "1533.32,"

Delete lines 25037 through 25174 and insert:

**"Sec. 1533.10.(A)** Except as provided in this section or division (A) (2) of section 1533.12 or section 1533.73 or 1533.731 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense. ~~Except~~

~~(B)(1) Except as otherwise provided in this section, every applicant for a hunting license who is a resident of the state and eighteen years of age or more shall procure a resident hunting license or an apprentice resident hunting license, the fee for which shall be eighteen dollars unless the division (A) of section 1533.12 of the Revised Code, or in rules adopted under division (B) of that section 1533.12 of the Revised Code provide for issuance of a resident hunting license to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each~~

applicant who is a resident of this state and who at the time of application is sixty-six years of age or older shall procure a special senior hunting license, the fee for which shall be one-half of the regular hunting license fee. Every applicant who is under the age of eighteen years shall procure a special youth hunting license or an apprentice youth hunting license, the fee for which shall be one-half of the regular hunting license fee, each applicant for a hunting license shall pay an annual fee for each license in accordance with the following schedule:

<u>Hunting license - resident</u>	<u>\$18.00</u>
<u>Hunting license - nonresident, and not a resident of a reciprocal state, all ages</u>	<u>\$174.00</u>
<u>Hunting license - nonresident, but is a resident of a reciprocal state, all ages</u>	<u>\$18.00</u>
<u>Apprentice hunting license - resident</u>	<u>\$18.00</u>
<u>Apprentice hunting license - nonresident, and not a resident of a reciprocal state</u>	<u>\$174.00</u>
<u>Apprentice hunting license - nonresident, but is a resident of a reciprocal state</u>	<u>\$18.00</u>
<u>Youth hunting license - resident</u>	<u>\$9.00</u>
<u>Apprentice youth hunting license - resident</u>	<u>\$9.00</u>
<u>Senior hunting license - resident</u>	<u>\$9.00</u>

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B)(1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.

(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(C) A resident of this state who owns lands in the state and the owner's children of any age and grandchildren under eighteen years of age may hunt on the lands without a hunting license. A resident of any other state who owns real property in this state, and the spouse and children living with the property owner, may hunt on that property without a license, provided that the state of residence of the real property owner allows residents of this state owning real property in that state, and the spouse and children living

with the property owner, to hunt without a license. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age and grandchildren under eighteen years of age may hunt on the land owned by the limited liability company or limited liability partnership without a hunting license. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age and grandchildren under eighteen years of age may hunt on the land owned by the trust without a hunting license. The tenant and children of the tenant, residing on lands in the state, may hunt on them without a hunting license.

~~Except as otherwise provided in division (A)(1) of section 1533.12 of the Revised Code, every applicant for a hunting license who is a nonresident of the state and who is eighteen years of age or older shall procure a nonresident hunting license or an apprentice nonresident hunting license, the fee for which shall be one hundred twenty-four dollars unless the applicant is a resident of a state that is a party to an agreement under section 1533.91 of the Revised Code, in which case the fee shall be eighteen dollars. Apprentice resident hunting licenses, apprentice youth hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted pursuant to it.~~

(D) The chief of the division of wildlife may issue a small game hunting license expiring three days from the effective date of the license to a nonresident of the state, the fee for which shall be thirty-nine dollars. No person shall take or possess deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or any nongame animal while possessing only a small game hunting license. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the small game hunting license or the apprentice nonresident hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of deer, wild turkeys, or fur-bearing animals. A nonresident of the state who wishes to take or possess deer, wild turkeys, or fur-bearing animals in this state shall procure, respectively, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or a fur taker permit as provided in section 1533.111 of the Revised Code in addition to a nonresident hunting license, an apprentice nonresident hunting license, a special youth hunting license, or an apprentice youth hunting license, as applicable, as provided in this section.

(E) No person shall procure or attempt to procure a hunting license by fraud, deceit, misrepresentation, or any false statement.

(F)(1) This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code.

(2) This section does not authorize the hunting or trapping of fur-bearing animals without first having obtained, in addition to a hunting license required by this section, a fur taker permit as provided in section 1533.111 of the Revised Code.

(G)(1) No hunting license shall be issued unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed.

(2) No hunting license, other than an apprentice hunting license, shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license does not satisfy the requirement concerning the presentation of a previously held hunting license or evidence of it.

(3) No person shall issue a hunting license, except an apprentice hunting license, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license, other than an apprentice hunting license, without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained hunting license and the clerk or agent who issued the hunting license. Any hunting license issued in violation of this section is void.

(H) The chief, with approval of the wildlife council, shall adopt rules prescribing a hunter education and conservation course for first-time hunting license buyers, other than buyers of apprentice hunting licenses, and for volunteer instructors. The course shall consist of subjects including, but not limited to, hunter safety and health, use of hunting implements, hunting tradition and ethics, the hunter and conservation, the law in section 1533.17 of the Revised Code along with the penalty for its violation, including a

description of terms of imprisonment and fines that may be imposed, and other law relating to hunting. Authorized personnel of the division or volunteer instructors approved by the chief shall conduct such courses with such frequency and at such locations throughout the state as to reasonably meet the needs of license applicants. The chief shall issue a certificate of completion to each person who successfully completes the course and passes an examination prescribed by the chief."

In line 25201, after "nonresident" insert ", all ages"

In line 25202, delete "and nonresident"

Delete line 25204

In line 25206, after "nonresident" insert ", all ages"; delete "\$35.00" and insert "\$28.00"

In line 25207, delete "and nonresident"

Delete line 25209

In line 25211, delete "any of the following:"

In line 25212, delete "(i) An" and insert "an"

In line 25214, delete the underlined semicolon

Delete lines 25215 through 25218

In line 25219, delete everything before the underlined period

Between lines 25363 and 25364, insert:

**"Sec. 1533.32.(A)** Except as provided in this section or division (A) (2) or (C) of section 1533.12 of the Revised Code, no person, including nonresidents, shall take or catch any fish by angling in any of the waters in the state or engage in fishing in those waters without a license. No person shall take or catch frogs or turtles without a valid fishing license, except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing through an agreement or lease with the division of wildlife shall comply with the license requirements set forth in this section.

**(B)(1)** The fee for an annual license shall be ~~thirty-nine~~ forty-nine dollars for a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. The fee for an annual license shall be eighteen dollars for a resident of a state that is a party to such an agreement. The fee for an annual license for residents of this state shall be eighteen dollars unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a resident fishing license to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who

at the time of application is sixty-six years of age or older shall procure a special senior fishing license, the fee for which shall be one-half of the annual resident fishing license fee.

(2) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.

(C) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. The fee for a tourist's license shall be eighteen dollars.

The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. The fee for such a license shall be fifty-five per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar. A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

Unless otherwise provided by division rule, each annual license shall begin on the first day of March of the current year and expire on the last day of February of the following year.

No person shall alter a fishing license or possess a fishing license that has been altered.

No person shall procure or attempt to procure a fishing license by fraud, deceit, misrepresentation, or any false statement.

A resident of this state who owns land over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, together with the members of the immediate families of such owners, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. This exemption extends to tenants actually residing upon such lands and to the members of the immediate families of the tenants. A resident of any other state who owns land in this state over, through, upon, or along which any water flows or stands, except

where the land is in or borders on state parks or state-owned lakes, and the spouse and children living with the owner, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught from that water without obtaining a license under this section, provided that the state of residence of the owner allows residents of this state owning real property in that state, and the spouse and children living with such a property owner, to take frogs and turtles and take or catch fish without a license. If the owner of such land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. In addition, if the owner of such land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. Residents of state or county institutions, charitable institutions, and military homes in this state may take frogs and turtles without procuring the required license, provided that a member of the institution or home has an identification card, which shall be carried on that person when fishing.

Every fisher required to be licensed, while fishing or taking or attempting to take frogs or turtles, shall carry the license and exhibit it to any person. Failure to so carry and exhibit the license constitutes an offense under this section."

In line 105957, after "1533.12," insert "1533.32,"

Between lines 142716 and 142717, insert:

**"Section 715. \_\_\_\_.**(A) Except as provided in section 1533.12 of the Revised Code or in rules adopted under division (B) of that section and notwithstanding division (A) of section 1533.11 of the Revised Code, for calendar years 2017, 2018, and 2019, an applicant for a hunting license, fishing license, or deer permit who is a nonresident shall pay an annual fee for each license or permit in accordance with the following schedule, as applicable:

Hunting license – nonresident, and not a resident of a reciprocal state in calendar year 2017, all ages	\$124.00
Hunting license – nonresident, and not a resident of a reciprocal state in calendar year 2018, all ages	\$140.50
Hunting license – nonresident, and not a resident of a reciprocal state in calendar year 2019, all ages	\$157.00

Apprentice hunting license – nonresident, and not a resident of a reciprocal state in calendar year 2017	\$124.00
Apprentice hunting license – nonresident, and not a resident of a reciprocal state in calendar year 2018	\$140.50
Apprentice hunting license – nonresident, and not a resident of a reciprocal state in calendar year 2019	\$157.00
Fishing license – nonresident, and not a resident of a reciprocal state in calendar year 2017	\$39.00
Fishing license – nonresident, and not a resident of a reciprocal state in calendar year 2018	\$42.50
Fishing license – nonresident, and not a resident of a reciprocal state in calendar year 2019	\$46.00
Deer permit – nonresident in calendar year 2017, all ages	\$23.00
Deer permit – nonresident in calendar year 2018, all ages	\$40.00
Deer permit – nonresident in calendar year 2019, all ages	\$57.00

(B) Beginning on January 1, 2020, an applicant for a nonresident hunting license, fishing license, or deer permit shall pay the annual fee for each license or permit in accordance with the fee schedule established under division (A) of sections 1533.10 and 1533.11 and section 1533.32 of the Revised Code."

In line 133646, after the comma insert "the Director and members of the Joint Education Oversight Committee,"

In line 84967, delete "division" and insert "divisions"; after "(B)" insert "and (C)"

In line 84970, delete "An" and insert "Subject to division (C) of this section, an"

In line 84980, after "(C)" insert "The medicaid program shall continue to cover individuals who meet the eligibility requirements for the expansion eligibility group if the individual has either of the following:

(1) A mental illness as defined in section 5119.01 of the Revised Code;

(2) A drug addiction as defined in section 5119.01 of the Revised Code.

(D)"

Between lines 136245 and 136246, insert:

**"Section 333.\_\_\_\_. EXPANSION ELIGIBILITY GROUP FREEZE WAIVER**

The Medicaid Director shall apply to the United States Centers for



Medicare and Medicaid Services for a federal Medicaid waiver needed to implement section 5163.15 of the Revised Code."

In line 82 of the title, after "3345.45," insert "3345.48,"

In line 560, after "3345.45," insert "3345.48,"

Between lines 46504 and 46505, insert:

"**Sec. 3345.48.**(A) As used in this section:

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

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

(B) The board of trustees of a state university may establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

If the board of trustees chooses to establish such a program, the board shall adopt rules for the program that include, but are not limited to, all of the following:

(1) The number of credit hours required to earn an undergraduate degree in each major;

(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to ~~six~~ eight per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above ~~six~~ eight per cent, the board shall submit a request to increase the amount by a specified percentage to the chancellor. The chancellor, based on information the chancellor requires from the board of trustees, shall approve or disapprove such a request. Thereafter, the board of trustees may increase

the guaranteed amount by up to the sum of the following above what has been charged in the previous academic year one time per subsequent cohort:

(a) The average rate of inflation, as measured by the consumer price index prepared by the bureau of labor statistics of the United States department of labor (all urban consumers, all items), for the previous sixty-month period; and

(b) The percentage amount the general assembly restrains increases on in-state undergraduate instructional and general fees for the applicable fiscal year. If the general assembly does not enact a limit on the increase of in-state undergraduate instructional and general fees, then no limit shall apply under this division for the cohort that first enrolls in any academic year for which the general assembly does not prescribe a limit.

If, beginning with the academic year that starts four years after September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the chancellor, who shall approve or disapprove such a request.

(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the chancellor.

(4) Eligibility requirements for students to participate in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section.

(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;

(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.

(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.

The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.

(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.

(E) Within five years after September 29, 2013, the chancellor shall publish on the chancellor's web site a report that includes all of the following:

(1) The state universities that have adopted an undergraduate tuition guarantee program under this section;

(2) The details of each undergraduate tuition guarantee program established under this section;

(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities.

(F) Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has established an undergraduate tuition guarantee program under this section."

In line 105990, after "3345.45," insert "3345.48,"

In line 138432, after "2017-2018" insert "and 2018-2019"; delete "year" and insert "years"

In line 138434, delete "may increase"

Delete lines 138435 through 138437 and insert "shall not increase its in-state undergraduate instructional, general, and all other fees over what the institution charged for the 2016-2017 academic year."

Delete lines 138438 through 138450

In line 138451, delete "(3)" and insert "(2)"

In line 138459, delete "(4)" and insert "(3)"; delete "to (3)" and insert "and (2)"

In line 138462, after the comma insert "noninstructional program

fees,"

Delete lines 138469 through 138479

In line 60185, delete "that"

Delete line 60186 and insert "which need not be of the same brand, variety, or volume."

In line 110 of the title, after "4303.209," insert "4303.22,"

In line 580, after "4303.209," insert "4303.22,"

Between lines 61168 and 61169, insert:

"**Sec. 4303.22.(A)** Permit H may be issued for a fee of three hundred dollars to a for-hire motor carrier who holds a license issued by the public utilities commission to transport beer, intoxicating liquor, and alcohol, or any of them, in this state for delivery or use in this state. This section does not prevent the division of liquor control from contracting with for-hire motor carriers for the delivery or transportation of liquor for the division, and any for-hire motor carrier so contracting with the division is eligible for an H permit. Manufacturers or wholesale distributors of beer or intoxicating liquor other than spirituous liquor who transport or deliver their own products to or from their premises licensed under this chapter and Chapter 4301. of the Revised Code by their own trucks as an incident to the purchase or sale of such beverages need not obtain an H permit. Carriers by rail shall receive an H permit upon application for it.

(B)(1) Every person that transports beer or intoxicating liquor into this state for delivery in this state to an individual or entity, other than to the holder of a permit issued under this chapter, shall prepare and submit a monthly report to the division. The report shall contain all of the following:

(a) The name of the person preparing and submitting the report;

(b) The period of time covered by the report;

(c) The name and business address of each consignor of the beer or intoxicating liquor;

(d) The name and address of each consignee of the beer or intoxicating liquor;

(e) The weight of, and unique tracking number assigned for, each delivery of beer or intoxicating liquor to each consignee;

(f) The date of delivery.

The division shall make any such report available to the public upon request under section 149.43 of the Revised Code.

(2) Upon the division's request and not later than thirty days after the request, a person that submits a report shall provide the documents used to prepare the report to the division. The person shall keep and maintain the

documents for a period of two years after the submission of the applicable report, unless the division, in writing, authorizes the destruction of the documents at an earlier date. The person shall allow the division, any other state regulatory body, or any law enforcement agency to inspect the documents at any time during regular business hours.

(3) No person shall violate division (B) of this section.

If a person willfully violates division (B) of this section, the liquor control commission may suspend or revoke any permit issued to the person under this chapter.

(C) This section does not prevent the division from issuing, upon the payment of the permit fee, an H permit to any person, partnership, firm, or corporation licensed by any other state to engage in the business of manufacturing and brewing or producing beer, wine, and mixed beverages or any person, partnership, firm, or corporation licensed by the United States or any other state to engage in the business of importing beer, wine, and mixed beverages manufactured outside the United States. ~~The~~

The manufacturer, brewer, or importer of products manufactured outside the United States, upon the issuance of an H permit, may transport, ship, and deliver only its own products to holders of B-1 or B-5 permits in Ohio in motor trucks and equipment owned and operated by such class H permit holder. No H permit shall be issued by the division to such applicant until the applicant files with the division a liability insurance certificate or policy satisfactory to the division, in a sum of not less than one thousand nor more than five thousand dollars for property damage and for not less than five thousand nor more than fifty thousand dollars for loss sustained by reason of injury or death and with such other terms as the division considers necessary to adequately protect the interest of the public, having due regard for the number of persons and amount of property affected. The certificate or policy shall insure the manufacturer, brewer, or importer of products manufactured outside the United States against loss sustained by reason of the death of or injury to persons, and for loss of or damage to property, from the negligence of such class H permit holder in the operation of its motor vehicles or equipment in this state."

In line 106010, after "4303.209," insert "4303.22,"

In line 42 of the title, delete "2305.02,"

In line 44 of the title, delete "2743.48,"

In line 531, delete "2305.02,"

In line 532, delete "2743.48,"

Delete lines 27873 through 27885

Delete lines 28459 through 28688

In line 105961, delete "2305.02,"

In line 105962, delete "2743.48,"

In line 32392, strike through "(c)" and insert "(d)"

In line 32398, strike through "(c)" and insert "(d)"

In line 32401, before "Except" insert "(b)(i)"

In line 32402, after the third comma insert "and in division (D)(2) (b)(ii) of this section."

Between lines 32405 and 32406, insert:

"(ii) For the purpose of making per-pupil payments to community schools under division (C) of section 3314.08 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data."

In line 32406, strike through "(b)" and insert "(c)"

In line 32413, strike through "(c)" and insert "(d)"

In line 204 of the title, after "5164.01," insert "5164.02,"

In line 247 of the title, after "101.89," insert "103.417,"

In line 279 of the title, after "5163.15," insert "5164.021,;" after "5164.29," insert "5164.69,"

In line 626, after "5164.01," insert "5164.02,"

In line 658, after "101.89," insert "103.417,"

In line 676, after "5163.15," insert "5164.021,;" after "5164.29," insert "5164.69,"

In line 1819, delete "103.416" and insert "103.417"

Between lines 1929 and 1930, insert:

"Sec. 103.417. Before the department of medicaid or another state agency with which the department has entered into a contract under section 5162.35 of the Revised Code to administer one or more components of the medicaid program or one or more aspects of a component implements a proposal to increase, by rule or otherwise, the medicaid payment rate for a medicaid service, the department or other state agency shall submit the proposal to JMOC. This applies regardless of whether the proposal involves a change to the method by which the medicaid payment rate is to be determined or specifies the actual amount of the rate increase. If the proposal is to be implemented in whole or in part by rule, the department or other state agency shall include with the proposal a copy of the proposed rule as filed in final form under section 119.04 of the Revised Code.

Not later than thirty days after the date a proposal is submitted to JMOC under this section, JMOC shall do both of the following:

(A) Conduct a public hearing on the proposal;

(B) For purposes of section 5164.69 of the Revised Code, vote on whether to permit or prohibit implementation of the proposal."

Between lines 84629 and 84630, insert:

"When the director of another state agency adopts a rule that would increase the medicaid payment rate for a medicaid service provided under a medicaid component or aspect of a medicaid component that the other state agency administers, the director of the other state agency shall comply with section 5164.021 of the Revised Code as if that director were the medicaid director."

Between lines 85064 and 85065, insert:

"Sec. 5164.02.(A) The Subject to section 5164.021 of the Revised Code, the medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The rules shall establish all of the following:

(1) The amount, duration, and scope of the medicaid services covered by the medicaid program;

(2) The medicaid payment amount rate for each medicaid service or, in lieu of the payment amount rate, the method by which the payment amount rate is to be determined for each medicaid service;

(3) Procedures for enforcing the rules adopted under this section that provide due process protections, including procedures for corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules.

(C) The rules may be different for different medicaid services.

(D) The medicaid director is not required to adopt a rule establishing the medicaid payment amount rate for a medicaid service if the director adopts a rule establishing the method by which the payment amount rate is to be determined for the medicaid service and makes the payment amount rate available on the internet web site maintained by the department of medicaid.

Sec. 5164.021. For purposes of sections 103.417 and 5164.69 of the Revised Code, the medicaid director may not designate an effective date for a rule increasing the medicaid payment rate for a medicaid service that is earlier than the one hundred twenty-first day after the date on which it is filed in final form under section 119.04 of the Revised Code. This applies to such a rule regardless of whether the rule involves a change to the method by which the medicaid payment rate is to be determined or specifies the actual amount of the rate increase."

Between lines 85961 and 85962, insert:

"Sec. 5164.69.(A) Neither the department of medicaid nor another state agency with which the department has entered into a contract under section 5162.35 of the Revised Code to administer one or more components of the medicaid program or one or more aspects of a component may increase the medicaid payment rate for a medicaid service, by rule or otherwise, if any of the following applies:

(1) The department or other state agency fails to submit the proposal to the joint medicaid oversight committee in accordance with section 103.417 of the Revised Code.

(2) The joint medicaid oversight committee votes, not later than the deadline established by section 103.417 of the Revised Code, to prohibit implementation of the proposal.

(3) The general assembly, not later than ninety days after that deadline, adopts a concurrent resolution prohibiting implementation of the proposal.

(B) The general assembly's authority to adopt a concurrent resolution prohibiting implementation of a proposal to increase the medicaid payment rate for a medicaid service applies regardless of whether the joint medicaid oversight committee votes to permit implementation of the proposal or fails to vote on the proposal before the deadline.

(C) This section applies to a proposal to increase the medicaid payment rate for a medicaid service regardless of whether the proposal involves a change to the method by which the rate is to be determined or specifies the actual amount of the rate increase."

In line 106056, after "5164.01," insert "5164.02,"

In line 205 of the title, after "5164.57," insert "5164.70,"

In line 627, after "5164.57," insert "5164.70,"

Between lines 85961 and 85962, insert:

**"Sec. 5164.70.** Except as otherwise required by federal statute or regulation, no medicaid payment for any medicaid service provided by a hospital, nursing facility, or ICF/IID shall exceed the following:

~~(A) If the medicaid provider is a hospital, nursing facility, or ICF/IID;~~ the limits established under Subpart C of 42 C.F.R. Part 447;

~~(B) If the medicaid provider is other than a provider described in division (A) of this section, the authorized payment limits for the same service under the medicare program."~~

In line 106057, after "5164.57," insert "5164.70,"

Between lines 135967 and 135968, insert:



**"Section 333.180.MEDICAID PAYMENT RATES FOR  
NONINSTITUTIONAL PROVIDERS**

Notwithstanding section 5164.70 of the Revised Code as in effect on June 30, 2017, the Department of Medicaid may establish Medicaid payment rates for services provided by a Medicaid provider, other than a hospital, nursing facility, or intermediate care facility for individuals with intellectual disabilities, that may exceed the authorized payment limits for the same service under the Medicare Program. Such rates may take effect for dates of service on or after July 1, 2017. A portion of the foregoing appropriation items 651525, Medicaid/Health Care Services, 651603, Medicaid Health Information Technology, 651623, Medicaid Services – Federal, 651624, Medicaid Program Support – Federal, 651680, Health Care Grants – Federal, and 651682, Health Care Grants - State, may be used to pay for Medicaid services and costs associated with the administration of the Medicaid Program, including the establishment and payment of rates in accordance with this section."

In line 441 of the title, after the semicolon insert "to amend sections 173.501, 173.521, 173.542, 1347.08, 2317.54, 4715.36, 5101.60, 5101.61, 5101.611, 5101.612, 5101.62, 5101.622, 5101.63, 5101.64, 5101.65, 5101.66, 5101.67, 5101.68, 5101.69, 5101.691, 5101.692, 5101.70, 5101.71, 5101.72, 5101.99, 5123.61, and 5126.31; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5101.61 (5101.63), 5101.611 (5101.64), 5101.612 (5101.631), 5101.62 (5101.65), 5101.622 (5101.652), 5101.63 (5101.651), 5101.64 (5101.66), 5101.65 (5101.68), 5101.66 (5101.681), 5101.67 (5101.682), 5101.68 (5101.69), 5101.69 (5101.70), 5101.691 (5101.701), 5101.692 (5101.702), 5101.70 (5101.71), 5101.71 (5101.61), and 5101.72 (5101.611); to enact new section 5101.62 and sections 5101.632, 5101.73, 5101.74, and 5101.741; and to repeal section 5101.621 of the Revised Code;"

Between lines 126682 and 126683, insert:

**"Section 130.31.**That sections 173.501, 173.521, 173.542, 1347.08, 2317.54, 4715.36, 5101.60, 5101.99, 5123.61, and 5126.31 be amended; sections 5101.61 (5101.63), 5101.611 (5101.64), 5101.612 (5101.631), 5101.62 (5101.65), 5101.622 (5101.652), 5101.63 (5101.651), 5101.64 (5101.66), 5101.65 (5101.68), 5101.66 (5101.681), 5101.67 (5101.682), 5101.68 (5101.69), 5101.69 (5101.70), 5101.691 (5101.701), 5101.692 (5101.702), 5101.70 (5101.71), 5101.71 (5101.61), and 5101.72 (5101.611) be amended for the purpose of adopting new section numbers as indicated in parentheses; and new section 5101.62 and sections 5101.632, 5101.73, 5101.74, and 5101.741 of the Revised Code be enacted to read as follows:

**Sec. 173.501.(A)** As used in this section:

"Nursing facility" has the same meaning as in section 5165.01 of the

Revised Code.

"PACE provider" has the same meaning as in the "Social Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3).

(B) The department of aging shall establish a home first component of the PACE program under which eligible individuals may be enrolled in the PACE program in accordance with this section. An individual is eligible for the PACE program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the PACE program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the PACE program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the PACE program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under ~~section 5101.61~~ 5101.63 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised Code.

(ii) A county department of job and family services and an area agency on aging have jointly documented in writing that, unless the individual is enrolled in home and community-based services such as the PACE program, the individual should be admitted to a nursing facility.

(C) Each month, the department of aging shall identify individuals who are eligible for the home first component of the PACE program. When the department identifies such an individual, the department shall notify the PACE provider serving the area in which the individual resides. The PACE provider shall determine whether the PACE program is appropriate for the individual and whether the individual would rather participate in the PACE program than continue or begin to reside in a nursing facility. If the PACE provider determines that the PACE program is appropriate for the individual and the individual would rather participate in the PACE program than

continue or begin to reside in a nursing facility, the PACE provider shall so notify the department of aging. On receipt of the notice from the PACE provider, the department of aging shall approve the individual's enrollment in the PACE program in accordance with priorities established in rules adopted under section 173.50 of the Revised Code.

**Sec. 173.521.(A)** Unless the medicaid-funded component of the PASSPORT program is terminated pursuant to division (C) of section 173.52 of the Revised Code, the department shall establish a home first component of the PASSPORT program under which eligible individuals may be enrolled in the medicaid-funded component of the PASSPORT program in accordance with this section. An individual is eligible for the PASSPORT program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the PASSPORT program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised Code.

(ii) A county department of job and family services and an area agency on aging have jointly documented in writing that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, the individual should be admitted to a nursing facility.

(B) Each month, each area agency on aging shall identify individuals residing in the area that the agency serves who are eligible for the home first component of the PASSPORT program. When an area agency on aging identifies such an individual, the agency shall notify the long-term

care consultation program administrator serving the area in which the individual resides. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department shall approve the individual's enrollment in the medicaid-funded component of the PASSPORT program regardless of the unified waiting list established under section 173.55 of the Revised Code, unless the enrollment would cause the component to exceed any limit on the number of individuals who may be enrolled in the component as set by the United States secretary of health and human services in the PASSPORT waiver.

**Sec. 173.542.(A)** Unless the medicaid-funded component of the assisted living program is terminated pursuant to division (C) of section 173.54 of the Revised Code, the department of aging shall establish a home first component of the assisted living program under which eligible individuals may be enrolled in the medicaid-funded component of the assisted living program in accordance with this section. An individual is eligible for the assisted living program's home first component if both of the following apply:

- (1) The individual has been determined to be eligible for the medicaid-funded component of the assisted living program.
- (2) At least one of the following applies:
  - (a) The individual has been admitted to a nursing facility.
  - (b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the assisted living program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.
  - (c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the assisted living program, the individual is to be transported directly from the hospital to a nursing facility and admitted.
  - (d) Both of the following apply:
    - (i) The individual is the subject of a report made under ~~section 5101.61~~ section 5101.63 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and

family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised Code.

(ii) A county department of job and family services and an area agency on aging have jointly documented in writing that, unless the individual is enrolled in home and community-based services such as the assisted living program, the individual should be admitted to a nursing facility.

(B) Each month, each area agency on aging shall identify individuals residing in the area that the area agency on aging serves who are eligible for the home first component of the assisted living program. When an area agency on aging identifies such an individual and determines that there is a vacancy in a residential care facility participating in the medicaid-funded component of the assisted living program that is acceptable to the individual, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides. The administrator shall determine whether the assisted living program is appropriate for the individual and whether the individual would rather participate in the assisted living program than continue or begin to reside in a nursing facility. If the administrator determines that the assisted living program is appropriate for the individual and the individual would rather participate in the assisted living program than continue or begin to reside in a nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department shall approve the individual's enrollment in the medicaid-funded component of the assisted living program regardless of the unified waiting list established under section 173.55 of the Revised Code, unless the enrollment would cause the component to exceed any limit on the number of individuals who may participate in the component as set by the United States secretary of health and human services in the assisted living waiver.

**Sec. 1347.08.(A)** Every state or local agency that maintains a personal information system, upon the request and the proper identification of any person who is the subject of personal information in the system, shall:

- (1) Inform the person of the existence of any personal information in the system of which the person is the subject;
- (2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of which the person is the subject;
- (3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.

(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice.

(C)(1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless a physician, psychiatrist, or psychologist determines for the agency that the disclosure of the information is likely to have an adverse effect on the person, in which case the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian.

(2) Upon the signed written request of either a licensed attorney at law or a licensed physician designated by the inmate, together with the signed written request of an inmate of a correctional institution under the administration of the department of rehabilitation and correction, the department shall disclose medical information to the designated attorney or physician as provided in division (C) of section 5120.21 of the Revised Code.

(D) If an individual who is authorized to inspect personal information that is maintained in a personal information system requests the state or local agency that maintains the system to provide a copy of any personal information that the individual is authorized to inspect, the agency shall provide a copy of the personal information to the individual. Each state and local agency may establish reasonable fees for the service of copying, upon request, personal information that is maintained by the agency.

(E)(1) This section regulates access to personal information that is maintained in a personal information system by persons who are the subject of the information, but does not limit the authority of any person, including a person who is the subject of personal information maintained in a personal information system, to inspect or have copied, pursuant to section 149.43 of the Revised Code, a public record as defined in that section.

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

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

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant

to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

(4) Records specified in division (A) of section 3107.52 of the Revised Code;

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;

(8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;

(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code;

(11) Information contained in a database established and maintained pursuant to section ~~5101.612~~ 5101.631 of the Revised Code.

**Sec. 2317.54.** No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.

Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in

spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or limit the authorization for performance of the procedure or procedures set forth in such written consent.

(A) The consent sets forth in general terms the nature and purpose of the procedure or procedures, and what the procedures are expected to accomplish, together with the reasonably known risks, and, except in emergency situations, sets forth the names of the physicians who shall perform the intended surgical procedures.

(B) The person making the consent acknowledges that such disclosure of information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.

(C) The consent is signed by the patient for whom the procedure is to be performed, or, if the patient for any reason including, but not limited to, competence, minority, or the fact that, at the latest time that the consent is needed, the patient is under the influence of alcohol, hallucinogens, or drugs, lacks legal capacity to consent, by a person who has legal authority to consent on behalf of such patient in such circumstances, including either of the following:

(1) The parent, whether the parent is an adult or a minor, of the parent's minor child;

(2) An adult whom the parent of the minor child has given written authorization to consent to a surgical or medical procedure or course of procedures for the parent's minor child.

Any use of a consent form that fulfills the requirements stated in divisions (A), (B), and (C) of this section has no effect on the common law rights and liabilities, including the right of a physician to obtain the oral or implied consent of a patient to a medical procedure, that may exist as between physicians and patients on July 28, 1975.

As used in this section the term "hospital" has the same meaning as in section 2305.113 of the Revised Code; "home health agency" has the same meaning as in section ~~5401.61~~ 3701.881 of the Revised Code; "ambulatory surgical facility" has the meaning as in division (A) of section 3702.30 of the Revised Code; and "hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code. The provisions of this division apply to hospitals, doctors of medicine, doctors of osteopathic medicine, and doctors of podiatric medicine.

**Sec. 4715.36.** As used in this section and sections 4715.361 to 4715.374 of the Revised Code:

(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental



accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.

(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.

(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.

(D) "Dentist" means an individual licensed under this chapter to practice dentistry.

(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.

(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(4) of section 4715.22 of the Revised Code.

(G) "Facility" means any of the following:

(1) A health care facility, as defined in section 4715.22 of the Revised Code;

(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;

(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;

(4) A residential facility licensed under section 5123.19 of the Revised Code;

(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;

(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;

(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;

(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;

(10) A foster home, as defined in section 5103.02 of the Revised Code;

(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;

(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section ~~5401.64~~ 3701.881 of the Revised Code;

(13) A dispensary;

(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;

(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;

(16) A facility operated by 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;

(17) A women, infants, and children clinic;

(18) A mobile dental unit located at any location listed in divisions (G)(1) to (17) of this section;

(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.

**Sec. 5101.60.**As used in sections 5101.60 to ~~5401.74~~ 5101.73 of the Revised Code:

(A) "Abandonment" means desertion of an adult by a caretaker without having made provision for transfer of the adult's care.

(B) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.

~~(B)~~(C) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. ~~An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home,~~

apartment, trailer, or rooming house. An "independent living arrangement" includes a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.

~~(C)~~(D) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.

~~(E)~~ "Caretaker" means the person assuming the primary responsibility for the care of an adult ~~on~~ by any of the following means:

- ~~(1) On~~ a voluntary basis, ~~by~~;
- ~~(2) By~~ contract, ~~through~~;
- ~~(3) Through~~ receipt of payment for care, ~~as~~;
- ~~(4) As~~ a result of a family relationship, ~~or by~~;
- ~~(5) By~~ order of a court of competent jurisdiction.

~~(D)~~(F) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.99 of the Revised Code.

~~(G)~~ "Court" means the probate court in the county where an adult resides.

~~(E)~~(H) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

~~(F)~~(I) "Emergency services" means protective services furnished to an adult in an emergency.

~~(G)~~(J) "Exploitation" means the unlawful or improper act of a ~~caretaker person~~ using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit, or gain when the ~~caretaker person~~ obtained or exerted control over the adult or the adult's resources in any of the following ways:

- (1) Without the adult's consent or the consent of the person authorized to give consent on the adult's behalf;
- (2) Beyond the scope of the express or implied consent of the adult or the person authorized to give consent on the adult's behalf;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

~~(H)~~(K) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result.

~~(H)~~(L) "Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. ~~"Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.~~

~~(J)~~(M) "Independent living arrangement" means a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. "Independent living arrangement" includes a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include any other institution or facility licensed by the state or a facility in which a person resides as a result of voluntary, civil, or criminal commitment.

(N) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

~~(K)~~(O) "Neglect" means any of the failure following:

(1) Failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness ~~or the failure~~;

(2) Failure of a caretaker to provide such goods or services;

(3) Abandonment.

~~(H)~~(P) "Outpatient health facility" means a facility where medical care and preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services are provided to outpatients by or under the direction of a physician or dentist.

(Q) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

~~(M)~~(R) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult.

~~(N)~~(S) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions

resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter.

~~(T)~~(T) "Reasonable decisions" means decisions made in daily living that facilitate the provision of food, shelter, clothing, and health care necessary for life support.

(U) "Senior service provider" means a person who provides care or specialized services to an adult, except that it does not include the state long-term care ombudsman or a regional long-term care ombudsman.

(V) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code.

**Sec. 5101.71.**(A) The county departments of job and family services shall implement sections 5101.60 to 5101.71 of the Revised Code. ~~The department of job and family services shall provide a program of ongoing, comprehensive, formal training regarding the implementation of sections 5101.60 to 5101.71 of the Revised Code and require all adult protective services caseworkers and their supervisors to undergo the training. Training shall not be limited to the procedures for implementing section 5101.62 of the Revised Code. The department of job and family services shall adopt any rules it deems necessary regarding the training.~~

(B) The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code to carry out the purposes of sections 5101.60 to 5101.71 of the Revised Code. The rules adopted pursuant to this division may include a requirement that the county departments provide on forms prescribed by the rules a plan of proposed expenditures, and a report of actual expenditures, of funds necessary to implement sections 5101.60 to 5101.71 of the Revised Code and other requirements for intake procedures, investigations, case management, and the provision of protective services.

**Sec. 5101.72.**The department of job and family services may reimburse county departments of job and family services, local law enforcement agencies, and county prosecutors for all or part of the costs they incur in implementing sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. The director of job and family services shall adopt internal management rules in accordance with section 111.15 of the Revised Code that provide for reimbursement of county departments of job and family services, local law enforcement agencies, and county prosecutors under this section.

The director shall adopt internal management rules in accordance with section 111.15 of the Revised Code that do both of the following:

(A) Implement sections 5101.60 to 5101.71 of the Revised Code;

(B) Require the county departments, local law enforcement agencies, and county prosecutors to collect and submit to the department, or ensure that a designated agency collects and submits to the department, data concerning the implementation of sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code.

**Sec. 5101.62.** The department of job and family services shall do all of the following:

(A) Provide a program of ongoing, comprehensive, formal training on the implementation of sections 5101.60 to 5101.73 of the Revised Code and require all protective services caseworkers and their supervisors to undergo the training;

(B) Develop and make available educational materials for individuals who are required under section 5101.63 of the Revised Code to make reports of abuse, neglect, and exploitation;

(C) Facilitate ongoing cooperation among state agencies on issues pertaining to the abuse, neglect, or exploitation of adults.

**Sec. 5101.61.** ~~(A) As used in this section:-~~

~~(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.~~

~~(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:-~~

~~(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients;-~~

~~(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel, including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;-~~

~~(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;-~~

~~(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;~~

~~(e) Maintains clinical records on all patients;~~

~~(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a registered professional nurse on duty at all times of clinical operations;~~

~~(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;~~

~~(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;~~

~~(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.~~

~~(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.~~

~~(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.~~

~~(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:~~

~~(a) Is primarily engaged in providing home health services;~~

~~(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;~~

~~(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;~~

~~(d) Maintains comprehensive records on all patients;~~

~~(e) Is operated by the state, a political subdivision, or an agency of~~

either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:

(a) Nursing care provided by or under the supervision of a registered professional nurse;

(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;

(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;

(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;

(e) Medical supplies and the use of medical appliances;

(f) Medical services of interns and residents in training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;

(g) Any of the foregoing items and services which:

(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;

(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.

Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider, any peace officer, coroner, member of the clergy, any employee of



~~a community mental health facility, and any person engaged in professional counseling, social work, or marriage and family therapy (1) Any individual listed in division (A)(2) of this section having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. This section does not apply to employees of any hospital or public hospital as defined in section 5122.01 of the Revised Code.~~

(2) All of the following are subject to division (A)(1) of this section:

(a) An attorney admitted to the practice of law in this state;

(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor;

(d) An individual licensed under Chapter 4715. of the Revised Code as a dentist;

(e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;

(f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;

(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;

(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;

(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;

(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;

(k) An employee of an outpatient health facility;

(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;

(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;

(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;

(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(p) An employee of a health department operated by 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;

(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;

(r) An agent of a county humane society organized under section 1717.05 of the Revised Code;

(s) An individual who is a firefighter for a lawfully constituted fire department;

(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;

(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;

(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;

(w) A peace officer;

(x) A coroner;

(y) A member of the clergy;

(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;

(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;

(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;

(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;

(dd) An investment adviser, as defined in section 1707.01 of the Revised Code;

(ee) A financial planner accredited by a national accreditation agency;

(ff) Any other individual who is a senior service provider.

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause ~~reports a report~~ to be made of such belief to the county department of job and family services.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section ~~5101.62~~ 5101.65 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall ~~discharge do any of the following as a result of an employee's having filed a report under this section:~~

(1) ~~Discharge, demote, transfer, or prepare a negative work performance evaluation, or reduce;~~

(2) ~~Reduce benefits, pay, or work privileges, or take;~~

(3) ~~Take any other action detrimental to an employee or in any way retaliate against an the employee as a result of the employee's having filed a report under this section.~~

(F) The written or oral report provided for in this section and the investigatory report provided for in section ~~5101.62~~ 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult. If it determines that there is a risk of harm to a person who makes a report under this section or to the adult who is the subject of the report, the county department of job and family services

may redact the name and identifying information related to the person who made the report.

(G) The county department of job and family services shall be available to receive the written or oral report provided for in this section twenty-four hours a day and seven days a week.

**Sec. 5101.612.**(A) The department of job and family services shall establish and maintain a uniform statewide automated adult protective services information system. The information system shall contain records regarding all of the following:

(1) All reports of abuse, neglect, or exploitation of adults made to county departments of job and family services under ~~section 5101.61~~ 5101.63 of the Revised Code;

(2) Investigations conducted under ~~section 5101.62~~ 5101.65 of the Revised Code;

(3) Protective services provided to adults pursuant to ~~sections 5101.60 to 5101.71~~ 5101.73 of the Revised Code;

(4) Any other information related to adults in need of protective services that state or federal law, regulation, or rule requires the department or a county department to maintain.

(B) The department shall plan implementation of the information system on a county-by-county basis. The department shall promptly notify all county departments of the initiation and completion of statewide implementation of the information system.

(C)(1) The department shall, upon request, release information in the information system to county departments conducting investigations pursuant to section 5101.65 of the Revised Code and to local law enforcement agencies conducting criminal investigations. The department may release information in the information system to law enforcement agencies through the Ohio law enforcement gateway established under section 109.57 of the Revised Code. Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes authorized by this section and rules adopted by the department.

~~(2) Except as provided in division (C)(3)(1) of this section and in rules adopted by the department pursuant to that division:~~

~~(1) The information contained in or obtained from the information system is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code.~~

~~(2) No~~ no person shall knowingly do either of the following:

- (a) Access or use information contained in the information system;
- (b) Disclose information obtained from the information system.

~~(3) Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes, authorized by rules adopted by the department.~~

**Sec. 5101.632.** Each entity that employs or is responsible for licensing or regulating the individuals required under section 5101.63 of the Revised Code to make reports of abuse, neglect, or exploitation of adults shall ensure that the individuals have access to the educational materials developed under division (B) of section 5101.62 of the Revised Code.

**Sec. 5101.611.** (A) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code or of an investigation conducted under ~~sections 5101.62 to 5101.64~~ section 5101.65 of the Revised Code is an individual with a developmental disability as defined in section 5126.01 of the Revised Code, the county department shall refer the case to the county board of developmental disabilities of that county for review pursuant to section 5126.31 of the Revised Code.

If a county board of developmental disabilities refers a case to the county department of job and family services in accordance with section 5126.31, the county department of job and family services shall proceed with the case in accordance with sections 5101.60 to 5101.71 of the Revised Code.

(B) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code or of an investigation conducted under ~~sections 5101.62 to 5101.64~~ section 5101.65 of the Revised Code is a resident of a long-term care facility, as defined in section 173.14 of the Revised Code, the department shall refer the case to the office of the state long-term care ombudsman program for review pursuant to section 173.19 of the Revised Code.

If the state ombudsman or regional long-term care ombudsman program refers a case to the county department of job and family services in accordance with rules adopted pursuant to section 173.20 of the Revised Code, the county department shall proceed with the case in accordance with sections 5101.60 to 5101.71 of the Revised Code.

(C) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code or of an investigation conducted under ~~sections 5101.62 to 5101.64~~ section 5101.65 of the Revised Code is a resident of a nursing home, as defined in section 3721.01 of the Revised Code, and has allegedly been abused, neglected, or exploited by an employee of the nursing home, the department shall refer the case to the department of health for investigation pursuant to section 3721.031 of the Revised Code.

(D) If a county department of job and family services knows or has

reasonable cause to believe that the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code or of an investigation conducted under sections ~~5101.62 to 5101.64~~ section 5101.65 of the Revised Code is a child, as defined in section 5153.01 of the Revised Code, the department shall refer the case to the public children services agency of that county.

(E) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section 5101.63 of the Revised Code or of an investigation conducted under section 5101.65 of the Revised Code is being or has been criminally exploited, the department shall notify a local law enforcement agency with jurisdiction over the area where the subject resides.

(F) A referral by the county department of job and family services of a case to another public regulatory agency or investigatory entity pursuant to this section shall be made in accordance with rules adopted by the department of job and family services.

**Sec. 5101.62.** The county department of job and family services or its designee shall be responsible for the investigation of all reports provided for in section 173.20 or ~~5101.61~~ 5101.63 and all cases referred to it under section 5126.31 of the Revised Code and for evaluating the need for and, to the extent of available funds, providing or arranging for the provision of protective services.

Investigation of the report provided for in section ~~5101.61~~ 5101.63 or a case referred to the department under section 5126.31 of the Revised Code shall be initiated within twenty-four hours after the department receives the report or case if any emergency exists; otherwise investigation shall be initiated within three working days.

Investigation of the need for protective services shall include a face-to-face visit with the adult who is the subject of the report, preferably in the adult's residence, and consultation with the person who made the report, if feasible, and agencies or persons who have information about the adult's alleged abuse, neglect, or exploitation.

The department shall give written notice of the intent of the investigation and an explanation of the notice in language reasonably understandable to the adult who is the subject of the investigation, at the time of the initial interview with that person.

Upon completion of the investigation, the department shall determine from its findings whether or not the adult who is the subject of the report is in need of protective services. No adult shall be determined to be abused, neglected, or in need of protective services for the sole reason that, in lieu of medical treatment, the adult relies on or is being furnished spiritual treatment through prayer alone in accordance with the tenets and practices of a church or religious denomination of which the adult is a member or

adherent. The department shall write a report which confirms or denies the need for protective services and states why it reached this conclusion.

**Sec. 5101.63.** If, during the course of an investigation conducted under section ~~5101.62~~ 5101.65 of the Revised Code, any person, including the adult who is the subject of the investigation, denies or obstructs access to the residence of the adult, the county department of job and family services may file a petition in court for a temporary restraining order to prevent the interference or obstruction. The court shall issue a temporary restraining order to prevent the interference or obstruction if it finds there is reasonable cause to believe that the adult is being or has been abused, neglected, or exploited and access to the person's residence has been denied or obstructed. Such a finding is prima-facie evidence that immediate and irreparable injury, loss, or damage will result, so that notice is not required. After obtaining an order restraining the obstruction of or interference with the access of the protective services representative, the representative may be accompanied to the residence by a peace officer.

**Sec. 5101.622.** The county department of job and family services may enter into an agreement or contract with another person or government entity to perform the following duties:

(A) In accordance with division (G) of section ~~5101.61~~ 5101.63 of the Revised Code, receive reports made under that section;

(B) Perform the county department's duties under section ~~5101.62~~ 5101.65 of the Revised Code;

(C) Petition the court pursuant to section ~~5101.65~~ 5101.68 or ~~5101.69~~ 5101.70 of the Revised Code for an order authorizing the provision of protective services.

**Sec. 5101.64.** Any person who requests or consents to receive protective services shall receive such services only after an investigation and determination of a need for protective services, ~~which.~~ The investigation shall be performed in the same manner as the investigation of a report pursuant to sections ~~5101.62 and 5101.63~~ section 5101.65 of the Revised Code. If the person withdraws consent, the protective services shall be terminated.

**Sec. 5101.65.** If the county department of job and family services determines that an adult is in need of protective services and is an incapacitated person, the department may petition the court for an order authorizing the provision of protective services. If the adult is in need of protective services as a result of exploitation, the county prosecutor may file the petition. The petition shall state the specific facts alleging the abuse, neglect, or exploitation and shall include a proposed protective service plan. Any plan for protective services shall be specified in the petition.

**Sec. 5101.66.** Notice of a petition for the provision of court-ordered

protective services as provided for in section ~~5101.65~~ 5101.68 of the Revised Code shall be personally served upon the adult who is the subject of the petition at least five working days prior to the date set for the hearing as provided in section ~~5101.67~~ 5101.682 of the Revised Code. Notice shall be given either orally ~~and~~ or in writing in language reasonably understandable to the adult. The notice shall include the names of all petitioners, the basis of the belief that protective services are needed, the rights of the adult in the court proceedings, and the consequences of a court order for protective services. The adult shall be informed of ~~his~~ the right to counsel and ~~his~~ the right to appointed counsel if ~~he~~ the adult is indigent and if appointed counsel is requested. Written notice by certified mail shall also be given to the adult's guardian, legal counsel, caretaker, and spouse, if any, or if ~~he~~ the adult has none of these, to ~~his~~ the adult's adult children or next of kin, if any, or to any other person as the court may require. The adult who is the subject of the petition may not waive notice as provided in this section.

**Sec. 5101.67.(A)** The court shall hold a hearing on the petition as provided in section ~~5101.65~~ 5101.68 of the Revised Code within fourteen days after its filing. The adult who is the subject of the petition shall have the right to be present at the hearing, present evidence, and examine and cross-examine witnesses. The adult shall be represented by counsel unless the right to counsel is knowingly waived. If the adult is indigent, the court shall appoint counsel to represent the adult. If the court determines that the adult lacks the capacity to waive the right to counsel, the court shall appoint counsel to represent the adult's interests.

(B) If the court finds, on the basis of clear and convincing evidence, that the adult has been abused, neglected, or exploited, is in need of protective services, and is incapacitated, and no person authorized by law or by court order is available to give consent, it shall issue an order requiring the provision of protective services only if they are available locally.

(C) If the court orders placement under this section it shall give consideration to the choice of residence of the adult. The court may order placement in settings which have been approved by the department of job and family services as meeting at least minimum community standards for safety, security, and the requirements of daily living. The court shall not order an institutional placement unless it has made a specific finding entered in the record that no less restrictive alternative can be found to meet the needs of the individual. No individual may be committed to a hospital or public hospital as defined in section 5122.01 of the Revised Code pursuant to this section.

(D) The placement of an adult pursuant to court order as provided in this section shall not be changed unless the court authorized the transfer of placement after finding compelling reasons to justify the transfer. Unless the court finds that an emergency exists, the court shall notify the adult of a



transfer at least thirty days prior to the actual transfer.

(E) A court order provided for in this section shall remain in effect for no longer than six months. Thereafter, the county department of job and family services shall review the adult's need for continued services and, if the department determines that there is a continued need, it shall apply for a renewal of the order for additional periods of no longer than one year each. The adult who is the subject of the court-ordered services may petition for modification of the order at any time.

**Sec. 5101.68.**(A) If an adult has consented to the provision of protective services but any other person refuses to allow such provision, the county department of ~~human job and family services~~ or the county prosecutor may petition the court for a temporary restraining order to restrain the person from interfering with the provision of protective services for the adult.

(B) The petition shall state specific facts sufficient to demonstrate the need for protective services, the consent of the adult, and the refusal of some other person to allow the provision of these services.

(C) Notice of the petition shall be given in language reasonably understandable to the person alleged to be interfering with the provision of services;

(D) The court shall hold a hearing on the petition within fourteen days after its filing. If the court finds that the protective services are necessary, that the adult has consented to the ~~provisions~~ provision of such services, and that the person who is the subject of the petition has prevented such provision, the court shall issue a temporary restraining order to restrain the person from interfering with the provision of protective services to the adult.

**Sec. 5101.69.**(A) Upon petition by the county department of job and family services ~~or its~~, the department's designee, or the county prosecutor, the court may issue an order authorizing the provision of protective services on an emergency basis to an adult. The petition for any emergency order shall include all of the following:

(1) The name, age, and address of the adult in need of protective services;

(2) The nature of the emergency;

(3) The proposed protective services;

(4) The petitioner's reasonable belief, together with facts supportive thereof, as to the existence of the circumstances described in divisions (D)(1) to (3) of this section;

(5) Facts showing the petitioner's attempts to obtain the adult's consent to the protective services.

(B) Notice of the filing and contents of the petition provided for in division (A) of this section, the rights of the person in the hearing provided for in division (C) of this section, and the possible consequences of a court order, shall be given to the adult. Notice shall also be given to the spouse of the adult or, if the adult has none, to the adult's adult children or next of kin, and the adult's guardian, if any, if the guardian's whereabouts are known. The notice shall be given in language reasonably understandable to its recipients at least twenty-four hours prior to the hearing provided for in this section. The court may waive the twenty-four hours' notice requirement upon a showing that both of the following are the case:

(1) Immediate and irreparable physical harm or immediate and irreparable financial harm to the adult or others will result from the twenty-four hour delay;

(2) Reasonable attempts have been made to notify the adult, the adult's spouse, or, if the adult has none, the adult's adult children or next of kin, if any, and the adult's guardian, if any, if the guardian's whereabouts are known.

Notice of the court's determination shall be given to all persons receiving notice of the filing of the petition provided for in this division.

(C) Upon receipt of a petition for an order for emergency services, the court shall hold a hearing no sooner than twenty-four and no later than seventy-two hours after the notice provided for in division (B) of this section has been given, unless the court has waived the notice. The adult who is the subject of the petition shall have the right to be present at the hearing, present evidence, and examine and cross-examine witnesses.

(D) The court shall issue an order authorizing the provision of protective services on an emergency basis if it finds, on the basis of clear and convincing evidence, all of the following:

(1) The adult is an incapacitated person;

(2) An emergency exists;

(3) No person authorized by law or court order to give consent for the adult is available or willing to consent to emergency services.

(E) In issuing an emergency order, the court shall adhere to the following limitations:

(1) The court shall order only such protective services as are necessary and available locally to remove the conditions creating the emergency, and the court shall specifically designate those protective services the adult shall receive;

(2) The court shall not order any change of residence under this section unless the court specifically finds that a change of residence is necessary;

(3) The court may order emergency services only for fourteen days. The county department ~~or its, the department's~~ designee, ~~or the county prosecutor~~ may petition the court for a renewal of the order for a fourteen-day period upon a showing that continuation of the order is necessary to remove the emergency.

(4) In its order the court shall authorize the director of the county department, the director's designee, or a representative of the department's designee to give consent for the person for the approved emergency services until the expiration of the order;

(5) The court shall not order a person to a hospital or public hospital as defined in section 5122.01 of the Revised Code.

(F) If the county department or its designee determines that the adult continues to need protective services after the order provided for in division (D) of this section has expired, the county department ~~or its, the department's~~ designee, ~~or the county prosecutor~~ may petition the court for an order to continue protective services, pursuant to section ~~5101.65~~ 5101.68 of the Revised Code. After the filing of the petition, the county department or its designee may continue to provide protective services pending a hearing by the court.

**Sec. 5101.691.**(A) A court, through a probate judge or a magistrate under the direction of a probate judge, may issue by telephone an ex parte emergency order authorizing the provision of protective services, including the relief available under division (B) of section ~~5101.692~~ 5101.702 of the Revised Code, to an adult on an emergency basis if all of the following are the case:

(1) The court receives notice from the county department of job and family services, an authorized employee of the county department, the department's designee, or an authorized employee of the department's designee, that the county department, designee, or employee believes an emergency order is needed as described in this section.

(2) There is reasonable cause to believe that the adult is incapacitated.

(3) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm, or death.

(B)(1) The judge or magistrate shall journalize any order issued under this section.

(2) An order issued under this section shall be in effect for not longer than twenty-four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day.

(C)(1) Except as provided in division (C)(2) of this section, not later than twenty-four hours after an order is issued under this section, a petition shall be filed with the court in accordance with division (A) of section ~~5101.69~~ 5101.70 of the Revised Code.

(2) If the day following the day on which the order was issued is not a working day, the petition shall be filed with the court on the next working day.

(3) Except as provided in section ~~5101.692~~ 5101.702 of the Revised Code, proceedings on the petition shall be conducted in accordance with section ~~5101.69~~ 5101.70 of the Revised Code.

**Sec. 5101.692.**(A) If an order is issued pursuant to section ~~5101.691~~ 5101.701 of the Revised Code, the court shall hold a hearing not later than twenty-four hours after the issuance to determine whether there is probable cause for the order, except that if the day following the day on which the order is issued is not a working day, the court shall hold the hearing on the next working day.

(B) At the hearing, the court:

(1) Shall determine whether protective services are the least restrictive alternative available for meeting the adult's needs;

(2) May issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal settlement;

(3) May order emergency services;

(4) May freeze the financial assets of the adult.

(C) A temporary order issued pursuant to division (B)(2) of this section is effective for thirty days. The court may renew the order for an additional thirty-day period.

Information contained in the order may be entered into the law enforcement automated data system.

**Sec. 5101.70.**(A) If it appears that an adult in need of protective services has the financial means sufficient to pay for such services, the county department of job and family services shall make an evaluation regarding such means. If the evaluation establishes that the adult has such financial means, the department shall initiate procedures for reimbursement pursuant to rules ~~promulgated by the department~~ adopted under section 5101.61 of the Revised Code. If the evaluation establishes that the adult does not have such financial means, the services shall be provided in accordance with the policies and procedures established by the department of job and family services for the provision of welfare assistance. An adult shall not be

required to pay for court-ordered protective services unless the court determines ~~upon a showing by the department~~ that the adult is financially able to pay and the court orders the adult to pay.

(B) Whenever the county department of job and family services or the county prosecutor has petitioned the court to authorize the provision of protective services and the adult who is the subject of the petition is indigent, the court shall appoint legal counsel.

Sec. 5101.73. If, during the course of an investigation by a local law enforcement agency of criminal exploitation, any person, including the adult who is the alleged victim, denies or obstructs access to the residence of the adult, the county prosecutor may file a petition in court for a temporary restraining order to prevent the interference or obstruction. The court shall issue a temporary restraining order to prevent the interference or obstruction if it finds there is reasonable cause to believe that the adult is being or has been abused, neglected, or exploited and access to the person's residence has been denied or obstructed. Such a finding is prima facie evidence that immediate and irreparable injury, loss, or damage will result, so that notice is not required. After obtaining an order restraining the obstruction of or interference with the access of the local law enforcement agency representative, the representative may be accompanied to the residence by a peace officer.

Sec. 5101.74.(A) There is hereby created the elder abuse commission. The commission shall consist of the following members:

- (1) The following members, appointed by the attorney general:
  - (a) One representative of the AARP;
  - (b) One representative of the buckeye state sheriffs' association;
  - (c) One representative of the county commissioners' association of Ohio;
  - (d) One representative of the Ohio association of area agencies on aging;
  - (e) One representative of the board of nursing;
  - (f) One representative of the Ohio coalition for adult protective services;
  - (g) One person who represents the interests of elder abuse victims;
  - (h) One person who represents the interests of elderly persons;
  - (i) One representative of the Ohio domestic violence network;
  - (j) One representative of the Ohio prosecuting attorneys association;
  - (k) One representative of the Ohio victim witness association;

(l) One representative of the Ohio association of chiefs of police;

(m) One representative of the Ohio association of probate judges;

(n) One representative of the Ohio job and family services directors' association;

(o) One representative of the Ohio bankers league;

(p) One representative of the Ohio credit union league;

(q) Two representatives of national organizations that focus on elder abuse or sexual violence.

(2) The following ex officio members:

(a) The attorney general or the attorney general's designee;

(b) The chief justice of the supreme court of Ohio or the chief justice's designee;

(c) The governor or the governor's designee;

(d) The director of aging or the director's designee;

(e) The director of job and family services or the director's designee;

(f) The director of health or the director's designee;

(g) The director of mental health and addiction services or the director's designee;

(h) The director of developmental disabilities or the director's designee;

(i) The superintendent of insurance or the superintendent's designee;

(j) The director of public safety or the director's designee;

(k) The state long-term care ombudsman or the ombudsman's designee;

(l) One member of the house of representatives, appointed by the speaker of the house of representatives;

(m) One member of the senate, appointed by the president of the senate.

(B) Members who are appointed shall serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.

(C) All members of the commission shall serve as voting members. The attorney general shall select from among the appointed members a chairperson. The commission shall meet at the call of the chairperson, but not less than four times per year. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the

attorney general. The commission may establish its own quorum requirements and procedures regarding the conduct of meetings and other affairs.

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

(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the elder abuse commission.

**Sec. 5101.741.**(A) The elder abuse commission shall formulate and recommend strategies on all of the following:

(1) Increasing awareness of and improving education on elder abuse;

(2) Increasing research on elder abuse;

(3) Improving policy, funding, and programming related to elder abuse;

(4) Improving the judicial response to elder abuse victims;

(5) Identifying ways to coordinate statewide efforts to address elder abuse.

(B) The commission shall review current funding of adult protective services and shall report on the cost to the state and county departments of job and family services of implementing its recommendations.

(C) The commission shall prepare and issue a biennial report on a plan of action that may be used by local communities to aid in the development of efforts to combat elder abuse. The report shall include the commission's findings and recommendations made under divisions (A) and (B) of this section.

(D) The attorney general may adopt rules as necessary for the commission to carry out its duties. The rules shall be adopted in accordance with section 111.15 of the Revised Code.

**Sec. 5101.99.**(A) Whoever violates division (A) ~~or (B)~~ of section ~~5101.61~~ 5101.63 of the Revised Code shall be fined not more than five hundred dollars.

(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 5101.133 or division (C)(2) of section ~~5101.61~~ 5101.631 of the Revised Code is guilty of a misdemeanor of the fourth degree.

**Sec. 5123.61.**(A) As used in this section:

(1) "Law enforcement agency" means the state highway patrol, the

police department of a municipal corporation, or a county sheriff.

(2) "Abuse" has the same meaning as in section 5123.50 of the Revised Code, except that it includes a misappropriation, as defined in that section.

(3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code.

(B) The department of developmental disabilities shall establish a registry office for the purpose of maintaining reports of abuse, neglect, and other major unusual incidents made to the department under this section and reports received from county boards of developmental disabilities under section 5126.31 of the Revised Code. The department shall establish committees to review reports of abuse, neglect, and other major unusual incidents.

(C)(1) Any person listed in division (C)(2) of this section, having reason to believe that an individual with a developmental disability has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse or neglect of that individual, shall immediately report or cause reports to be made of such information to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or to the county board of developmental disabilities. If the report concerns a resident of a facility operated by the department of developmental disabilities the report shall be made either to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(2) All of the following persons are required to make a report under division (C)(1) of this section:

(a) Any physician, including a hospital intern or resident, any dentist, podiatrist, chiropractor, practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, hospital administrator or employee of a hospital, nurse licensed under Chapter 4723. of the Revised Code, employee of an ~~ambulatory outpatient~~ health facility as defined in section ~~5101.61~~ 5101.60 of the Revised Code, employee of a home health agency, employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, or employee of a community mental health facility;

(b) Any school teacher or school authority, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage



and family therapist, psychologist, attorney, peace officer, coroner, or residents' rights advocate as defined in section 3721.10 of the Revised Code;

(c) A superintendent, board member, or employee of a county board of developmental disabilities; an administrator, board member, or employee of a residential facility licensed under section 5123.19 of the Revised Code; an administrator, board member, or employee of any other public or private provider of services to an individual with a developmental disability, or any developmental disabilities employee, as defined in section 5123.50 of the Revised Code;

(d) A member of a citizen's advisory council established at an institution or branch institution of the department of developmental disabilities under section 5123.092 of the Revised Code;

(e) A member of the clergy who is employed in a position that includes providing specialized services to an individual with a developmental disability, while acting in an official or professional capacity in that position, or a person who is employed in a position that includes providing specialized services to an individual with a developmental disability and who, while acting in an official or professional capacity, renders spiritual treatment through prayer in accordance with the tenets of an organized religion.

(3)(a) The reporting requirements of this division do not apply to employees of the Ohio protection and advocacy system.

(b) An attorney or physician is not required to make a report pursuant to division (C)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding, except that the client or patient is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to that communication and the attorney or physician shall make a report pursuant to division (C)(1) of this section, if both of the following apply:

(i) The client or patient, at the time of the communication, is an individual with a developmental disability.

(ii) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(4) Any person who fails to make a report required under division (C) of this section and who is a developmental disabilities employee, as

defined in section 5123.50 of the Revised Code, shall be eligible to be included in the registry regarding misappropriation, abuse, neglect, or other specified misconduct by developmental disabilities employees established under section 5123.52 of the Revised Code.

(D) The reports required under division (C) of this section shall be made forthwith by telephone or in person and shall be followed by a written report. The reports shall contain the following:

(1) The names and addresses of the individual with a developmental disability and the individual's custodian, if known;

(2) The age of the individual with a developmental disability;

(3) Any other information that would assist in the investigation of the report.

(E) When a physician performing services as a member of the staff of a hospital or similar institution has reason to believe that an individual with a developmental disability has suffered injury, abuse, or physical neglect, the physician shall notify the person in charge of the institution or that person's designated delegate, who shall make the necessary reports.

(F) Any person having reasonable cause to believe that an individual with a developmental disability has suffered or faces a substantial risk of suffering abuse or neglect may report or cause a report to be made of that belief to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or the county board of developmental disabilities. If the individual is a resident of a facility operated by the department of developmental disabilities, the report shall be made to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(G)(1) Upon the receipt of a report concerning the possible abuse or neglect of an individual with a developmental disability, the law enforcement agency shall inform the county board of developmental disabilities or, if the individual is a resident of a facility operated by the department of developmental disabilities, the department.

(2) On receipt of a report under this section that includes an allegation of action or inaction that may constitute a crime under federal law or the law of this state, the department of developmental disabilities shall notify the law enforcement agency.

(3) When a county board of developmental disabilities receives a report under this section that includes an allegation of action or inaction that may constitute a crime under federal law or the law of this state, the

superintendent of the board or an individual the superintendent designates under division (H) of this section shall notify the law enforcement agency. The superintendent or individual shall notify the department of developmental disabilities when it receives any report under this section.

(4) When a county board of developmental disabilities receives a report under this section and believes that the degree of risk to the person is such that the report is an emergency, the superintendent of the board or an employee of the board the superintendent designates shall attempt a face-to-face contact with the individual with a developmental disability who allegedly is the victim within one hour of the board's receipt of the report.

(H) The superintendent of the board may designate an individual to be responsible for notifying the law enforcement agency and the department when the county board receives a report under this section.

(I) An adult with a developmental disability about whom a report is made may be removed from the adult's place of residence only by law enforcement officers who consider that the adult's immediate removal is essential to protect the adult from further injury or abuse or in accordance with the order of a court made pursuant to section 5126.33 of the Revised Code.

(J) A law enforcement agency shall investigate each report of abuse or neglect it receives under this section. In addition, the department, in cooperation with law enforcement officials, shall investigate each report regarding a resident of a facility operated by the department to determine the circumstances surrounding the injury, the cause of the injury, and the person responsible. The investigation shall be in accordance with the memorandum of understanding prepared under section 5126.058 of the Revised Code. The department shall determine, with the registry office which shall be maintained by the department, whether prior reports have been made concerning an adult with a developmental disability or other principals in the case. If the department finds that the report involves action or inaction that may constitute a crime under federal law or the law of this state, it shall submit a report of its investigation, in writing, to the law enforcement agency. If the individual with a developmental disability is an adult, with the consent of the adult, the department shall provide such protective services as are necessary to protect the adult. The law enforcement agency shall make a written report of its findings to the department.

If the individual with a developmental disability is an adult and is not a resident of a facility operated by the department, the county board of developmental disabilities shall review the report of abuse or neglect in accordance with sections 5126.30 to 5126.33 of the Revised Code and the law enforcement agency shall make the written report of its findings to the county board.

(K) Any person or any hospital, institution, school, health department, or agency participating in the making of reports pursuant to this section, any person participating as a witness in an administrative or judicial proceeding resulting from the reports, or any person or governmental entity that discharges responsibilities under sections 5126.31 to 5126.33 of the Revised Code shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions except liability for perjury, unless the person or governmental entity has acted in bad faith or with malicious purpose.

(L) No employer or any person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, reduce pay or benefits, terminate work privileges, or take any other action detrimental to an employee or retaliate against an employee as a result of the employee's having made a report under this section. This division does not preclude an employer or person with authority from taking action with regard to an employee who has made a report under this section if there is another reasonable basis for the action.

(M) Reports made under this section are not public records as defined in section 149.43 of the Revised Code. Information contained in the reports on request shall be made available to the individual who is the subject of the report, to the individual's legal counsel, and to agencies authorized to receive information in the report by the department or by a county board of developmental disabilities.

(N) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding the injuries or physical neglect of an individual with a developmental disability or the cause thereof in any judicial proceeding resulting from a report submitted pursuant to this section.

**Sec. 5126.31.**(A) A county board of developmental disabilities shall review reports of abuse and neglect made under section 5123.61 of the Revised Code and reports referred to it under section ~~5101.61~~ 5101.64 of the Revised Code to determine whether the individual who is the subject of the report is an adult with a developmental disability in need of services to deal with the abuse or neglect. The county board shall give notice of each report to the registry office of the department of developmental disabilities established pursuant to section 5123.61 of the Revised Code on the first working day after receipt of the report. If the report alleges that there is a substantial risk to the adult of immediate physical harm or death, the county board shall initiate review within twenty-four hours of its receipt of the report. If the county board determines that the individual is sixty years of age or older but does not have a developmental disability, it shall refer the case to the county department of job and family services. If the county board determines that the individual is an adult with a developmental disability, it

shall continue its review of the case.

(B) For each review over which the county board retains responsibility under division (A) of this section, it shall do all of the following:

(1) Give both written and oral notice of the purpose of the review to the adult and, if any, to the adult's legal counsel or caretaker, in simple and clear language;

(2) Visit the adult, in the adult's residence if possible, and explain the notice given under division (B)(1) of this section;

(3) Request from the registry office any prior reports concerning the adult or other principals in the case;

(4) Consult, if feasible, with the person who made the report under section ~~5101.61~~ 5101.63 or 5123.61 of the Revised Code and with any agencies or persons who have information about the alleged abuse or neglect;

(5) Cooperate fully with the law enforcement agency responsible for investigating the report and for filing any resulting criminal charges and, on request, turn over evidence to the agency;

(6) Determine whether the adult needs services, and prepare a written report stating reasons for the determination. No adult shall be determined to be abused, neglected, or in need of services for the sole reason that, in lieu of medical treatment, the adult relies on or is being furnished spiritual treatment through prayer alone in accordance with the tenets and practices of a church or religious denomination of which the adult is a member or adherent.

(C) The county board shall arrange for the provision of services for the prevention, correction or discontinuance of abuse or neglect or of a condition resulting from abuse or neglect for any adult who has been determined to need the services and consents to receive them. These services may include, but are not limited to, service and support administration, fiscal management, medical, mental health, home health care, homemaker, legal, and residential services and the provision of temporary accommodations and necessities such as food and clothing. The services do not include acting as a guardian, trustee, or protector as defined in section 5123.55 of the Revised Code. If the provision of residential services would require expenditures by the department of developmental disabilities, the county board shall obtain the approval of the department prior to arranging the residential services.

To arrange services, the county board shall:

(1) Develop an individualized service plan identifying the types of services required for the adult, the goals for the services, and the persons or agencies that will provide them;

(2) In accordance with rules established by the director of

developmental disabilities, obtain the consent of the adult or the adult's guardian to the provision of any of these services and obtain the signature of the adult or guardian on the individualized service plan. An adult who has been found incompetent under Chapter 2111. of the Revised Code may consent to services. If the county board is unable to obtain consent, it may seek, if the adult is incapacitated, a court order pursuant to section 5126.33 of the Revised Code authorizing the board to arrange these services.

(D) The county board shall ensure that the adult receives the services arranged by the board from the provider and shall have the services terminated if the adult withdraws consent.

(E) On completion of a review, the county board shall submit a written report to the registry office established under section 5123.61 of the Revised Code. If the report includes a finding that an individual with a developmental disability is a victim of action or inaction that may constitute a crime under federal law or the law of this state, the board shall submit the report to the law enforcement agency responsible for investigating the report. Reports prepared under this section are not public records as defined in section 149.43 of the Revised Code.

**Section 130.32.** That existing sections 173.501, 173.521, 173.542, 1347.08, 2317.54, 4715.36, 5101.60, 5101.61, 5101.611, 5101.612, 5101.62, 5101.622, 5101.63, 5101.64, 5101.65, 5101.66, 5101.67, 5101.68, 5101.69, 5101.691, 5101.692, 5101.70, 5101.71, 5101.72, 5101.99, 5123.61, and 5126.31 and section 5101.621 of the Revised Code are hereby repealed.

**Section 130.33.** Sections 130.31 and 130.32 of this act take effect one year after the effective date of this section."

In line 2 of the title, after "103.42," insert "103.45,"

In line 255 of the title, after "2967.122," insert "3301.65,"

In line 463 of the title, delete "to repeal"

Delete lines 464 and 465

In line 466 of the title, delete "October 1, 2017;"

In line 501, after "103.42," insert "103.45,"

In line 664, after "2967.122," insert "3301.65,"

Between lines 1999 and 2000, insert:

**"Sec. 103.45.** (A) The joint education oversight committee of the house of representatives and senate is hereby created. The committee shall authorize a plan of work, which shall include research, review, study, and analysis of current or emerging education policy issues important to the state, the available policy options to address such issues, and the available data and research to support such analysis and options.

(B) The committee also may select, for review and evaluation,

education programs at school districts, other public schools, and state institutions of higher education that receive state financial assistance in any form. The reviews and evaluations may include any of the following:

(1) Assessment of the uses school districts, other public schools, and state institutions of higher education make of state money they receive, and a determination of the extent to which that money improves student, district, school, or institutional performance in the areas for which the money was intended to be used;

(2) Determination of whether an education program meets its intended goals, has adequate operating or administrative procedures and fiscal controls, encompasses only authorized activities, has any undesirable or unintended effects, and is efficiently managed; and

(3) Examination of pilot programs developed and initiated in school districts, at other public schools, and at state institutions of higher education to determine whether the programs suggest innovative, effective ways to deal with problems that may exist in other districts, schools, or institutions of higher education, or to create opportunities for success, and to assess the fiscal costs and likely impact of adopting the programs throughout the state.

(C) The committee may prepare a report of the results of each review and evaluation it conducts, make recommendations to the general assembly and transmit the report and its recommendations to the general assembly under section 101.68 of the Revised Code. It also may submit the report and its recommendations to the chairpersons and members of the standing committees of the house of representatives and the senate principally responsible for education policy.

(D)(1) When the department of education proposes changes in the full-time equivalency enrollment review and audit manual required to be submitted to the committee under section 3301.65 of the Revised Code, upon submission of the manual and the proposed changes, the committee shall hold one or more public hearings at which school districts and schools may present testimony on their ability and capacity to comply with the proposed standards, procedures, timelines, and other requirements contained within the manual.

(2) Not later than the fifteenth day of June of each year the department proposes changes in that manual, the committee shall vote to determine whether districts and schools can reasonably comply with the proposed standards, procedures, timelines, and other requirements related to review or audit of full-time equivalency student enrollment reporting. If the committee determines that districts and schools cannot reasonably comply, the proposed manual shall not become effective, and the department shall use the prior year's standards, procedures, timelines, and other requirements when reviewing or auditing full-time equivalency student enrollment.

reporting.

(3) Not later than the first day of July each year in which the committee determines that schools are reasonably capable of compliance with proposed changes in the standards, procedures, timelines, and other requirements contained within the manual, the committee shall prepare a report comparing the prior year's standards, procedures, timelines, and other requirements with the newest standards, procedures, timelines, and other requirements and a summary of the testimony submitted in the public hearings held pursuant to division (D)(1) of this section to the general assembly in accordance with section 101.68 of the Revised Code.

(E) If the general assembly directs the joint education oversight committee to submit a study to the general assembly by a particular date, the committee, upon a majority vote of its members, may modify the scope and due date of the study to accommodate the availability of data and resources."

Between lines 32728 and 32729, insert:

"Sec. 3301.65.(A) The department of education, not later than the first day of May each year, shall submit to the joint education oversight committee of the house of representatives and senate, created in section 103.45 of the Revised Code, the manual containing the standards, procedures, timelines, and other requirements the department intends to use to review or audit the full-time equivalency student enrollment reporting by all school districts, community schools established under Chapter 3314., STEM schools established under Chapter 3326., and college-preparatory boarding schools established under Chapter 3328. of the Revised Code for the next school year.

(B) In addition to the requirement of division (A) of this section, not later than the first day of May each year that the department proposes changes to the manual, the department shall submit to the joint education oversight committee, and to each school district, community school, STEM school, and college-preparatory boarding school a detailed summary of the changes, specifically comparing the differences between the prior school year's manual and the proposed manual. The department shall post the summary and the proposed manual in a prominent location on the department's web site.

(C) In the event that the department fails to comply with this section or the specific timelines prescribed herein, or the joint education oversight committee, pursuant to division (D) of section 103.45 of the Revised Code, determines that schools are not reasonably capable of compliance with the proposed manual, the proposed manual shall be ineffective, and the department shall conduct its reviews or audits using the manual and accompanying standards, procedures, timelines, and other requirements from the previous school year."



In line 105931, after "103.42," insert "103.45,"

Delete lines 106616 through 106618

Between lines 135077 and 135078, insert:

**"Section 311.10. JEO JOINT EDUCATION OVERSIGHT  
COMMITTEE**

General Revenue Fund

GRF 047321	Operating Expenses	\$350,000.00	\$350,000.00
TOTAL GRF General Revenue Fund		\$350,000.00	\$350,000.00
TOTAL ALL BUDGET FUND GROUPS		\$350,000.00	\$350,000.00

OPERATING EXPENSES

The foregoing appropriation item 047321, Operating Expenses, shall be used to support expenses related to the Joint Education Oversight Committee under section 103.45 to 103.50 of the Revised Code.

On July 1, 2018, or as soon as possible thereafter, the Joint Education Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 047321, Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

**Section 311.20.(A)** The Joint Education Oversight Committee, established under section 103.45 of the Revised Code, shall develop legislative recommendations for creating a joint transportation district pilot program, under which:

(1) At least two school districts may create a joint transportation district for the purpose of sharing school transportation services;

(2) The member districts of the joint transportation district shall adopt staggered starting and ending times for the school day.

(B) Not later than six months after the effective date of this section, the Joint Education Oversight Committee shall submit its recommendations to the General Assembly in accordance with section 101.68 of the Revised Code."

Delete lines 141285 through 141294

In line 281 of the title, delete "5167.121,"

In line 677, delete "5167.121,"

Delete lines 88378 through 88398

In line 1977, delete "the" and insert "The"

In line 88314, after "~~component~~" insert "ICDS participant";

reinsert "has the same meaning as in section"; after "~~5166.01~~" insert "5164.01"; reinsert "of the"

In line 88315, reinsert "Revised Code."

In line 88316, reinsert "(E)"

In line 88319, reinsert "(F)" and delete "~~(E)~~"

In line 88321, reinsert "(G)" and delete "~~(F)~~"

In line 88323, reinsert "(H)" and delete "~~(G)~~"

In line 88325, reinsert "(I)" and delete "~~(H)~~"

In line 88329, reinsert "(J)" and delete "~~(I)~~"

In line 136199, after "committee's" insert "other"

Delete lines 136204 through 136233 and insert:

"(1) Consider available information about the home and community-based services Medicaid waiver component created as part of the Integrated Care Delivery System pursuant to section 5166.16 of the Revised Code and the Medicaid program's coverage of nursing facility services, including all of the following:

(a) Information contained in reports required by section 5162.134 of the Revised Code;

(b) Information contained in any evaluations of the Integrated Care Delivery System completed by entities under contract with the United States Department of Health and Human Services;

(c) Other available information the study committee determines to be appropriate.

(2) Estimate the costs that the state, Medicaid managed care organizations, providers, and Medicaid recipients would incur;

(3) Address any redundancies in rules governing home and community-based services available under Medicaid waiver components and nursing facility services and the terms and conditions of contracts with Medicaid managed care organizations;

(4) Estimate the projected benefits that Medicaid recipients would realize, including benefits that would result from changes to any of the following:

(a) Health care services available to, or utilized by, the recipients;

(b) The recipients' health outcomes;

(c) Other quality indicators.

(5) Consider policies and procedures that are intended to promote efficient implementation and administration of including the services in the care management system;

(6) Recommend systems that can be used in either Medicaid managed care long-term care services and supports or fee-for-services Medicaid to reward providers of long-term care services and supports that meet specified quality measures."

Delete lines 136244 and 136245

In line 136271, delete "Not later than December 31, 2018, the" and insert "The"

In line 107 of the title, after "3794.03," insert "3796.08,"

In line 577, after "3794.03," insert "3796.08,"

Between lines 58390 and 58391, insert:

**"Sec. 3796.08.(A)(1)** A patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall apply to the state board of pharmacy for registration. The physician who holds a certificate to recommend issued by the state medical board and is treating the patient or the physician's delegate shall submit the application on the patient's or caregiver's behalf in the manner established in rules adopted under section 3796.04 of the Revised Code.

(2) The application shall include all of the following:

(a) A statement from the physician certifying all of the following:

(i) That a bona fide physician-patient relationship exists between the physician and patient;

(ii) That the patient has been diagnosed with a qualifying medical condition;

(iii) That the physician or physician delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report;

(iv) That the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history;

~~(v) That the physician has informed the patient that it is the physician's opinion that the benefits of medical marijuana outweigh its risks.~~

(b) In the case of an application submitted on behalf of a patient, the name or names of the one or more caregivers that will assist the patient in the use or administration of medical marijuana;

(c) In the case of an application submitted on behalf of a caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana.

(3) If the application is complete and meets the requirements established in rules, the board shall register the patient or caregiver and issue

to the patient or caregiver an identification card.

(B) The board shall not make public any information reported to or collected by the board under this section that identifies or would tend to identify any specific patient.

Information collected by the board pursuant to this section is confidential and not a public record. The board may share identifying information with a licensed retail dispensary for the purpose of confirming that a person has a valid registration. Information that does not identify a person may be released in summary, statistical, or aggregate form.

(C) A registration expires according to the renewal schedule established in rules adopted under section 3796.04 of the Revised Code and may be renewed in accordance with procedures established in those rules."

In line 106008, after "3794.03," insert "3796.08,"

In line 189 of the title, delete "4906.20, 4906.201,"

In line 615, delete "4906.20, 4906.201,"

Delete lines 78350 through 78453

In line 106045, delete "4906.20,"

In line 106046, delete "4906.201,"

In line 191 of the title, delete "4928.143,"

In line 617, delete "4928.143,"

Delete lines 79402 through 79681

In line 106047, delete "4928.143,"

Delete lines 143397 through 143583

Between lines 143589 and 143590, insert:

"Allen County, Lima

All of Allen County Parcel Number 37-0700-03-002.000

All of Allen County Parcel Number 37-0700-04-004.000

A split of approximately 4.5 Acres out of the northeast corner of Allen County Parcel Number 37-1800-02-001.000 and being described as follows:

Begin at the intersection of Bluelick Road and Berryhill Road, thence eastward, along the centerline of Bluelick Road and the north line of said Parcel No. 37-1800-02-001.000, 300 feet +/- to the northeast corner of said parcel, thence southerly, along the east line of said parcel, 520 feet +/- to a point, thence northwesterly, crossing said parcel, 270 feet +/- to a point, thence continue crossing said parcel, eastward, 210 feet +/- to a point, thence continue crossing said parcel, northward, 360 feet +/- to the centerline of Bluelick Road and the north line of said parcel, thence along the said

centerline and north line 240 feet +/- to the beginning.

Fairfield County, Lancaster

Being that portion of Fairfield County Parcel number 0180812000 NORTH of U.S. Route 33.

Being all of Fairfield County Parcel number 0180812010 and that portion of Fairfield County Parcel number 0180812000 SOUTH of U.S. Route 33."

Between lines 143659 and 143660, insert:

"Madison County, London

Begin at the westerly intersection of Roberts Mill Road and Old Springfield Road, thence northerly along the centerline of Robert Mill Road to the south line of lands now or formerly owned by Mabel Marie Nibert (Madison County Parcel Number 29-00453.000), thence, easterly, with the south line(s) of said Nibert parcel to the southeast corner of said Nibert parcel, thence, northerly, with the east line of said Nibert parcel and the west line of lands now or formerly owned by the State of Ohio (Madison County Parcel Number 29-00789.000) to the south line of lands now or formerly owned by Bruce A. Roberts, Trustee (Madison County Parcel Number 29-00363.000), thence, easterly along the south line of said Roberts parcel to an angle point in said south line, thence, northerly, continuing along the said south line of said Roberts parcel to an angle point in said south line, thence northeasterly, continuing along the said south line of said Roberts parcel 1090 +/- feet to a fence corner, thence, southeasterly, through the said State of Ohio lands and along a fence line, 1730 +/- feet to the west side of a farm drive that runs along a drainage ditch, thence southwesterly along said farm drive 2370 +/- feet to a point, thence southerly on a line that is parallel to the east line of the above referenced Nibert parcel and 2920 feet distant from the westerly intersection of Roberts Mill Road and Old Springfield Road 2935 +/- feet to the center of Old Springfield Road, thence westerly, along the centerline of Old Springfield Road 2920 feet to the beginning containing approximately 368 acres out of Madison County Parcel Number 29-00363.000.

Begin at the easterly intersection of Roberts Mill Road and Old Springfield Road, thence easterly along the center of Old Springfield Road 8320 +/- feet to the east line of lands now or formerly owned by the State of Ohio (Madison County Parcel Number 29-00789.000) and the west line of lands now or formerly owned by Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), thence southerly along the said east line of said State of Ohio parcel 2465 +/- feet to the north line of the Pennsylvania Lines LLC, railroad right of way, thence westerly, along the north line of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet to the center of Roberts Mill Road, thence with the center of Roberts Mill Road to the

beginning containing approximately 455 acres.

Begin at the intersection of the Pennsylvania Lines LLC, south right of way line and the centerline of Roberts Mill Road, thence easterly with the Pennsylvania Lines LLC south right of way line, 7285 +/- feet to the northwest corner of land now or formerly owned by John R. Dunkle (Madison County Parcel Number 31-03570.000), thence southerly along said Dunkle parcel 430 +/- feet to a corner, thence westerly along other parcels now or formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence southerly along the west line of said Dunkle parcel 1500 +/- feet to an angle point in said line, thence easterly along said Dunkle lands 210 +/- feet to an angle point, thence southerly along said Dunkle lands 1150 +/- feet to the northeast corner of State of Ohio Highway Garage lands (Madison County Parcel Number 29-00777.000), thence westerly along said Highway Garage lands and lands now or formerly owned by Tyrone J. Leach (Madison County Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a point on the east line of the State of Ohio Firearms Range (Madison County Parcel Number 29-000816.000), thence northerly along the said east line of the State of Ohio Firearms Range 1390 +/- feet to a fence line projected from the east, thence easterly along said fence line 690 +/- feet to the west side of a farm drive, thence northwesterly following along the west side of the farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence line projected from the west, said fence line being the north line of the State of Ohio Firearms Range, thence westerly along the said fence line and the north line of the State of Ohio Firearms Range 2115 +/- feet to the northwest corner of said State of Ohio Firearms Range thence, southerly along the west line of the State of Ohio Firearms Range, 860 +/- feet to a fence line, thence westerly along the fence line 955 +/- feet to the centerline of Roberts Mill Road, thence with the center of Roberts Mill Road to the beginning containing approximately 330 acres.

Begin at the southeast corner of lands now or formerly owned by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) said corner also being the northwest corner of State of Ohio lands (Madison County Parcel Number 05-00542.000) and also being in the center of Marysville-London Road (SR 38), thence southerly along the center of Marysville-London Road (SR 38) 2145 +/- feet to an angle point in said road thence continuing with said road southerly 290 +/- feet to the southeast corner of State of Ohio lands (Madison County Parcel Number 05-00199.000) and the northeast corner of lands now or formerly owned by the City of London (Madison County Parcel Number 31-03614.000), thence southwestward along the south line of said State of Ohio lands, the north line of said City of London and the lands now or formerly owned by the London City School District (Madison County Parcel Number 31-03614.001) 1886 +/- feet to the

north west corner of said London City School district parcel and the northeast corner of lands now or formerly owned by GCSquared LLC (Madison County Parcel Number 31-01156.000), thence westerly along the north line of said GCSquared parcel 145 +/- feet to a fence corner, thence northwesterly, crossing said State of Ohio parcels and following said fence line 2000 +/- feet to a point where the east edge of a farm drive projected intersects, thence continuing northwesterly and along the east edge of the farm drive 338 +/- feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet to a point where a projected south line of a parcel now or formerly owned by Tom Farms, Inc. (Madison County Parcel Number 30-00030.000) and the north line of State of Ohio lands (Madison County Parcel Number 30-00199.000) intersect, thence westerly along lands now or formerly owned by Tom Farms, Inc. (Madison County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 05-00066.000) and the north line of State of Ohio lands (Madison County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 2850 +/- feet to the beginning containing approximately 150 acres.

Marion County, Marion

Begin at the intersection of Likens Road (CR 167-B) and the easterly right of way of the Norfolk & Western Railroad, thence northwesterly along the said east right of way of the Norfolk & Western Railroad 6760 +/- feet to the south line of lands now or formerly owned by National Lime & Stone Company (Marion County parcel Number 0903300023000), thence easterly with the south line of said National Lime & Stone Company parcel 1380 +/- feet to the west limited access right-of-way of U.S. 33, thence southerly along the said limited access right-of-way to the centerline of Likens Road (CR 167-B), thence westerly with the centerline of said Likens Road 5960 +/- feet to the beginning containing approximately 480 acres.

Begin at the intersection of Likens Road (CR 167-B) and the easterly right of way of the Norfolk & Western Railroad, thence easterly with the centerline of Likens Road (CR 167-B) 3220 +/- feet to the center of Scioto Drive, thence southerly along the center of Scioto Drive 1350 +/- feet to a cultivation line, thence westerly along a cultivation line and the north line of a stand of trees 3890 +/- feet to a fence line, thence northerly along a fence line 385 +/- feet to the easterly right of way of the Norfolk & Western Railroad, thence northwesterly along the said east right of way of the Norfolk & Western Railroad 1160 +/- feet to the beginning containing approximately 110 acres.

Pickaway County, Orient

All of Pickaway County Parcel Number B0600010051700 excepting that portion known as "Snake Island" and containing approximately 381

acres.

Richland County, Mansfield

All of Richland County Parcel: 0289003702006 (90.601 acres per Richland County Auditor)

All of Richland County Parcel: 0512050002000 (53.767 acres per Richland County Auditor)

All of Richland County Parcel: 0289050012000 (114.504 acres per Richland County Auditor)

A portion (approximately 40 acres) split out of Richland County Parcel: 0289050013000

Begin at the southwest corner of Richland County Parcel Number 0250901904000, said corner also being on the right of way of the CIC of Ashland Railroad, thence southeasterly along the south line of said Richland County Parcel Number 0250901904000, Richland County Parcel Numbers 0250900410000, 0250900708000, 0250901009000 and 0250901013000, 1880 feet +/-, to a corner, thence southerly along the west line of said parcel number 0250901013000, Richland County Parcel Numbers 0250901012000, 0250931861000 and 0250903512000, 840 feet +/-, to the center of Mansfield-Savannah Road (SR 545), thence southwesterly along the centerline of Mansfield-Savannah Road (SR 545), 160 +/- feet to a point 25 feet northeast of the centerline of a gravel drive to the west, thence, northwesterly, crossing through Richland County Parcel number 0289050013000, to a point being on the right of way of the CIC of Ashland Railroad and 960 linear feet southerly from the beginning, thence northerly, along the right of way of the CIC of Ashland Railroad 960 feet to the beginning containing approximately 40 acres.

A portion (approximately 24 acres) split out of Richland County Parcel: 0289050013000

Begin at the northeast corner of Richland County Parcel Number 0289001703009, said corner also being in the centerline of Piper Road, thence, easterly, along the centerline of Piper Road, 990 feet +/- to the westerly right of way of the CIC of Ashland Railroad, thence, southerly, along the westerly right of way of the CIC of Ashland Railroad, 985 feet +/- to the top of bank of a stream, thence, southwesterly, along the top of bank of said stream, and the meanderings thereof, to the southeast corner of Richland County Parcel Number 0289001703000, thence, northerly, along the east line of Richland County Parcel Number 0289001703000 and Richland County Parcel Number 0289001703009, 680 +/- feet, to the beginning containing approximately 24 acres. Together with all of Richland County Parcel Number 0289001703009 (2.037 Acres) and Richland County Parcel Number 0289001703000 (1.865 Acres) totaling approximately 28 acres.



## Ross County, Chillicothe

All of Ross County Parcel Number 370914026000 (136.867 acres per County Auditor)

## Scioto County, Lucasville

Begin at the southeast corner of lands now or formerly owned by Breeze Scioto, LLC (Scioto County parcel number 24-0069.000) said corner also being on the westerly right-of-way of U. S. Route 23, thence, southerly along the said westerly right-of-way 3440 +/- feet to the northwest corner of lands owned by the State of Ohio – Department of Transportation (Scioto County parcel number 24-1646.001), thence westerly with the north line of said Department of Transportation lands 685 +/- feet to the northwest corner of said Department of Transportation lands, thence southerly along said Department of Transportation lands 945 +/- feet to the southwest corner of said Department of Transportation lands, thence easterly along said Department of Transportation lands and lands now or formerly owned by PGA Holdings, LLC (Scioto County parcel number 24-0395.000) to a point on the westerly right-of-way of U. S. 23, thence, southerly along the said westerly right-of-way to the northeast corner of lands now or formerly owned by Jeannine Shelpman (L/E) Amanda Eileen Kovernman (Scioto County parcel numbers 24-0507.000 & 24-0506.000), thence westerly along the northerly line of said Shelpman parcel 185 +/- feet to an angle point in said parcel line thence southwesterly along said Shelpman parcel 850 +/- feet to the east bank of the Scioto River, thence northerly along the east bank of the Scioto River, and the meanderings thereof, to the southwest corner of lands now or formerly owned by Jack & Faye Turner (Scioto County parcel number 34-0047.000), thence westerly along the south line of said Turner parcel 1870 +/- feet to the southeast corner of said Turner parcel, thence northerly 505 +/- feet to the southwest corner of Landsdown Subdivision, thence easterly along the south line of said Subdivision 1415 +/- feet to the northwest corner of the above referenced Breeze Scioto LLC lands, thence southerly along the west line of said Breeze Scioto lands 500 +/- feet to the southwest corner of said Breeze Scioto lands, thence easterly along the south line of said Breeze Scioto lands 670 +/- feet to the beginning containing approximately 720 acres.

Begin at the southwest corner of Moulton Addition said corner also being on the east right-of-way of the railroad and also being on the north line of State of Ohio lands (Scioto County parcel number 24-1657.000), thence easterly with the said south line of Moulton Addition and the north line of said State of Ohio lands 310 +/- feet to the southwest corner of an unimproved alley in said addition thence northerly along the west side of said unimproved alley 120 +/- feet to the south line of Broad Street, thence easterly along the south line of Broad Street 15 +/- feet to the east line of the unimproved alley, thence southerly along the east side of said unimproved

alley 120 +/- feet to a point on the south line of said Moulton Addition and the north line of said State of Ohio lands, thence easterly 2075 +/- feet to a corner common with the said State of Ohio parcel and a parcel now or formerly owned by Patty Kline Shuster, etal. (Scioto County parcel number 24-0273.000), thence northerly with the common line of the State of Ohio parcel and the Shuster parcel 250 +/- feet to another common corner of Shuster and the State of Ohio, thence easterly along the north line of said State of Ohio parcel and the south line of said Shuster parcel 965 +/- feet to an angle point in said north line and the southwest corner of another parcel now or formerly owned by Patty Kline Shuster, etal. (Scioto County parcel number 24-0274.000), thence continuing easterly along the north line of said State of Ohio parcel and the south line of said Shuster 1680 +/- feet to the southeast corner of said Shuster parcel and the northeast corner of said State of Ohio parcel, thence southerly along the east line of said State of Ohio parcel and another State of Ohio parcel (Scioto County parcel number 24-1660.000) 1240 +/- feet to the southeast corner of the said State of Ohio parcel and the northeast corner of a parcel now or formerly owned by Michael L. & Mary M. Kidd (Scioto County parcel number 24-0260.000), thence with the north line of said Kidd parcel and the north line of a parcels now or formerly owned by Judy A. Newman (24-0368.000), Ronald E. & Melinda J. Arrick (24-1809.000) and Lake Mary Margaret, Inc. (24-0277.000) 2230 +/- feet to the northwest corner of the said Lake Mary Margaret, Inc. parcel, thence southerly along the west line of the said Lake Mary Margaret, Inc. parcel 875 +/- feet to the northeast corner of another Lake Mary Margaret, Inc. parcel, thence westerly along the north line of said Lake Mary Margaret, Inc. parcel 430 +/- feet to the northwest corner of said Lake Mary Margaret, Inc. parcel, thence southeasterly along said Lake Mary Margaret, Inc. parcel 400 +/- feet to its southwest corner thence continuing southeasterly along said Lake Mary Margaret, Inc. parcel 295 +/- feet to its southeast corner, thence southerly along the west line of Lake Mary Margaret, Inc. parcel 680 +/- feet to a point in the center of Cook Road (CR 30), thence southwesterly with the center of said Cook Road, and the meanderings thereof, to its intersection of the easterly right-of-way of the railroad, thence northwesterly along the easterly right-of-way of the railroad 4360 +/- feet to the beginning, excepting therefrom a 4.029 acre parcel now or formerly owned by Ohio Power (Scioto County parcel number 24-1846.000) and containing approximately 240 acres.

Begin at the intersection of the centerline of Cook Road (CR 30) and the easterly right-of-way of the railroad, thence northeasterly along the center of said Cook Road, and the meanderings thereof, to the southwest corner of lands now or formerly owned by Anthony T. Arthurs (Scioto County parcel number 24-0317.000), thence southeasterly with said Arthurs land 255 +/- feet to a corner of said Arthurs land, thence northeasterly with said Arthurs land 165 +/- feet to another corner of said Arthurs land, thence north westerly

with said Arthurs land 195 +/- feet to a point on the south line of lands now or formerly owned by Christopher D. & Brittany E. Spencer (Scioto County parcel number 24-0428.000), thence northeasterly with said Spencer lands 95 +/- feet to a corner of said Spencer lands, thence northerly with said Spencer lands 145 +/- feet to another corner of said Spencer lands, thence northwesterly with said Spencer lands 50 +/- feet to another corner of said Spencer lands, thence northerly along said Spencer lands 240 +/- feet to a point in the center of Cook Road (CR 30), thence northeasterly along the center of said Cook Road, and the meanderings thereof to the northwest corner of lands now or formerly owned by David A. & Lanette E. Wagner (Scioto County parcel number 24-0237.000), thence southerly with the west line of said Wagner lands 360 +/- feet to the southwest corner of said Wagner lands, thence westerly along the south line of said Wagner lands and a south line of lands now or formerly owned by Garlen D. & Patricia A. Shoemaker (Scioto County parcel number 24-0322.000) 140 +/- feet to a corner of said Shoemaker lands, thence with the boundaries of said Shoemaker lands the following six (6) courses and distances: (1) southeasterly 245 +/- feet, (2) southeasterly 190 +/- feet, (3) southeasterly 145 +/- feet, (4) southeasterly 145 +/- feet, (5) northeasterly 145 +/- feet, (6) northeasterly 345 +/- feet to the southeast corner of another parcel of land now or formerly owned by Garlen D. & Patricia A. Shoemaker (Scioto County parcel number 24-0321.000), thence easterly along the south line of said Shoemaker lands and the south line of lands now or formerly owned by John R & Patricia A. Foit (Scioto County parcel number 24-0145.000) 685 +/- feet to the southeast corner of lands now or formerly owned by James A. & Sandra S. Riggs (Scioto County parcel number 24-0024.000), thence northeasterly along the south line of said Riggs land and the south line of lands now or formerly owned by Sheila Stevenson (Scioto County parcel numbers 24-0023.000 & 24-0022.000) 1080 +/- feet to the southeast corner of said Stevenson lands, thence northerly along the east line of said Stevenson lands 360 +/- feet to a point on the south line of lands now or formerly owned Melinda J. Arrick (Scioto County parcel number 24-0522.000), thence easterly along the south line of said Arrick lands and the south line of Violet Homesites Subdivision 1060 +/- feet to the northwest corner of lands now or formerly owned by Mark A. & Deborah D. Barnett (Scioto County parcel number 24-0157.000), thence with the boundaries of said Barnett lands (Scioto County parcel numbers 24-0157.000, 24-0156.000, 08-0319.000 & 08-0320.000) the following five (5) courses and distances: (1) southerly 465 +/- feet, (2) easterly 700 +/- feet, (3) northeasterly 430 +/- feet, (4) northeasterly 265 +/- feet, (5) easterly 220 +/- feet to the centerline of Lintz Hollow Road (TR 179), thence southerly with the center of said Lintz Hollow Road 145 +/- feet to the northeast corner of lands now or formerly owned by Ronald & Leslie Buckle (Scioto County parcel number 08-0878.000), thence with the boundaries of said Buckle lands (Scioto County parcel numbers 08-0878.000

& 24-0877.000) the following ten (10) courses and distances: (1) southwesterly 350 +/- feet, (2) southwesterly 120 +/- feet, (3) southwesterly 370 +/- feet, (4) northerly 95 +/- feet, (5) northwesterly 210 +/- feet, (6) southwesterly 120 +/- feet, (7) southeasterly 255 +/- feet, (8) northeasterly 220 +/- feet, (9) southeasterly 150 +/- feet, (10) northeasterly 415 +/- feet to the northwest corner of lands now or formerly owned by Bonnie G. Davis (Scioto County parcel number 08-0393.000), thence southerly along the west line of said Davis lands and lands now or formerly owned by Lane & Debby Raiser (Scioto County parcel number 08-1539.001) and now or formerly owned by Leona Mullins (Scioto County parcel number 08-1539.000) 555 +/- feet to a point on the north line of lands now or formerly owned by Charles M. Lute (Scioto County parcel number 08-0541.000), thence westerly along the north line of said Lute lands 640 +/- feet to the northwest corner of said Lute lands, thence southerly along the west line of said Lute lands 1545 +/- feet to the southwest corner of said Lute lands, thence easterly along the south line of said Lute lands 1135 +/- feet to the northwest corner of lands now or formerly owned by Joseph Q. Johnson (Scioto County parcel number 08-0668.000), thence southerly along the west line of said Johnson lands (Scioto County parcel numbers 08-0668.000, 08-0463.000 & 08-0464.000) 2595 +/- feet to the northwest corner of lands now or formerly owned by Roger & Peggy King (Scioto County parcel number 08-0624.000), thence southwesterly along the west line of said King parcel and the west line of lands now or formerly owned by Bruce & Anita Mannien (Scioto County parcel number 08-0624.001) 1370 +/- feet to the northeast corner of lands now or formerly owned by Christopher D. & Tammay L. Bailey (Scioto County parcel number 08-0530.000), thence with the north line of said Bailey lands and the north line of now or formerly owned by Patrick J. Phillips (Scioto County parcel number 08-530.003), Christopher A. Eldridge (Scioto County parcel number 08-530.001) and Andy R. & Carey L. Johnson (Scioto County parcel number 08-530.004), 1035 +/- feet to the northeast corner of lands now or formerly owned by Ronald L. Sheets (Scioto County parcel number 24-0053.000), thence easterly along the north line of said Sheets lands 1225 +/- feet to the easterly right-of-way of Vern Riffe Drive (CR 505), thence northwesterly along the said easterly right-of-way, and the meanderings thereof, to the south line of lands now or formerly owned by Scioto County Joint Vocational School (Scioto County parcel numbers 24-1671.000 and 24-1672.000), thence with the boundaries of said school lands the following five (5) courses and distances: (1) easterly 440 +/- feet, (2) northerly 2100 +/- feet, (3) westerly 2100 +/- feet, (4) southerly 2100 +/- feet, (5) 1565 +/- feet to the westerly right-of-way of said Vern Riffe Drive, thence southeasterly along the said westerly right-of-way, and the meanderings thereof, to the north line of the above referenced Sheets lands (Scioto County parcel number 24-0053.000), thence westerly along the north line of said Sheets lands 1380 +/- feet to the east line of lands now or

formerly owned by George L. Davis (Scioto County parcel number 24-0123.000), thence northerly along the east line of said Davis lands 1325 +/- feet to the northeast corner of said Davis lands, thence westerly along the north line of said Davis lands 2195 +/- feet to the easterly right-of-way of the railroad, thence northerly along the said easterly right-of-way, 1425 +/- feet to the southwest corner of lands now or formerly owned by Marietta & Darrell E. York (Scioto County parcel number 24-0255.000), thence with the boundaries of the said York lands the following three (3) courses and distances: (1) easterly 85 +/- feet, northerly 205 +/- feet, westerly 125 +/- feet to the easterly right-of-way of the railroad, thence northerly along the said easterly right-of-way to lands known as Lucasville Sewer Plant (Scioto County parcel number 24-1643.000), thence with the boundaries of the Sewer Plant lands the following three (3) courses and distances: (1) northeasterly 500 +/- feet, (2) northwesterly 360 +/- feet, (3) southwesterly 500 +/- feet to the easterly right-of-way of the railroad, thence along the said easterly right-of-way of the railroad 890 +/- feet to the beginning and containing approximately 667 acres.

Warren County, Lebanon

Begin at the northwest corner of Warren County parcel number 11052000120, said corner also being on the south right-of-way line of State Route 63 (SR63) and the east line of Norfolk Southern Railroad lands (Warren County parcel number 11055020030), thence westerly along the south right-of-way line of State Route 63 (SR63) 465 +/- feet to a fence line projected from the south, thence southerly along the fence line 650 +/- feet to the east line of the said Norfolk Southern Railroad lands, thence northwesterly along the said east line of the said Norfolk Southern Railroad lands 320 +/- feet to an angle point in the east line of the said Norfolk Southern Railroad lands, thence westerly along the said east line of the said Norfolk Southern Railroad lands 140 +/- feet to an angle point in the east line of the said Norfolk Southern Railroad lands, thence northwesterly along the said east line of the said Norfolk Southern Railroad lands 570 +/- feet to the beginning and containing approximately 3.2 acres.

Begin at the southeast corner of lands now or formerly owned by Warren General Property (Warren County parcel number 11064000201) said corner also being on the north right-of-way line of State Route 63 (SR 63), thence northerly along the east line of said Warren General Property lands 2035 +/- feet to the northeast corner of said Warren General Property lands, thence westerly along the north line of said Warren General Property lands 2635 +/- feet to the easterly right-of-way of North Union Road, thence along the easterly right-of-way of North Union Road 3475 +/- feet to the southwest corner of lands now or formerly owned by Warren County Commissioners (Warren County parcel number 08313000040), thence easterly along the south line of said Commissioners lands and lands now or formerly owned by

FRL Real Estate LLC (Warren County parcel number 08313000082) 2420 +/- feet to a point on the south line of said FRL Real Estate lands and the northwest corner of lands now or formerly owned by Grand Communities LTD. (Warren County parcel number 12362000190), thence southerly along the west line of said Grand Communities LTD. lands 1400 +/- feet to a corner of Grand Communities LTD. lands, thence westerly along said Grand Communities LTD. lands 585 +/- feet to a corner of said Grand Communities LTD. lands, thence southerly along said Grand Communities LTD. lands extended 3685 +/- feet extended to a fence line that surrounds a wastewater treatment facility, thence westerly along the fence line 195 +/- feet to the southerly top of bank of Shaker Creek, thence southwestly along the top of bank 270 +/- feet to a point, thence southerly 125 +/- feet to the north right-of-way line of State Route 63 (SR 63), thence westerly along the north right-of-way line of State Route 63 (SR 63) 750 +/- feet to the beginning and containing 292 acres.

Begin at the southwest corner of lands now or formerly owned by Warren County Commissioners (Warren County parcel number 12364000010), said corner also being in the centerline of State Route 63 (SR 63), thence westerly with the center of State Route 63 (SR 63) 1255 +/- feet to the extension of a fence line from the north that surrounds a wastewater treatment facility, thence northerly along the fence line 280 +/- feet to a fence corner, thence westerly along the fence line 205 +/- feet to a point where the extension of the west line of lands now or formerly owned by Grand Communities LTD. (Warren County parcel number 12362000190), thence northerly along said extended line 1870 +/- feet to a southwest corner of said Grand Communities LTD. lands, thence easterly along the south line of said Grand Communities, LTD. lands and the south line of lands now or formerly owned by Shaker Run Capital Funding (Warren County parcel number 12301000040), 6030 feet to a point on the west line of lands now or formerly owned by Otterbein Lebanon LLC (Warren County parcel number 12302000031), thence southerly along the west line of said Otterbein Lebanon LLC lands 1700 +/- feet to the extension of a fence line from the west that surrounds a Department of Transportation Outpost facility, thence westerly along the fence line 310 +/- feet to a fence corner, thence southerly along the fence line 435 +/- feet to the centerline of State Route 63 (SR 63), thence westerly along the centerline of State route 63 (SR 63) 455 +/- feet to the southeast corner of lands now or formerly owned by Cincinnati Gas & Electric (Warren County parcel number 12303000020), thence with the boundaries of the said Cincinnati Gas & Electric lands the following three (3) courses and distances: (1) northerly 330 +/- feet, (2) northwesterly 405 +/- feet, (3) southerly 560 +/- feet to the centerline of State Route 63 (SR 63), thence westerly along the centerline of State Route 63 (SR 63) 2155 +/- feet to the extension of a fence line projected from the northeast, thence northeasterly along the fence line 675 +/- feet to an angle point in the fence,

thence northerly along the fence line 200 +/- feet to a fence corner, thence southwesterly along the fence line 320 +/- feet to a point on the north line of the above referenced Warren County Commissioners lands (Warren County parcel number 12364000010), thence with the boundaries of said County Commissioners lands the following two (2) courses and distances: (1) westerly 550 +/- feet, (2) southerly 435 +/- feet to the place of beginning containing approximately 273 acres.

Begin at the northeast corner of lands now or formerly owned by Leah Margaret White (Warren County parcel number 12294000010), said corner also being in the centerline of State Route 741 (SR 741), thence westerly along the north line of said White lands 2655 +/- feet to the northeast corner of said White lands, thence northerly along the projected west line of said White lands 3850 +/- feet to the southerly right-of-way line of State Route 63 (SR 63), thence with the said southerly right-of-way the following eleven (11) courses and distances: (1) easterly 1815 +/- feet, (2) southeasterly 52.09 feet, (3) southeasterly 201.00 feet, (4) southeasterly 253.18 feet, (5) southeasterly 50.25 feet, (6) southeasterly 33.54 feet, (7) northeasterly 276.16 feet, (8) easterly 100.04 feet, (9) easterly 150.01 feet, (10) easterly 250.20 feet, (11) southeasterly 32.74 feet to the westerly right-of-way of State Route 741 (SR 741), thence along the westerly right-of-way of State Route 741 (SR 741) the following eight (8) courses and distances: (1) southwesterly 388.87 feet, (2) southwesterly 186.75 feet, (3) southwesterly 187.79 feet, (4) southwesterly 300.37 feet, (5) southwesterly 201.00 feet, (6) southwesterly 654.38 feet, (7) southerly 52.04 feet, (8) southwesterly 240 +/- feet to the northeast corner of lands owned by The State of Ohio – Department of Transportation (Warren County parcel number 12294000020), thence with the boundaries of said Department of Transportation lands the following three (3) courses and distances: (1) westerly 1645 +/- feet, (2) southerly 700 +/- feet, (3) easterly 1600 +/- feet to the centerline of State Route 741 (SR 741), thence southerly along the centerline of State Route 741 (SR 741) 880 +/- feet to the beginning and containing approximately 216 acres.

All of Warren County parcel number 12281000030"

In line 143713, delete "Lorain County" and insert "the county in which the real estate is located"

In line 143769, delete "Lorain County Recorder" and insert "county recorder of the county in which the real estate is located"

Between lines 139867 and 139868, insert:

"GRF 772502 Local Transportation Projects \$250,000 \$0"

In line 139871, add \$250,000 to fiscal year 2018

In line 139875, add \$250,000 to fiscal year 2018

Between lines 139875 and 139877, insert:

**"Section 411.13. LOCAL TRANSPORTATION PROJECTS**

The foregoing appropriation item 772502, Local Transportation Projects, shall be allocated to support the regional transportation improvement project in Carroll, Columbiana, and Stark counties."

In line 135591, delete "\$3,763,967,966 \$3,917,695,014" and insert "\$3,757,798,912 \$4,061,056,034"

In line 135592, delete "\$9,901,479,541 \$10,234,340,703" and insert "\$9,735,053,357 \$10,311,479,657"

In line 135593, delete "\$13,665,447,507 \$14,152,035,717" and insert "\$13,492,852,269 \$14,372,535,691"

In line 135594, delete "\$440,611,628 \$479,694,803" and insert "\$478,243,607 \$478,331,274"

In line 135596, add \$31,462,925 to fiscal year 2018 and \$141,997,491 to fiscal year 2019

In line 135597, subtract \$166,426,184 from fiscal year 2018 and add \$77,138,954 to fiscal year 2019

In line 135598, subtract \$134,963,259 from fiscal year 2018 and add \$219,136,445 to fiscal year 2019

In line 135624, subtract \$134,963,259 from fiscal year 2018 and add \$219,136,445 to fiscal year 2019

In line 135675, delete "\$57,885,768" and insert "\$41,840,600"

In line 135686, delete "\$68,661,704" and insert "\$49,320,340"

Between lines 131387a and 131388, insert:

"GRF 200578 Violence Prevention and School Safety \$250,000 \$250,000"

In line 131389, add \$250,000 to each fiscal year

In line 131439, add \$250,000 to each fiscal year

Between lines 133131 and 133132, insert:

**"VIOLENCE PREVENTION AND SCHOOL SAFETY**

The foregoing appropriation item 200578, Violence Prevention and School Safety, shall be used to provide competitive grants to chartered nonpublic schools and educational or childcare centers in accordance with the section of this act entitled "SECURITY GRANTS PROGRAM."

**Section 265. \_\_\_\_\_ .SECURITY GRANTS PROGRAM**

(A) There is hereby created the Security Grants Program to make competitive grants to chartered nonpublic schools and educational or childcare centers to assist the school or center in preventing, preparing for, or



responding to acts of terrorism, including by acquiring the services of a resource officer.

(B) The Department of Education shall administer and award the grants. The Department shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The procedures shall require each applicant to do all of the following:

(1) Identify and substantiate prior threats or attacks based on ideology, beliefs, or mission by a terrorist organization, network, or cell against the school or center or a substantially similar school or center;

(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

(3) Discuss potential consequences to the school or center if the site is damaged, destroyed, or disrupted by a terrorist;

(4) Describe if and how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts;

(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel and a description of how the grant award will be used to address the vulnerabilities identified in the assessment or credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts.

The Department shall consider all of the above factors in evaluating grant applications.

(C)(1) A grant awarded under this section for purposes other than acquiring the services of one or more resource officers shall not exceed \$100,000.

(2) A grant awarded under this section for purposes of acquiring the services of one or more resource officers shall not exceed \$100,000 per officer per building.

(D) Except as otherwise provided in this division, each grant recipient shall provide a matching contribution at a ratio of one to one. The matching contribution may come from any lawful non-state source, including local government entities, law enforcement organizations, or the private sector. Notwithstanding any provision of law to the contrary, a state or local law enforcement agency may provide asset forfeiture or similar funds for use as a recipient's local matching contribution. If an applicant for a grant is unable to provide a sufficient matching contribution, the applicant may, in its grant application, submit a written request for a waiver of the local matching contribution requirement. As part of an applicant's request for a waiver, the applicant shall explain why the waiver is necessary. The Department may

grant a waiver only for good cause in accordance with the procedures it establishes.

(E) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

(F) The Department of Education may use up to two and one-half per cent of the total amount appropriated for the program for program administrative costs, a portion of which may be used to pay costs incurred for security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications.

(G) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 200578, Violence Prevention and School Safety, at the end of fiscal year 2018 is hereby reappropriated for the same purpose in fiscal year 2019.

(H) As used in this section:

(1) "Resource officer" means any law enforcement officer of an accredited local law enforcement agency providing special duty services in a school setting to create or maintain a safe, secure, and orderly learning environment. A resource officer may include a special duty police officer, off-duty police officer, deputy sheriff, or other peace officer of the applicable local law enforcement agency in which the school or center is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state.

(2) "Terrorism" means any act taken by a group or individual used to intimidate or coerce the school or center, its employees, and its current or potential students and their parents; to influence the policy of the school or center or any government authority by intimidation or coercion; and to affect the conduct of the school or center or any government authority."

In line 274 of the title, delete "4901.041,"

In line 672, delete "4901.041,"

Delete lines 78105 and 78106

In line 129976, delete "\$3,172,000 \$3,172,000" and insert "\$3,422,000 \$3,422,000"

In line 129978, delete "Appalachian Local" and insert "iBELIEVE"

Delete line 129978a

In line 129984, add \$250,000 to each fiscal year

In line 129992, delete "\$5,662,518 \$5,662,518" and insert "\$4,140,018 \$4,140,018"

In line 129993, delete "\$350,000 \$350,000" and insert "\$400,000 \$400,000"

Between lines 129993a and 129994, insert:

"5HR0 195662 Incumbent Workforce Training Vouchers  
\$1,250,000 \$1,250,000"

In line 130005, subtract \$222,500 from each fiscal year

In line 130044, add \$27,500 to each fiscal year

In line 130105, delete "APPALACHIAN LOCAL DEVELOPMENT DISTRICTS" and insert "IBELIEVE"

In line 130106, delete "Appalachian Local" and insert "iBELIEVE,"

In line 130107, delete "Development Districts"

In line 130223, delete "\$250,000" and insert "\$300,000"

Between lines 130240 and 130241, insert:

"INCUMBENT WORKFORCE TRAINING VOUCHERS

The foregoing appropriation item 195662, Incumbent Workforce Training Vouchers, shall be used to support the Incumbent Workforce Training Voucher Program.

The Incumbent Workforce Training Voucher Program shall conform to guidelines for the operation of the program, including, but not limited to, the following:

(A) A requirement that a training voucher under the program shall not exceed \$6,000 per worker per year;

(B) A provision for an employer of an eligible employee to apply for a voucher on behalf of the eligible employee;

(C) A provision for an eligible employee to apply directly for a training voucher with the pre-approval of the employee's employer; and

(D) A requirement that an employee participating in the program, or the employee's employer, shall pay for not less than thirty-three per cent of the training costs under the program.

On July 1, 2018, or as soon as possible thereafter, the Director of Development Services may request that the Director of Budget and Management reappropriate any expended, unencumbered balance of the prior fiscal year's appropriation to the foregoing appropriation item 195662, Incumbent Workforce Training Vouchers, for fiscal year 2019. The Director of Budget and Management may request additional information necessary for evaluating the request, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall

determine the amount to be reappropriated, and that amount is hereby reappropriated for fiscal year 2019."

In line 137695, delete "\$828,000 \$828,000" and insert "\$1,228,000 \$1,228,000"

In line 137732, add \$400,000 to each fiscal year

Delete lines 137739 through 137739b

In line 137740, delete "\$1,750,000 \$1,750,000" and insert "\$3,450,000 \$3,450,000"

In line 137746, add \$222,500 to each fiscal year

In line 137759, add \$622,500 to each fiscal year

In line 137830, delete "used in conjunction with" and insert "distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology."

Delete lines 137831 and 137832

Delete lines 138976 through 138984

In line 129295, delete "\$41,439,602 \$41,439,602" and insert "\$40,958,461 \$40,958,461"

In line 129302, subtract \$481,141 from each fiscal year

In line 129343, subtract \$481,141 from each fiscal year

In line 129491, delete "\$28,539,720 \$28,539,720" and insert "\$28,242,431 \$28,242,431"

In line 129494, subtract \$297,289 from each fiscal year

In line 129503, subtract \$297,289 from each fiscal year

In line 134186, delete "\$2,805,474 \$2,805,474" and insert "\$2,775,943 \$2,775,943"

In line 134187, subtract \$29,531 from each fiscal year

In line 134192, subtract \$29,531 from each fiscal year

In line 139914 delete "\$8,119,779 \$8,119,029" and insert "\$8,038,581 \$8,037,839"

In line 139919, subtract \$81,198 from fiscal year 2018 and \$81,190 from fiscal year 2019

In line 139931, subtract \$81,198 from fiscal year 2018 and \$81,190 from fiscal year 2019

In line 131373, delete "\$1,410,384 \$1,410,384" and insert

"\$1,710,384 \$1,710,384"

In line 131389, add \$300,000 to each fiscal year

In line 131439, add \$300,000 to each fiscal year

In line 131981, delete "\$250,000" and insert "\$450,000"

Between lines 131998 and 131999, insert:

"Of the foregoing appropriation item 200448, Educator Preparation, \$100,000 in each fiscal year shall be distributed to The Childhood League Center to provide intensive early intervention and educational services in Franklin County, to support the Play and Language for Autistic Youngsters (PLAY) Project in underserved counties, and to provide services and training for providers and families."

In line 131381, delete "\$10,437,366 \$9,500,892" and insert "\$10,665,866 \$9,600,892"

In line 131389, add \$228,500 to fiscal year 2018 and \$100,000 to fiscal year 2019

In line 131439, add \$228,500 to fiscal year 2018 and \$100,000 to fiscal year 2019

Between lines 132270 and 132271, insert:

"Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$128,500 in fiscal year 2018 shall be used to support the Ottawa County Business Advisory Council's Career Development Roadmap Program."

Between lines 132274 and 132275, insert:

"Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$100,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates."

In line 131382, delete "\$6,799,382,816 \$6,936,728,845" and insert "\$6,799,882,816 \$6,937,228,845"

In line 131389, add \$500,000 to each fiscal year

In line 131439, add \$500,000 to each fiscal year

In line 132350, delete "\$1,000,000" and insert "\$1,500,000"

In line 106 of the title, after "3770.22," insert "3772.03, 3772.17, 3772.99,"

In line 197 of the title, after "5119.41," insert "5119.47,"

In line 304 of the title, after "3742.48," insert "3772.032,"

In line 577, after "3770.22," insert "3772.03, 3772.17, 3772.99,"

In line 621, after "5119.41," insert "5119.47,"

Between lines 58308 and 58309, insert:

**"Sec. 3772.03.**(A) To ensure the integrity of casino gaming, the commission shall have authority to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors. The commission also shall have jurisdiction over all persons participating in casino gaming authorized by Section 6(C) of Article XV, Ohio Constitution, and this chapter.

(B) All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code. The commission may contract for the services of experts and consultants to assist the commission in carrying out its duties under this section.

(C) The commission shall adopt rules as are necessary for completing the functions stated in division (A) of this section and for addressing the subjects enumerated in division (D) of this section.

(D) The commission shall adopt, and as advisable and necessary shall amend or repeal, rules that include all of the following:

- (1) The prevention of practices detrimental to the public interest;
- (2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;
- (3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;
- (4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;
- (5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;
- (6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;
- (7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;
- (8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and

requiring gaming devices and equipment to meet the standards of this state;

(9) Tournament play in any casino facility;

(10) Establishing and implementing a voluntary exclusion program that provides all of the following:

(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.

(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.

(c) Except as provided by commission rule, no person who participates in the program shall petition the commission for admittance into a casino facility.

(d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator and the agents and employees of the casino operator for purposes of enforcement and to other entities, upon request of the participant and agreement by the commission.

(e) A casino operator shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(f) A casino operator shall not cash the check of a person participating in the program or extend credit to the person in any manner. However, the program shall not exclude a casino operator from seeking the payment of a debt accrued by a person before participating in the program.

(g) Any and all locations at which a person may register as a participant in the program shall be published.

(11) Requiring the commission to adopt standards regarding the marketing materials of a licensed casino operator, including allowing the commission to prohibit marketing materials that are contrary to the adopted standards;

(12) Requiring that the records, including financial statements, of any casino operator, management company, holding company, and gaming-related vendor be maintained in the manner prescribed by the commission and made available for inspection upon demand by the commission, but shall be subject to section 3772.16 of the Revised Code;

(13) Permitting a licensed casino operator, management company, key employee, or casino gaming employee to question a person suspected of violating this chapter;

(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is

extended to a wagerer by a casino operator;

(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using electronic fingerprint reading devices.

(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code;

(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code;

(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;

(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;

(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;

(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;

(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;

(23) Defining penalties for violation of commission rules and a process for imposing such penalties ~~subject to the review of the joint committee on gaming and wagering~~;

(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;

(25) Establishing standards for the repair of casino gaming equipment;



(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code;

(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status;

(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter and Chapter 2915. of the Revised Code. In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in section 3772.07 of the Revised Code.

(F) The commission, as a law enforcement agency, and its gaming agents, as law enforcement officers as defined in section 2901.01 of the Revised Code, shall have authority with regard to the detection and investigation of, the seizure of evidence allegedly relating to, and the apprehension and arrest of persons allegedly committing violations of this chapter or gambling offenses as defined in section 2915.01 of the Revised Code or violations of any other law of this state that may affect the integrity of casino gaming or the operation of skill-based amusement machines, and shall have access to casino facilities and skill-based amusement machine facilities to carry out the requirements of this chapter.

(G) The commission may eject or exclude or authorize the ejection or exclusion of and a gaming agent may eject a person from a casino facility for any of the following reasons:

(1) The person's name is on the list of persons voluntarily excluding themselves from all casinos in a program established according to rules adopted by the commission;

(2) The person violates or conspires to violate this chapter or a rule adopted thereunder; or

(3) The commission determines that the person's conduct or reputation is such that the person's presence within a casino facility may call

into question the honesty and integrity of the casino gaming operations or interfere with the orderly conduct of the casino gaming operations.

(H) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a public hearing on the person's ejection or exclusion under this chapter.

(I) A casino operator or management company shall have the same authority to eject or exclude a person from the management company's casino facilities as authorized in division (G) of this section. The licensee shall immediately notify the commission of an ejection or exclusion.

(J) The commission shall submit a written annual report with the governor, president and minority leader of the senate, and the speaker and minority leader of the house of representatives, ~~and joint committee on gaming and wagering~~ before the first day of September each year. The annual report shall cover the previous fiscal year and shall include all of the following:

(1) A statement describing the receipts and disbursements of the commission;

(2) Relevant financial data regarding casino gaming, including gross revenues and disbursements made under this chapter;

(3) Actions taken by the commission;

(4) An update on casino operators', management companies', and holding companies' compulsive and problem gambling plans and the voluntary exclusion program and list;

(5) Information regarding prosecutions for conduct described in division (H) of section 3772.99 of the Revised Code, including, but not limited to, the total number of prosecutions commenced and the name of each person prosecuted;

(6) Any additional information that the commission considers useful or that the governor, president or minority leader of the senate, or speaker or minority leader of the house of representatives, ~~or joint committee on gaming and wagering~~ requests.

(K) To ensure the integrity of skill-based amusement machine operations, the commission shall have jurisdiction over all persons conducting or participating in the conduct of skill-based amusement machine operations authorized by this chapter and Chapter 2915. of the Revised Code, including the authority to complete the functions of licensing, regulating, investigating, and penalizing those persons in a manner that is consistent with the commission's authority to do the same with respect to casino gaming. To carry out this division, the commission may adopt rules under Chapter 119. of the Revised Code, including rules establishing fees and penalties related to the operation of skill-based amusement machines.

**Sec. 3772.17.(A)** The upfront license fee to obtain a license as a casino operator shall be fifty million dollars per casino facility and shall be paid upon each casino operator's filing of its casino operator license application with the commission. The upfront license fee, once paid to the commission, shall be deposited into the economic development programs fund, which is created in the state treasury.

(B) New casino operator, management company, and holding company license and renewal license fees shall be set by rule, ~~subject to the review of the joint committee on gaming and wagering.~~ If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility and the applicant for a license as a management company or holding company was reviewed for suitability as part of the investigation of the casino operator, only one license fee shall be assessed against both applicants for that casino facility.

(C) The fee to obtain an application for a casino operator, management company, or holding company license shall be one million five hundred thousand dollars per application. The application fee for a casino operator, management company, or holding company license may be increased to the extent that the actual review and investigation costs relating to an applicant exceed the application fee set forth in this division. If an applicant for a license as a management company or holding company is related through a joint venture or controlled by or under common control with another applicant for a license as a casino operator, management company, or holding company for the same casino facility, with the exception of actual costs of the review and investigation of the additional applicant, only one application fee shall be required of such applicants for that casino facility. The application fee shall be deposited into the casino control commission fund. The application fee is nonrefundable.

(D) The license fees for a gaming-related vendor shall be set by rule, ~~subject to the review of the joint committee on gaming and wagering.~~ Additionally, the commission may assess an applicant a reasonable fee in the amount necessary to process a gaming-related vendor license application.

(E) The license fees for a key employee shall be set by rule, ~~subject to the review of the joint committee on gaming and wagering.~~ Additionally, the commission may assess an applicant a reasonable fee in the amount necessary to process a key employee license application. If the license is being sought at the request of a casino operator, such fees shall be paid by the casino operator.

(F) The license fees for a casino gaming employee shall be set by rule, ~~subject to the review of the joint committee on gaming and wagering.~~ If

the license is being sought at the request of a casino operator, the fee shall be paid by the casino operator.

**Sec. 3772.99.** (A) The commission shall levy and collect penalties for noncriminal violations of this chapter. Noncriminal violations include using the term "casino" in any advertisement in regard to a facility operating video lottery terminals, as defined in section 3770.21 of the Revised Code, in this state. Moneys collected from such penalty levies shall be credited to the general revenue fund.

(B) If a licensed casino operator, management company, holding company, gaming-related vendor, or key employee violates this chapter or engages in a fraudulent act, the commission may suspend or revoke the license and may do either or both of the following:

(1) Suspend, revoke, or restrict the casino gaming operations of a casino operator;

(2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor.

(C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by commission rule ~~and reviewed by the joint committee on gaming and wagering.~~

(D) A person who purposely or knowingly does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree for a subsequent offense:

(1) Makes a false statement on an application submitted under this chapter;

(2) Permits a person less than twenty-one years of age to make a wager at a casino facility;

(3) Aids, induces, or causes a person less than twenty-one years of age who is not an employee of the casino gaming operation to enter or attempt to enter a casino facility;

(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code;

(5) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment.

(E) A person who purposely or knowingly does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense.

(1) Uses or possesses with the intent to use a device to assist in

projecting the outcome of the casino game, keeping track of the cards played, analyzing the probability of the occurrence of an event relating to the casino game, or analyzing the strategy for playing or betting to be used in the casino game, except as permitted by the commission;

(2) Cheats at a casino game;

(3) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this chapter;

(4) Alters or misrepresents the outcome of a casino game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players;

(5) Places, increases, or decreases a wager on the outcome of a casino game after acquiring knowledge that is not available to all players and concerns the outcome of the casino game that is the subject of the wager;

(6) Aids a person in acquiring the knowledge described in division (E)(5) of this section for the purpose of placing, increasing, or decreasing a wager contingent on the outcome of a casino game;

(7) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a casino game with the intent to defraud or without having made a wager contingent on winning a casino game;

(8) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game;

(9) Uses or possesses counterfeit chips, tokens, or cashless wagering instruments in or for use in a casino game;

(10) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment.

(11) Possesses materials used to manufacture a device intended to be used in a manner that violates this chapter;

(12) Operates a casino gaming operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter or a skill-based amusement machine operation in a manner other than the manner required under Chapter 2915. of the Revised Code.

(F) The possession of more than one of the devices described in division (E)(9), (10), or (11) of this section creates a rebuttable presumption that the possessor intended to use the devices for cheating.

(G) A person who purposely or knowingly does any of the following

commits a felony of the third degree. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. A public servant or party official who is convicted under this division is forever disqualified from holding any public office, employment, or position of trust in this state.

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management company, holding company, or gaming-related vendor, including their officers and employees, under an agreement to influence or with the intent to influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a casino game or an official action of a commission member, agent, or employee;

(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a casino, including an officer or employee of a casino operator, management company, or gaming-related vendor, under an agreement to influence or with the intent to influence the actions of the person to affect or attempt to affect the outcome of a casino game or an official action of a commission member, agent, or employee;

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction.

(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

(J) As used in division (H) of this section:

(1) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code.

(2) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code.

(K) Premises used or occupied in violation of division (E)(12) of this section constitute a nuisance subject to abatement under Chapter 3767. of the Revised Code."

Between lines 82650 and 82651, insert:

**"Sec. 5119.47.** The director of mental health and addiction services shall administer the problem casino gambling and addictions fund. The director shall use the money in the fund to support gambling addiction services, alcohol and drug addiction services, other services that relate to gambling addiction and substance abuse, and research that relates to gambling addiction and substance abuse. Treatment and prevention services supported by money in the fund under this section shall be services that are certified by the department of mental health and addiction services.

The director shall prepare an annual report describing the use of the fund for these purposes. The director shall submit the report to the Ohio casino control commission, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the governor, ~~and the joint committee on gaming and wagering.~~"

In line 106007, after "3770.22," insert "3772.03, 3772.17, 3772.99,"

In line 106051, after "5119.41," insert "5119.47,"

In line 106095, after "3742.48," insert "3772.032,"

Between lines 137726a and 137727, insert:

"GRF 235559 Central State University - Agriculture Education  
\$250,000 \$250,000"

In line 137732, add \$250,000 to each fiscal year

In line 137759, add \$250,000 to each fiscal year

Between lines 138796 and 138797, insert:

**"Section 381.353.**CENTRAL STATE UNIVERSITY -  
AGRICULTURE EDUCATION

The foregoing appropriation item 235559, Central State University – Agriculture Education, shall be distributed to Central State University to establish the School of Agriculture Education and Food Science within the College of Education. The School shall use these funds to establish programs to prepare extension educators with a focus on childhood development and agri-science educators for grades 7 through 12; to work with other higher education institutions in Ohio that have agriculture or agriculture education

programs in order to establish partnerships that shall result in students enrolled in the School having access to learning labs, pertinent facilities, and collaboration with faculty; to provide, by the fall semester of 2018, a program for students that shall result in a Bachelor of Science in Education with students eligible for an Ohio teaching license in agriculture education for grades 7 through 12 upon passing the appropriate assessments; and to provide a program for students that shall result in a bachelor's degree, including the minimum requirements for employment as an extension educator with a focus in childhood development."

Between lines 137713a and 137714, insert:

"GRF 235533 Higher Education Program Support \$5,025,000  
\$0"

In line 137732, add \$5,025,000 to fiscal year 2018

In line 137759, add \$5,025,000 to fiscal year 2018

Between lines 138701 and 138702, insert:

**"Section 381.283. HIGHER EDUCATION PROGRAM SUPPORT**

Of the foregoing appropriation item 235533, Higher Education Program Support, \$25,000 in fiscal year 2018 shall be used to support the 2017 Maritime Risk Symposium hosted by Tiffin University's Center for Cyber Defense and Forensics. Tiffin University shall use the funds to plan, market, and conduct the Symposium; to produce a summary document of the Symposium's proceedings; and to plan a follow-up activity regarding the Symposium.

Of the foregoing appropriation item 235533, Higher Education Program Support, \$5,000,000 in fiscal year 2018 shall be distributed to The Ohio State University's John Glenn College of Public Affairs to establish the State of Ohio Leadership Institute in order to provide leadership training and education for current and future elected officials and senior staff in state and local government."

In line 137729, delete "\$700,000 \$700,000" and insert "\$750,000 \$750,000"

In line 137732, add \$50,000 to each fiscal year

In line 137759, add \$50,000 to each fiscal year

In line 138900, delete "\$150,000" and insert "\$200,000"

Between lines 134505a and 134506, insert:

"GRF 360508 State Historical Grants \$475,000 \$475,000"

In line 134507, add \$475,000 to each fiscal year

In line 134512, add \$475,000 to each fiscal year

Between lines 134533 and 134534, insert:



"STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for the Cincinnati Museum Center, \$100,000 in each fiscal year shall be used for the Western Reserve Historical Society, \$100,000 in each fiscal year shall be used for the Cleveland Museum of Natural History, and \$100,000 in each fiscal year shall be used for the Cleveland Museum of Art."

In line 130425, delete "\$300,999 \$300,999" and insert "\$330,999 \$330,999"

In line 130435, add \$30,000 to each fiscal year

In line 130457, add \$30,000 to each fiscal year

Between lines 130473 and 130474, insert:

"Of the foregoing appropriation item 322420, Screening and Early Identification, \$30,000 in each fiscal year shall be distributed to the Preble County Board of Developmental Disabilities for the Play and Language for Autistic Youngsters Project."

In line 130475, after "the" insert "remainder of the"

Delete lines 142926 through 142967

Between lines 134223a and 134224, insert:

"GRF 440527 Lead Abatement \$150,000 \$150,000"

In line 134225, add \$150,000 to each fiscal year

In line 134274, add \$150,000 to each fiscal year

Between lines 134345 and 134346, insert:

"LEAD ABATEMENT

The foregoing appropriation item 440527, Lead Abatement, shall be used by the Department of Health to distribute funds to the city of Toledo for lead-based paint abatement, containment, and housing rehabilitation projects in the historic south neighborhoods of Toledo. In order to receive funding, the city of Toledo shall provide documentation showing the amount of nonprofit or private sector dollars the city has collected for each project. These nonprofit or private sector dollars must be collected during the same state fiscal year that funds are to be awarded. The amount distributed by the Department of Health for each project shall be equal to the amount documented. The total amount distributed by the Department of Health shall not exceed \$150,000 in each fiscal year. The city may use these funds to provide grants to owner-occupied or rental properties. Grants shall be awarded by the city in consultation with the Historic South Initiative.

Not later than July 1 each year, the city of Toledo shall issue a report to the Department of Health providing information regarding the

effectiveness of the funds distributed and any other information requested by the Department."

In line 129270, delete "\$12,680,750 \$12,680,750" and insert "\$12,730,750 \$12,730,750"

In line 129271, add \$50,000 to each fiscal year

In line 129279, add \$50,000 to each fiscal year

In line 134639, delete "\$148,500,326 \$148,500,326" and insert "\$148,650,326 \$148,650,326"

In line 134660, add \$150,000 to each fiscal year

In line 134712, add \$150,000 to each fiscal year

Between lines 134757 and 134758, insert:

**"Section 307.2\_YWCA OF GREATER CLEVELAND EARLY LEARNING CENTER**

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$150,000 in each fiscal year shall be provided to the YWCA of Greater Cleveland to support the Early Learning Center to provide trauma informed preschool for homeless and low-income children."

In line 129301, delete "\$1,500,000 \$1,500,000" and insert "\$1,550,000 \$1,550,000"

In line 129302, add \$50,000 to each fiscal year

In line 129343, add \$50,000 to each fiscal year

Between lines 129387 and 129388, insert:

**"BATTERED WOMEN'S SHELTER**

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$50,000 in each fiscal year shall be distributed directly to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility."

In line 6 of the title, after "121.48," insert "122.01,"

In line 7 of the title, after "122.175," insert "122.33,"

In line 504, after "121.48," insert "122.01,"

In line 505, after "122.175," insert "122.33,"

After line 4702, insert:

**"Sec. 122.01. (A)** As used in the Revised Code, the "department of development" means the development services agency and the "director of development" means the director of development services. Whenever the department or director of development is referred to or designated in any statute, rule, contract, grant, or other document, the reference or designation shall be deemed to refer to the development services agency or director of

development services, as the case may be.

(B) As used in this chapter:

(1) "Community problems" includes, but is not limited to, taxation, fiscal administration, governmental structure and organization, intergovernmental cooperation, education and training, employment needs, community planning and development, air and water pollution, public safety and the administration of justice, housing, mass transportation, community facilities and services, health, welfare, recreation, open space, and the development of human resources.

(2) "Edison center network" means the six cooperative, industry-connected, nonprofit organizations that have met all of the following criteria:

(a) Historically received funding under the Thomas Alva Edison grant program;

(b) Been in existence at least fifteen years as of the effective date of the amendment of this section;

(c) Experience delivering technical and networking services to Ohio manufacturers.

(3) "Professional personnel" means either of the following:

(a) Personnel who have earned a bachelor's degree from a college or university;

(b) Personnel who serve as or have the working title of director, assistant director, deputy director, assistant deputy director, manager, office chief, assistant office chief, or program director.

~~(3)~~(4) "Technical personnel" means any of the following:

(a) Personnel who provide technical assistance according to their job description or in accordance with the Revised Code;

(b) Personnel employed in the director of development services' office or the legal office, communications office, finance office, legislative affairs office, or human resources office of the development services agency;

(c) Personnel employed in the technology division of the agency."

After line 6599, insert:

**"Sec. 122.33.** The director of development services shall administer the following programs:

(A) The industrial technology and enterprise development grant program, to provide capital to acquire, construct, enlarge, improve, or equip and to sell, lease, exchange, and otherwise dispose of property, structures, equipment, and facilities within the state.

Such funding may be made to enterprises that propose to develop new products or technologies when the director finds all of the following

factors to be present:

(1) The undertaking will benefit the people of the state by creating or preserving jobs and employment opportunities or improving the economic welfare of the people of the state, and promoting the development of new technology.

(2) There is reasonable assurance that the potential royalties to be derived from the sale of the product or process described in the proposal will be sufficient to repay the funding pursuant to sections 122.28 and 122.30 to 122.36 of the Revised Code and that, in making the agreement, as it relates to patents, copyrights, and other ownership rights, there is reasonable assurance that the resulting new technology will be utilized to the maximum extent possible in facilities located in Ohio.

(3) The technology and research to be undertaken will allow enterprises to compete more effectively in the marketplace. Grants of capital may be in such form and conditioned upon such terms as the director deems appropriate.

(B) The industrial technology and enterprise resources program to provide for the collection, dissemination, and exchange of information regarding equipment, facilities, and business planning consultation resources available in business, industry, and educational institutions and to establish methods by which small businesses may use available facilities and resources. The methods may include, but need not be limited to, leases reimbursing the educational institutions for their actual costs incurred in maintaining the facilities and agreements assigning royalties from development of successful products or processes through the use of the facilities and resources. The director shall operate this program in conjunction with the board of regents.

(C) The Thomas Alva Edison grant program to provide grants to foster research, development, or technology transfer efforts involving enterprises and educational institutions that will lead to the creation of jobs.

(1) Grants may be made to a nonprofit organization or a public or private educational institution, department, college, institute, faculty member, or other administrative subdivision or related entity of an educational institution when the director finds that the undertaking will benefit the people of the state by supporting research in advanced technology areas likely to improve the economic welfare of the people of the state through promoting the development of new commercial technology.

(2) Grants may be made in a form and conditioned upon terms as the director considers appropriate.

(3) Grants Except as provided in division (C)(4) of this section, grants made under this program shall ~~in all instances~~ be in conjunction with a

contribution to the project by a cooperating enterprise which maintains or proposes to maintain a relevant research, development, or manufacturing facility in the state, by a nonprofit organization, or by an educational institution or related entity; however, funding provided by an educational institution or related entity shall not be from general revenue funds appropriated by the Ohio general assembly. No grant made under this program shall exceed the contribution made by the cooperating enterprise, nonprofit organization, or educational institution or related entity. The director may consider cooperating contributions in the form of state of the art new equipment or in other forms provided the director determines that the contribution is essential to the successful implementation of the project. The director may adopt rules or guidelines for the valuation of contributions of equipment or other property.

(4) At the director's sole discretion, the requirement for a cooperating contribution under division (C)(3) of this section may be waived if the project will enable Ohio companies to access new technology applications.

(5) The director may determine fields of research from which grant applications will be accepted under this program.

(6) For purposes of division (C) of this section:

(a) "New technology applications" means providing existing technology proven in at least one commercial environment to companies that have not done the following:

(i) Used the technology;

(ii) Used the technology for the purpose it was originally created.

(b) "Ohio companies" means companies in which the principal place of business is in this state or that propose to be engaged in research and development, manufacturing, or provisioning of products or services within the state."

In line 105934, after "121.48," insert "122.01,"

In line 105935, after "122.175," insert "122.33,"

Between lines 7450 and 7451, insert:

"An agency of the legislative branch of state government that uses office space in a building under the management and control of the department of administrative services may exercise the agency's authority to improve the agency's office space as authorized under this division only if, upon review, the department of administrative services concludes the proposed improvements do not adversely impact the structural integrity of the building."

In line 7457, after the period insert "In performing such services, the

department shall not use competitive selection. As used in this division, "competitive selection" has the meaning defined in section 125.01 of the Revised Code and includes any other type of competitive process for the selection of persons producing or dealing in the services to be provided."

Between lines 137285b and 137286, insert:

"GRF 415507 Lima Easter Seals \$43,800 \$43,800"

In line 137287, add \$43,800 to each fiscal year

In line 137308, add \$43,800 to each fiscal year

Between lines 137328 and 137329, insert:

"LIMA EASTER SEALS

The foregoing appropriation item 415507, Lima Easter Seals, shall be provided to the Easter Seals in Lima, Ohio, to create a loan program for durable medical equipment."

In line 134756, delete "\$300,000" and insert "\$500,000"

Managers on the Part of the  
House of Representatives

/S/ RYAN SMITH  
RYAN SMITH

/S/ SCOTT RYAN  
SCOTT RYAN

/S/ \_\_\_\_\_  
JACK CERA

Managers on the Part of the  
Senate

/S/ SCOTT OELSLAGER  
SCOTT OELSLAGER

/S/ GAYLE MANNING  
GAYLE MANNING

/S/ \_\_\_\_\_  
MICHAEL J. SKINDELL

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted – yeas 59, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Arndt	Becker
Blessing	Brenner	Brinkman	Butler
Carfagna	Conditt	Cupp	Dever
DeVitis	Duffey	Edwards	Faber
Gavarone	Ginter	Gonzales	Goodman
Green	Greenspan	Hambley	Henne
Hill	Householder	Huffman	Johnson
Kick	Koehler	Landis	Lanese
LaTourette	Lipps	Manning	McColley
Merrin	Patton	Pelanda	Perales
Reineke	Retherford	Rezabek	Riedel
Roegner	Romanchuk	Ryan	Schaffer
Scherer	Schuring	Seitz	Slaby
Smith, R.	Sprague	Stein	Thompson
Wiggam	Young		Rosenberger-59

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bocchieri
Boggs	Boyd	Brown	Celebrezze
Cera	Clyde	Craig	Dean
Fedor	Galonski	Hagan	Holmes
Hood	Howse	Hughes	Ingram
Keller	Kelly	Kent	Leland
Lepore-Hagan	Miller	O'Brien	Patmon
Patterson	Ramos	Reece	Rogers
Sheehy	Smith, K.	Strahorn	Sweeney
Sykes	Vitale	West	Zeltwanger-40

The report of the committee of Conference was agreed to.

### MOTIONS AND RESOLUTIONS

Representative Patton moved that majority party members asking leave to be absent or absent the week of Wednesday, June 28, 2017, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Antonio moved that minority party members asking leave to be absent or absent the week of Wednesday, June 28, 2017, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Schuring moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 191**-Speaker Rosenberger, Representative Strahorn

Relative to travel allowance.

WHEREAS, Section 101.27 of the Revised Code provides that each member receive a travel reimbursement based upon the mileage from and to the member's place of residence, by the most direct highway route of public travel to and from the seat of government; therefore be it

RESOLVED, That the Chief Administrative Officer of the House of Representatives is hereby authorized to pay the following member's travel allowance based upon their round trip mileage as set opposite their name and district number:

Member's Name	District Number	Round-Trip Mileage
---------------	-----------------	--------------------

Tavia Galonski

35

250

The question being, “Shall the resolution be adopted?”

The yeas and nays were taken and resulted – yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Blessing
Boccieri	Boggs	Boyd	Brenner
Brinkman	Brown	Butler	Carfagna
Celebrezze	Cera	Clyde	Conditt
Craig	Cupp	Dean	Dever
DeVitis	Duffey	Edwards	Faber
Fedor	Galonski	Gavarone	Ginter
Gonzales	Goodman	Green	Greenspan
Hagan	Hambley	Henne	Hill
Holmes	Hood	Householder	Howse
Huffman	Hughes	Ingram	Johnson
Keller	Kelly	Kent	Kick
Koehler	Landis	Lanese	LaTourette
Leland	Lepore-Hagan	Lipps	Manning
McColley	Merrin	Miller	O'Brien
Patmon	Patterson	Patton	Pelanda
Perales	Ramos	Reece	Reineke
Retherford	Rezabek	Riedel	Roegner
Rogers	Romanchuk	Ryan	Schaffer
Scherer	Schuring	Seitz	Sheehy
Slaby	Smith, K.	Smith, R.	Sprague
Stein	Strahorn	Sweeney	Sykes
Thompson	Vitale	West	Wiggam
Young	Zeltwanger		Rosenberger-99

The resolution was adopted.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Sub. H. B. No. 27** - Representative Brinkman

Cosponsors: Representatives Brenner, Antani, Blessing, Butler, Conditt, Hambley, Henne, Huffman, Pelanda, Perales, Reineke, Retherford, Riedel, Roegner, Schaffer, Seitz, Smith, R., Stein Senators Hottinger, Hackett, Beagle, Terhar, Eklund, Hite, Hoagland, Huffman, Oelslager, Peterson, Wilson

To amend sections 742.38, 4113.21, 4121.125, 4121.44, 4123.29, 4123.343, 4123.512, 4123.53, 4123.54, 4123.56, 4123.57, 4123.66, 4123.68,



4123.71, 4123.84, 4125.05, 4125.051, 4125.07, 4167.01, 4167.02, and 4167.10 and to repeal sections 4123.72 and 4167.19 of the Revised Code to make changes to the Workers' Compensation Law, to prohibit a public employer from requiring an employee to pay for a medical examination as a condition of continued employment, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

Representative Schuring moved that the Senate amendments to **Sub. H. B. No. 27**-Representative Brinkman, et. al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 27**-Representative Brinkman, et. al., were taken up for consideration.

**Sub. H. B. No. 27**-Representative Brinkman.

Cosponsors: Representatives Brenner, Antani, Blessing, Butler, Conditt, Hambley, Henne, Huffman, Pelanda, Perales, Reineke, Retherford, Riedel, Roegner, Schaffer, Seitz, Smith, R., Stein Senators Hottinger, Hackett, Beagle, Terhar, Eklund, Hite, Hoagland, Huffman, Oelslager, Peterson, Wilson.

To amend sections 742.38, 4113.21, 4121.125, 4121.44, 4123.29, 4123.343, 4123.512, 4123.53, 4123.54, 4123.56, 4123.57, 4123.66, 4123.68, 4123.71, 4123.84, 4125.05, 4125.051, 4125.07, 4167.01, 4167.02, and 4167.10 and to repeal sections 4123.72 and 4167.19 of the Revised Code to make changes to the Workers' Compensation Law, to prohibit a public employer from requiring an employee to pay for a medical examination as a condition of continued employment, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted – yeas 60, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Arndt	Becker
Blessing	Brenner	Brinkman	Butler

Carfagna	Conditt	Cupp	Dever
DeVitis	Edwards	Faber	Gavarone
Ginter	Gonzales	Goodman	Green
Greenspan	Hagan	Hambley	Henne
Hill	Householder	Huffman	Hughes
Johnson	Keller	Kick	Koehler
Landis	Lanese	LaTourette	Lipps
Manning	McColley	Merrin	Patton
Pelanda	Perales	Ramos	Reineke
Rezabek	Roegner	Romanchuk	Ryan
Schaffer	Scherer	Schuring	Seitz
Slaby	Smith, R.	Sprague	Stein
Thompson	Wiggam	Young	Rosenberger-60

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boccieri
Boggs	Boyd	Brown	Celebrezze
Cera	Clyde	Craig	Dean
Duffey	Fedor	Galonski	Holmes
Hood	Howse	Ingram	Kelly
Kent	Leland	Lepore-Hagan	Miller
O'Brien	Patmon	Patterson	Reece
Retherford	Riedel	Rogers	Sheehy
Smith, K.	Strahorn	Sweeney	Sykes
Vitale	West		Zeltwanger-39

The Senate amendments were concurred in.

On motion of Representative Schuring, the House adjourned until Thursday, June 29, 2017 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,  
Clerk.