

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

OHIO

SENATE

JOURNAL

WEDNESDAY, JUNE 21, 2017

SIXTY-THIRD DAY
Senate Chamber, Columbus, Ohio
Wednesday, June 21, 2017, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brad Jury, Providence Baptist Church in Westerville, Ohio, followed by the Pledge of Allegiance to the Flag lead by the Ohio Soap Box Derby Champions.

The journal of the last legislative day was read and approved.

The following guests were recognized by the Senate prior to the commencement of business:

Senator Manning recognized Max Malley.

Senator Kunze recognized Annie Taylor.

Senator Yuko recognized Katherine Liming.

Senator Brown recognized Patrick Potyondy.

Senator Balderson recognized the Freemasons of Ohio on the Tercentenary of the creation of the modern Masonic fraternity.

Senator Kunze recognized the Thomas Worthington High School boys track and field team on winning the 2017 Division I State Championship.

Senator Kunze recognized the Worthington Christian High School boys 4x800-meter relay team as the 2017 Division II State Champion.

Senator Kunze recognized Malachi McGill as a 2017 Division I State Track and Field Champion.

Senator Kunze recognized India Johnson as a 2017 Division I State Indoor track and field champion.

Senator Bacon recognized Officer Alan Horujko for his outstanding heroism.

Senator Bacon recognized Dr. Peter Cimbolic on his retirement as president of Ohio Dominican University.

Senator Brown recognized Keyaunte Jones on being named the 2017 Ohio

Youth of the Year by the Boys and Girls Clubs of America.

Senator Obhof recognized Jacob Wickey on placing first in the weight throw at the 2017 New Balance National indoor track and field meet.

Senator Obhof recognized Myles Pringle as the 400-meter champion at the NCAA Division II Indoor and Outdoor Track and Field Championship.

Senator Obhof recognized Evan Kasulones as the 2017 Division I OATCCC Indoor State Champion in the boys 60-meter dash.

Senators Tavares and Peterson recognized Dr. Brian J. Santin as the 2016 OSMA Advocate of the Year.

Senator Wilson recognized the Indian Hill High School Mock Trial team as the 2017 State Champion.

Senator Manning requested a moment of silence in honor of Fire Controlman First Class Gary Leo Rehm Jr., who was killed in a collision while serving on board the USS Fitzgerald.

Senator Thomas requested a moment of silence in honor of Otto Warmbier of Wyoming, Ohio who passed away, following his release from North Korean detention.

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Obhof reports for the Standing Committee on Rules and Reference, recommending that the following bill, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 165 -Senators Dolan, Skindell, et al.

To enact section 1509.228 of the Revised Code to establish conditions and requirements for the sale of brine from certain oil or gas operations as a commodity and to exempt such a commodity from requirements otherwise applicable to brine.

To the Committee on Energy and Natural Resources.

YES - 14: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II, JOHN EKLUND, RANDY GARDNER, CLIFF HITE, MATT HUFFMAN, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, BOB PETERSON, CHARLETA B.

TAVARES, CECIL THOMAS, KENNY YUKO

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Eklund submitted the following report:

The standing committee on Ways and Means, to which was referred **Sub. H. B. No. 124**-Representatives Brenner, Carfagna, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Beagle.

YES - 11: JOHN EKLUND, LOU TERHAR, SANDRA WILLIAMS, SEAN O'BRIEN, CECIL THOMAS, BILL BEAGLE, KRIS JORDAN, BOB D. HACKETT, PEGGY LEHNER, BOB PETERSON, STEVE WILSON

NO - 0.

Senator Oelslager submitted the following report:

The standing committee on Finance, to which was referred **Sub. H. B. No. 49**-Representative Smith, R., et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10: BILL BEAGLE, PEGGY LEHNER, MATT DOLAN, TROY BALDERSON, GAYLE MANNING, SCOTT OELSLAGER, WILLIAM P. COLEY, II, DAVE BURKE, KEVIN BACON, JOHN EKLUND

NO - 2: MICHAEL J. SKINDELL, CHARLETA B. TAVARES

The question being, "Shall the reports of the committee be accepted?"

The reports of the committee were accepted.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 77-Senator Coley.

Cosponsors: Senators Hackett, Sykes, Williams, Yuko, Schiavoni, Eklund, Uecker, Tavares, Kunze, LaRose, Brown, Beagle.

To amend section 4501.21 and to enact section 4503.4910 of the Revised Code to create the "KylerStrong Foundation" license plate, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 77**, pass?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Dolan	Eklund
Gardner	Hackett	Hite	Hoagland
Hottinger	Huffman	Jordan	Kunze
LaRose	Lehner	Manning	O'Brien
Oelslager	Peterson	Schiavoni	Skindell
Sykes	Tavares	Terhar	Thomas
Uecker	Williams	Wilson	Yuko
			Obhof-33

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Coley moved to amend the title as follows:

Add the names: "Senators Bacon, Burke, Dolan, Gardner, Hite, Hoagland, Hottinger, Huffman, Lehner, Manning, Obhof, O'Brien, Oelslager, Terhar, Thomas, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

S. B. No. 78-Senator Hoagland.

Cosponsors: Senators Coley, Eklund, Hackett, Terhar, Brown, Yuko, Schiavoni, Williams, Beagle, LaRose, Kunze, Tavares, Uecker, Hottinger, Manning.

To enact section 5534.45 of the Revised Code to designate a portion of State Route 7 in Jefferson County as the "U.S. Air Force Staff Sergeant Yvonne Marie Fair Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 78**, pass?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Dolan	Eklund
Gardner	Hackett	Hite	Hoagland
Hottinger	Huffman	Jordan	Kunze
LaRose	Lehner	Manning	O'Brien
Oelslager	Peterson	Schiavoni	Skindell
Sykes	Tavares	Terhar	Thomas

Uecker

Williams

Wilson

Yuko
Obhof-33

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Hoagland moved to amend the title as follows:

Add the names: "Senators Bacon, Burke, Dolan, Gardner, Hite, Huffman, Lehner, Obhof, O'Brien, Oelslager, Peterson, Thomas, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Sub. H. B. No. 49-Representative Smith, R.

Cosponsors: Representatives Duffey, Ginter, Hambley, Hill, Lanese, Manning, McColley, Patton, Perales, Reineke, Ryan, Scherer, Sprague, Speaker Rosenberger.

To amend sections 101.34, 102.02, 102.022, 102.03, 103.41, 103.42, 105.41, 106.042, 107.031, 107.35, 109.572, 109.5721, 109.71, 109.803, 109.91, 111.42, 111.43, 111.44, 111.45, 113.061, 117.46, 120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 120.36, 121.40, 121.48, 122.071, 122.08, 122.081, 122.17, 122.171, 122.174, 122.175, 122.641, 122.85, 122.86, 122.98, 123.01, 123.20, 123.21, 124.384, 124.93, 125.035, 125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 131.23, 131.33, 131.35, 131.44, 131.51, 133.022, 133.06, 133.061, 135.143, 135.182, 135.35, 135.45, 135.63, 135.71, 143.01, 151.03, 152.08, 153.02, 154.11, 166.08, 166.11, 167.03, 173.01, 173.14, 173.15, 173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 173.27, 173.28, 173.38, 173.381, 173.42, 173.424, 173.48, 173.51, 173.55, 173.99, 183.51, 191.04, 191.06, 305.05, 307.283, 307.678, 307.93, 307.984, 319.11, 319.26, 319.54, 321.26, 321.27, 321.37, 321.46, 323.01, 323.32, 329.03, 329.04, 329.051, 329.06, 340.03, 340.032, 340.033, 340.08, 341.12, 341.121, 341.25, 503.56, 505.94, 507.12, 507.13, 703.20, 703.21, 705.22, 713.01, 715.014, 718.01, 718.02, 718.06, 718.08, 718.27, 718.60, 725.01, 725.04, 733.44, 733.46, 733.78, 733.81, 763.01, 763.07, 901.04, 901.43, 909.10, 911.11, 924.01, 924.09, 927.55, 939.02, 940.15, 941.12, 941.55, 943.23, 947.06, 1121.10, 1121.24, 1121.30, 1123.01, 1123.02, 1123.03, 1155.07, 1155.10, 1163.09, 1163.13, 1181.06, 1349.21, 1503.05, 1503.141, 1504.02, 1505.09, 1506.23, 1509.02, 1509.07, 1509.071, 1513.18, 1513.20, 1513.25, 1513.27, 1513.28, 1513.30, 1513.31, 1513.32, 1513.33, 1513.37, 1514.03, 1514.051, 1514.06, 1514.071, 1514.10, 1514.11, 1514.46, 1521.06, 1521.063, 1531.01, 1531.06, 1533.10, 1533.11, 1533.12, 1547.73, 1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.26, 1561.45, 1561.46, 1561.48, 1711.53, 1721.01, 1721.10, 1733.04, 1733.24, 1751.72, 1751.75, 1923.12, 1923.13, 1923.14, 2151.353, 2151.417, 2151.43, 2151.49, 2301.56, 2305.02, 2305.113, 2329.211, 2329.271, 2329.31, 2329.311, 2329.44, 2329.66, 2743.48, 2743.75, 2923.1210, 2925.01, 2925.23,

2929.15, 2929.20, 2929.34, 2941.51, 2953.25, 2967.193, 3109.15, 3111.04, 3113.06, 3113.07, 3119.05, 3121.03, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.01, 3302.03, 3302.151, 3303.20, 3304.11, 3304.12, 3304.14, 3304.15, 3304.17, 3304.171, 3304.18, 3304.182, 3304.19, 3304.20, 3304.21, 3304.22, 3304.27, 3304.28, 3304.29, 3304.30, 3304.31, 3304.41, 3309.23, 3309.374, 3309.661, 3310.16, 3310.52, 3311.06, 3311.751, 3311.86, 3313.372, 3313.411, 3313.413, 3313.46, 3313.5310, 3313.603, 3313.608, 3313.6012, 3313.6013, 3313.6023, 3313.618, 3313.6110, 3313.64, 3313.6410, 3313.713, 3313.717, 3313.751, 3313.813, 3313.89, 3313.902, 3313.978, 3314.016, 3314.03, 3314.08, 3314.26, 3316.20, 3317.01, 3317.013, 3317.014, 3317.017, 3317.02, 3317.021, 3317.022, 3317.024, 3317.025, 3317.0212, 3317.0218, 3317.06, 3317.16, 3318.01, 3318.011, 3318.02, 3318.021, 3318.022, 3318.024, 3318.03, 3318.031, 3318.032, 3318.033, 3318.034, 3318.035, 3318.036, 3318.04, 3318.041, 3318.042, 3318.05, 3318.051, 3318.052, 3318.054, 3318.06, 3318.061, 3318.07, 3318.08, 3318.081, 3318.082, 3318.083, 3318.084, 3318.086, 3318.091, 3318.10, 3318.11, 3318.112, 3318.12, 3318.121, 3318.13, 3318.15, 3318.16, 3318.18, 3318.22, 3318.25, 3318.26, 3318.311, 3318.351, 3318.36, 3318.362, 3318.363, 3318.364, 3318.37, 3318.371, 3318.38, 3318.40, 3318.41, 3318.42, 3318.43, 3318.46, 3318.48, 3318.49, 3318.50, 3318.60, 3318.61, 3318.62, 3318.70, 3318.71, 3319.088, 3319.111, 3319.22, 3319.227, 3319.26, 3319.271, 3319.291, 3319.36, 3319.61, 3321.19, 3323.052, 3323.14, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3326.10, 3326.101, 3326.11, 3326.33, 3326.41, 3327.08, 3333.048, 3333.121, 3333.122, 3333.31, 3333.39, 3333.91, 3333.92, 3345.061, 3345.14, 3345.35, 3345.45, 3354.01, 3354.09, 3357.01, 3357.09, 3357.19, 3358.01, 3358.08, 3365.01, 3365.02, 3365.03, 3365.04, 3365.05, 3365.06, 3365.07, 3365.10, 3365.12, 3503.16, 3506.01, 3506.06, 3506.07, 3513.02, 3513.30, 3513.301, 3513.312, 3517.17, 3701.021, 3701.243, 3701.601, 3701.611, 3701.65, 3701.83, 3701.881, 3702.304, 3702.307, 3702.52, 3702.72, 3704.01, 3704.035, 3704.111, 3705.07, 3705.08, 3705.09, 3705.10, 3706.05, 3706.27, 3707.58, 3710.01, 3710.02, 3710.04, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, 3710.99, 3713.04, 3715.041, 3719.04, 3719.07, 3719.08, 3721.02, 3721.031, 3721.21, 3721.22, 3721.23, 3721.24, 3721.25, 3721.32, 3727.45, 3727.54, 3729.08, 3734.02, 3734.041, 3734.05, 3734.06, 3734.15, 3734.42, 3734.57, 3734.82, 3734.901, 3734.9011, 3735.31, 3735.33, 3735.40, 3735.41, 3735.66, 3735.661, 3735.672, 3737.21, 3742.01, 3742.02, 3742.31, 3742.35, 3742.36, 3742.41, 3742.42, 3742.50, 3742.51, 3745.012, 3745.016, 3745.11, 3751.01, 3751.02, 3751.03, 3751.04, 3751.05, 3751.10, 3751.11, 3769.087, 3770.02, 3770.03, 3770.22, 3794.03, 3923.041, 4104.15, 4104.18, 4105.17, 4109.06, 4112.05, 4141.29, 4141.43, 4141.51, 4301.13, 4301.22, 4301.43, 4301.62, 4303.05, 4303.181, 4303.209, 4303.26, 4303.271, 4501.044, 4501.045, 4503.02, 4503.038, 4503.04, 4503.042, 4503.066, 4503.08, 4503.10, 4503.101,

4503.15, 4503.503, 4503.63, 4503.65, 4503.77, 4503.83, 4505.06, 4508.02, 4510.022, 4511.01, 4511.19, 4709.02, 4709.05, 4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 4709.23, 4713.01, 4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.082, 4713.09, 4713.10, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 4713.22, 4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 4713.45, 4713.48, 4713.50, 4713.51, 4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 4713.68, 4713.69, 4715.13, 4715.14, 4715.16, 4715.21, 4715.24, 4715.27, 4715.362, 4715.363, 4715.369, 4715.37, 4715.53, 4715.62, 4715.63, 4717.01, 4717.02, 4717.03, 4717.04, 4717.05, 4717.06, 4717.07, 4717.08, 4717.09, 4717.10, 4717.11, 4717.13, 4717.14, 4717.15, 4717.16, 4717.21, 4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 4717.30, 4717.32, 4717.33, 4717.35, 4717.36, 4723.05, 4723.09, 4723.32, 4723.50, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.57, 4725.61, 4729.01, 4729.06, 4729.08, 4729.09, 4729.11, 4729.12, 4729.13, 4729.15, 4729.16, 4729.51, 4729.52, 4729.53, 4729.54, 4729.552, 4729.56, 4729.561, 4729.57, 4729.571, 4729.58, 4729.59, 4729.60, 4729.61, 4729.62, 4729.67, 4729.75, 4729.77, 4729.78, 4729.80, 4729.82, 4729.83, 4729.84, 4729.85, 4729.86, 4730.05, 4730.40, 4731.051, 4731.056, 4731.07, 4731.071, 4731.081, 4731.091, 4731.092, 4731.10, 4731.14, 4731.142, 4731.143, 4731.15, 4731.22, 4731.221, 4731.222, 4731.223, 4731.224, 4731.225, 4731.23, 4731.24, 4731.25, 4731.26, 4731.281, 4731.282, 4731.291, 4731.292, 4731.293, 4731.294, 4731.295, 4731.296, 4731.298, 4731.299, 4731.341, 4731.36, 4731.41, 4731.43, 4731.51, 4731.52, 4731.531, 4731.56, 4731.573, 4731.60, 4731.61, 4731.65, 4731.66, 4731.67, 4731.68, 4731.76, 4731.82, 4731.85, 4736.01, 4736.02, 4736.03, 4736.05, 4736.06, 4736.07, 4736.08, 4736.09, 4736.10, 4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 4736.17, 4736.18, 4743.05, 4745.01, 4745.02, 4745.04, 4747.04, 4747.05, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 4749.031, 4751.03, 4751.04, 4751.10, 4751.14, 4751.99, 4752.01, 4752.03, 4752.04, 4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4759.02, 4759.05, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 4761.18, 4762.14, 4765.01, 4765.02,

4776.01, 4776.02, 4776.04, 4776.20, 4779.02, 4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 4779.18, 4779.20, 4779.21, 4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 4779.34, 4781.04, 4781.07, 4781.121, 4905.02, 4906.01, 4906.10, 4906.13, 4906.20, 4906.201, 4911.021, 4921.01, 4921.19, 4921.21, 4923.02, 4923.99, 4927.13, 4928.01, 4928.143, 4928.64, 5101.09, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 5101.20, 5101.201, 5101.214, 5101.23, 5101.241, 5101.26, 5101.27, 5101.28, 5101.32, 5101.33, 5101.35, 5101.36, 5101.61, 5101.802, 5107.05, 5107.10, 5108.01, 5117.10, 5119.01, 5119.22, 5119.221, 5119.34, 5119.41, 5120.035, 5120.22, 5120.55, 5122.32, 5123.01, 5123.377, 5123.378, 5123.38, 5123.46, 5123.47, 5123.60, 5124.15, 5124.25, 5126.0221, 5126.042, 5126.054, 5149.10, 5149.311, 5149.36, 5160.052, 5160.37, 5160.40, 5160.401, 5162.021, 5162.12, 5162.40, 5162.41, 5162.52, 5162.66, 5162.70, 5163.01, 5163.03, 5164.01, 5164.31, 5164.34, 5164.341, 5164.342, 5164.37, 5164.57, 5164.752, 5164.753, 5165.01, 5165.106, 5165.1010, 5165.15, 5165.151, 5165.153, 5165.154, 5165.157, 5165.16, 5165.17, 5165.19, 5165.192, 5165.21, 5165.23, 5165.25, 5165.34, 5165.37, 5165.41, 5165.42, 5165.52, 5166.01, 5166.16, 5166.22, 5166.30, 5166.40, 5166.405, 5166.408, 5167.01, 5167.03, 5167.04, 5167.30, 5168.01, 5168.02, 5168.06, 5168.07, 5168.09, 5168.10, 5168.11, 5168.14, 5168.26, 5168.99, 5502.01, 5502.13, 5502.68, 5503.02, 5515.07, 5575.02, 5575.03, 5577.081, 5595.03, 5595.06, 5595.13, 5703.052, 5703.053, 5703.054, 5703.056, 5703.19, 5703.21, 5703.26, 5703.371, 5703.50, 5703.57, 5703.70, 5703.75, 5705.03, 5705.16, 5709.12, 5709.17, 5709.212, 5709.45, 5709.62, 5709.63, 5709.632, 5709.64, 5709.68, 5709.92, 5713.051, 5713.31, 5713.33, 5713.34, 5715.01, 5715.20, 5715.27, 5715.39, 5717.04, 5725.33, 5725.98, 5726.98, 5727.26, 5727.28, 5727.31, 5727.311, 5727.38, 5727.42, 5727.47, 5727.48, 5727.53, 5727.60, 5727.80, 5727.81, 5729.98, 5731.46, 5731.49, 5733.40, 5735.02, 5736.06, 5739.01, 5739.02, 5739.021, 5739.023, 5739.025, 5739.026, 5739.029, 5739.033, 5739.09, 5739.122, 5739.13, 5739.132, 5739.30, 5741.021, 5741.022, 5741.12, 5743.01, 5743.03, 5743.081, 5743.15, 5743.51, 5743.61, 5743.62, 5743.63, 5747.02, 5747.06, 5747.08, 5747.113, 5747.122, 5747.50, 5747.502, 5747.51, 5747.53, 5747.70, 5747.98, 5749.01, 5749.02, 5749.03, 5749.04, 5749.06, 5749.17, 5751.02, 5903.11, 5919.34, 5923.05, 6111.03, 6111.036, 6111.04, 6111.046, 6111.14, 6111.30, 6117.38, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, and 6301.18; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 103.42 (103.416), 152.08 (123.011), 3742.49 (3742.44), 3742.50 (3742.45), 3742.51 (3742.46), 4731.081 (4731.08), 4731.091 (4731.09), and 4731.092 (4731.091); to enact new sections 3319.229, 3742.43, and 5739.18 and sections 101.88, 101.881, 101.882, 101.89, 103.43, 107.036, 107.56, 109.46, 122.15, 122.151, 122.152, 122.153, 122.154, 122.155, 122.156, 125.03, 125.051, 125.32, 126.231, 135.77, 135.771,

135.772, 135.773, 135.774, 135.78, 166.50, 190.01, 190.02, 313.132, 503.70, 718.80, 718.81, 718.82, 718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 718.88, 718.89, 718.90, 718.91, 718.92, 718.93, 718.94, 718.95, 924.211, 1121.29, 1501.08, 2967.122, 3311.27, 3313.5315, 3313.6112, 3313.6113, 3313.821, 3313.904, 3314.29, 3317.062, 3317.27, 3318.037, 3318.39, 3318.421, 3323.022, 3332.071, 3333.0414, 3333.0415, 3333.051, 3333.052, 3333.166, 3333.45, 3333.94, 3333.951, 3345.025, 3345.57, 3345.59, 3347.091, 3358.051, 3365.091, 3701.12, 3701.144, 3701.916, 3715.08, 3729.14, 3734.578, 3745.018, 3901.89, 3901.90, 4501.07, 4504.201, 4511.513,, 4717.051, 4717.41, 4723.51, 4723.52, 4725.031, 4725.032, 4725.63, 4725.64, 4725.65, 4725.66, 4725.67, 4729.021, 4729.23, 4729.24, 4729.772, 4730.55, 4730.56, 4731.04, 4731.83, 4744.02, 4744.07, 4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 4744.20, 4744.24, 4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 4744.50, 4744.54, 4745.021, 4747.051, 4751.043, 4751.044, 4752.22, 4752.24, 4753.061, 4759.011, 4759.051, 4761.011, 4761.032, 4779.35, 4781.281, 4781.56, 4781.57, 4901.041, 5101.074, 5116.01, 5116.02, 5116.03, 5116.06, 5116.10, 5116.11, 5116.12, 5116.20, 5116.21, 5116.22, 5116.23, 5116.24, 5116.25, 5119.011, 5119.19, 5119.48, 5119.89, 5120.68, 5149.38, 5153.113, 5162.16, 5162.65, 5163.15, 5164.10, 5164.29, 5164.761, 5164.78, 5165.36, 5165.361, 5166.37, 5166.38, 5167.121, 5167.18, 5167.34, 5168.75, 5168.76, 5168.77, 5168.78, 5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 5168.85, 5168.86, 5501.91, 5502.1321, 5511.11, 5516.20, 5703.0510, 5705.233, 5709.48, 5709.49, 5709.50, 5747.031, 5747.503, 5747.504, 5748.10, 5907.17, 5907.18, 6301.111, 6301.112, 6301.20, and 6301.21; to repeal sections 123.27, 152.01, 152.02, 152.04, 152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 152.11, 152.12, 152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 152.19, 152.21, 152.22, 152.23, 152.24, 152.241, 152.242, 152.26, 152.27, 152.28, 152.31, 152.32, 152.33, 173.53, 330.01, 330.02, 330.04, 330.05, 330.07, 340.091, 759.24, 763.02, 763.05, 901.90, 921.60, 921.61, 921.62, 921.63, 921.64, 921.65, 1181.16, 1181.17, 1181.18, 1501.022, 1506.24, 1513.181, 3301.28, 3317.018, 3317.019, 3317.026, 3317.027, 3318.19, 3318.30, 3318.31, 3319.223, 3319.229, 3333.13, 3704.144, 3706.26, 3712.042, 3719.02, 3719.021, 3719.03, 3719.031, 3727.33, 3727.331, 3727.34, 3727.35, 3727.36, 3727.37, 3727.38, 3727.39, 3727.391, 3727.40, 3727.41, 3734.821, 3742.43, 3742.44, 3742.45, 3742.46, 3742.47, 3742.48, 4709.04, 4709.06, 4709.26, 4709.27, 4725.03, 4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 4729.14, 4731.08, 4731.09, 4731.11, 4731.12, 4731.13, 4731.141, 4731.29, 4731.53, 4731.54, 4731.55, 4731.57, 4731.571, 4736.04, 4736.16, 4747.03, 4753.03, 4753.04, 4759.03, 4759.04, 4761.02, 4761.15, 4761.16, 4779.05, 4779.06, 4779.07, 4779.16, 4921.15, 4921.16, 5115.01, 5115.02, 5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, 5115.23, 5162.54, 5164.88, 5164.881, 5166.13, 5739.18, 5747.056, 6111.033, and 6111.40 of the Revised Code; to amend the version of section 5735.07 of the Revised Code that is scheduled to

take effect January 1, 2018; to amend sections 102.02, 109.572, 111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 135.321, 135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 1101.03, 1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 1111.01, 1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 1121.33, 1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 1121.50, 1121.56, 1123.01, 1123.02, 1123.03, 1125.01, 1125.03, 1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 2335.25, 3351.07, 3767.41, 4303.293, and 5814.01; to amend, for the purpose of adopting new section numbers as shown in parentheses, sections 1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 1103.09 (1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 (1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 (1117.07), and 1113.01 (1113.02); to enact new section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 1114.12, 1114.16, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, 1121.19, and 1121.29; and to repeal sections 1105.06, 1107.01, 1109.60, 1115.18, 1115.19, 1115.25, 1121.52, 1133.01, 1133.02, 1133.03, 1133.04, 1133.05, 1133.06, 1133.07, 1133.08, 1133.09, 1133.10, 1133.11, 1133.12, 1133.13, 1133.14, 1133.15, 1133.16, 1151.01, 1151.02, 1151.03, 1151.04, 1151.05, 1151.051, 1151.052, 1151.053, 1151.06, 1151.07, 1151.08, 1151.081, 1151.09, 1151.091, 1151.10, 1151.11, 1151.12, 1151.13, 1151.14, 1151.15, 1151.16, 1151.17, 1151.18, 1151.19, 1151.191, 1151.192, 1151.20, 1151.201, 1151.21, 1151.22, 1151.23, 1151.231, 1151.24, 1151.25, 1151.26, 1151.27, 1151.28, 1151.29, 1151.291,

1151.292, 1151.293, 1151.294, 1151.295, 1151.296, 1151.297, 1151.298, 1151.299, 1151.2910, 1151.2911, 1151.30, 1151.31, 1151.311, 1151.312, 1151.32, 1151.321, 1151.323, 1151.33, 1151.34, 1151.341, 1151.342, 1151.343, 1151.344, 1151.345, 1151.346, 1151.347, 1151.348, 1151.349, 1151.35, 1151.36, 1151.361, 1151.37, 1151.38, 1151.39, 1151.40, 1151.41, 1151.411, 1151.42, 1151.44, 1151.45, 1151.46, 1151.47, 1151.471, 1151.48, 1151.49, 1151.51, 1151.52, 1151.53, 1151.54, 1151.55, 1151.60, 1151.61, 1151.62, 1151.63, 1151.64, 1151.66, 1151.71, 1151.72, 1151.99, 1153.03, 1153.05, 1153.06, 1153.07, 1153.99, 1155.01, 1155.011, 1155.02, 1155.021, 1155.03, 1155.05, 1155.07, 1155.071, 1155.08, 1155.09, 1155.091, 1155.10, 1155.11, 1155.12, 1155.15, 1155.16, 1155.17, 1155.18, 1155.20, 1155.21, 1155.23, 1155.24, 1155.25, 1155.26, 1155.27, 1155.28, 1155.31, 1155.35, 1155.37, 1155.41, 1155.42, 1155.43, 1155.44, 1155.45, 1155.46, 1155.47, 1157.01, 1157.03, 1157.04, 1157.05, 1157.06, 1157.09, 1157.10, 1157.11, 1157.12, 1157.13, 1157.14, 1157.17, 1157.18, 1157.19, 1157.20, 1157.21, 1157.22, 1157.23, 1157.24, 1157.25, 1157.26, 1157.27, 1157.28, 1157.29, 1157.30, 1157.33, 1161.01, 1161.02, 1161.03, 1161.04, 1161.05, 1161.06, 1161.07, 1161.071, 1161.08, 1161.09, 1161.10, 1161.11, 1161.111, 1161.12, 1161.13, 1161.14, 1161.15, 1161.16, 1161.17, 1161.18, 1161.19, 1161.20, 1161.21, 1161.22, 1161.23, 1161.24, 1161.25, 1161.26, 1161.27, 1161.28, 1161.29, 1161.30, 1161.31, 1161.32, 1161.33, 1161.34, 1161.35, 1161.36, 1161.37, 1161.38, 1161.39, 1161.40, 1161.41, 1161.42, 1161.43, 1161.44, 1161.441, 1161.45, 1161.46, 1161.47, 1161.48, 1161.49, 1161.50, 1161.51, 1161.52, 1161.53, 1161.54, 1161.55, 1161.56, 1161.57, 1161.58, 1161.59, 1161.60, 1161.601, 1161.61, 1161.62, 1161.63, 1161.631, 1161.64, 1161.65, 1161.66, 1161.67, 1161.68, 1161.69, 1161.70, 1161.71, 1161.72, 1161.73, 1161.74, 1161.75, 1161.76, 1161.77, 1161.78, 1161.79, 1161.80, 1161.81, 1163.01, 1163.02, 1163.03, 1163.04, 1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 1163.12, 1163.121, 1163.13, 1163.14, 1163.15, 1163.19, 1163.20, 1163.21, 1163.22, 1163.24, 1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 1165.04, 1165.05, 1165.06, 1165.09, 1165.10, 1165.11, 1165.12, 1165.13, 1165.14, 1165.17, 1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 1165.28, 1165.29, 1165.30, 1165.33, 1181.16, 1181.17, 1181.18, and 3333.93 of the Revised Code; to amend sections 1923.02, 3781.06, 4505.181, 4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 4781.37, 4781.38, 4781.39, and 4781.45; to enact new section 4781.54 and section 4781.011; and to repeal sections 4781.02, 4781.03, 4781.05, 4781.13, 4781.54, and 4781.55 of the Revised Code; to amend sections 329.04 and 2329.66 of the Revised Code effective December 31, 2017; to repeal the version of section 118.023 of the Revised Code that is scheduled to take effect September 29, 2017; to amend sections 109.572, 3701.83, 4713.10, 4713.56,

4731.07, 4731.224, and 4776.01 of the Revised Code effective January 21, 2018; to amend section 5101.61 and to amend, for the purpose of adopting a new section number as indicated in parentheses, section 5101.61 (5101.63) of the Revised Code effective one year after the effective date of this act; to repeal sections 103.44, 103.45, 103.46, 103.47, 103.48, 103.49, and 103.50 of the Revised Code effective October 1, 2017; to repeal section 5166.35 of the Revised Code effective January 1, 2019; to amend for the purpose of codifying and changing the number of Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly to section 3333.95 of the Revised Code; to amend for the purpose of codifying and changing the number of Section 529.10 of S.B. 310 of the 131st General Assembly to section 123.211 of the Revised Code; to amend Sections 205.10, 205.20, and 812.50 of Sub. H.B. 26 of the 132nd General Assembly, Sections 125.13 and 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly, Section 253.330 of Am. Sub. S.B. 260 of the 131st General Assembly, Sections 207.440, 213.10, 213.20, 217.10, 221.20, 227.10, 229.10, and 229.30 of S.B. 310 of the 131st General Assembly, Sections 203.10, 207.290, 221.10, 223.10, and 239.10 of S.B. 310 of the 131st General Assembly, as subsequently amended, Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as subsequently amended, Section 2 of Am. Sub. S.B. 1 of the 130th General Assembly, as subsequently amended, Section 3 of Sub. S.B. 9 of the 130th General Assembly, and Section 7 of Sub. H.B. 532 of the 129th General Assembly, as subsequently amended; to repeal Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly and Section 745.20 of Sub. H.B. 26 of the 132nd General Assembly; and to repeal Section 757.120 of the act effective August 10, 2018 to make operating appropriations for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of state programs, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Skindell moved to amend as follows:

Between lines 136434a and 136435, insert:

"GRF 336XXX Crisis Stabilization \$5,000,000 \$5,000,000"

In line 136440, add \$5,000,000 to each fiscal year

In line 136472, add \$5,000,000 to each fiscal year

In line 129054, delete "\$6,890,484 \$6,890,484" and insert "\$9,890,484 \$9,890,484"

In line 129058, add \$3,000,000 to each fiscal year

In line 127725, add \$3,000,000 to each fiscal year

In line 129100, delete "The" and insert "Of the"

In line 129101, after the first comma insert "\$9,740,484 in each fiscal

year"

In line 129106, delete everything after the period

Delete line 129107

In line 129108, delete "expand evidence-based/informed programming."

Between lines 129110 and 129111, insert:

"Of the foregoing appropriation item 490411, Senior Community Services, \$150,000 in each fiscal year shall be allocated to Miami University's Scripps Gerontology Center to conduct an evaluation of the Senior Community Services Block Grant. The evaluation shall be completed not later than June 30, 2019. The Department of Aging and the Ohio Association of Area Agencies on Aging shall provide guidance in the development of the evaluation and in the analysis and dissemination of results."

In line 137696, delete "\$1,979,416,550 \$1,979,416,550" and insert "\$2,026,916,550 \$2,026,916,550"

In line 137722, delete "\$103,425,000 \$104,875,000" and insert "\$150,925,000 \$152,375,000"

Between lines 137723b and 137724 insert:

"GRF 235XXX In-Demand Short-Term \$5,000,000 \$5,000,000"

Certificate Programs

In line 137727, add \$100,000,000 to each fiscal year

In line 137754, add \$100,000,000 to each fiscal year

In line 138416, delete "\$456,256,006" and insert "\$467,204,768"

In line 138420, delete "\$1,523,160,544" and insert "\$1,559,711,782"

In line 138795, delete "\$97,792,598" and insert "\$145,292,598"

In line 138796, delete "\$99,132,084" and insert "\$146,632,084"

Between lines 138878 and 138879, insert:

"IN-DEMAND SHORT-TERM CERTIFICATE PROGRAMS

The foregoing appropriation item 235XXX, In-Demand Short-Term Certificate Programs, shall be distributed to community colleges to support the development and instructional costs associated with programs that may be completed in less than one year and for which a certificate or industry-recognized credential is awarded in an in-demand job as provided under section 3333.122 of the Revised Code.

The Ohio Association of Community Colleges, in consultation with the

Department of Higher Education, the Governor's Office of Workforce Transformation, and the Department of Job and Family Services, shall develop a distribution method for allocating funds provided under the foregoing appropriation item 235XXX to institutions."

In line 134647, delete "\$13,500,000 \$13,500,000" and insert "\$28,500,000 \$28,500,000"

In line 134648, delete "\$2,740,000 \$2,740,000" and insert "\$12,740,000 \$12,740,000"

In line 134655, add \$25,000,000 to each fiscal year

In line 134707, add \$25,000,000 to each fiscal year

Between lines 134937 and 134938, insert:

"Section 307.13_. ADULT PROTECTIVE SERVICES

Of the foregoing appropriation item 600534, Adult Protective Services, \$5,720,000 in each fiscal year shall be used to provide each county department of job and family services an initial allocation of \$65,000 to hire one full-time adult protective services caseworker."

In line 195 of the title, after "5101.802," insert "5104.30,"

In line 620, after "5101.802," insert "5104.30,"

After line 81295, insert:

"Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health

and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B)(1) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. ~~The~~

(2) The department shall permit providers of publicly funded child care to layer funds distributed pursuant to this section with other funds, including funds received pursuant to the "Head Start Act," 42 U.S.C. 9831, as amended.

(3) The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules

adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

- (a) Reimbursement ceilings for providers of publicly funded child care not later than the first day of July in each odd-numbered year;
- (b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:

- (a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;
- (b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;
- (c) For an in-home aide, establish an hourly reimbursement ceiling;
- (d) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, do both of the following:
 - (i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the program and maintain quality ratings;
 - (ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain

quality ratings.

(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:

- (a) Geographic location of the provider;
- (b) Type of care provided;
- (c) Age of the child served;
- (d) Special needs of the child served;
- (e) Whether the expanded hours of service are provided;
- (f) Whether weekend service is provided;
- (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;
- (h) Any other factors the director considers appropriate."

In line 102776, after "5101.802," insert "5104.30,"

After line 134641, insert:

GRF	600503	Job and Family Services Program Support	12,000,000	12,000,000"
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In line 134655, add \$12,000,000 to each fiscal year

In line 134707, add \$12,000,000 to each fiscal year

After line 135024, insert:

**"Section 307.220.JOB AND FAMILY SERVICES PROGRAM
SUPPORT**

Of the foregoing appropriation item 600503, Job and Family Services Program Support, \$12,000,000 in each fiscal year shall be used to cover the cost to the state of permitting providers of publicly funded child care to layer funds as required under division (B)(2) of section 5104.30 of the Revised Code."

Between lines 134216a and 134217, insert:

"GRF 440XXX Toxicology Screenings \$1,000,000 \$1,000,000"

In line 134220, add \$1,000,000 to each fiscal year

Delete line 134246

In line 134251, subtract \$1,000,000 from each fiscal year

Between lines 134326 and 134327, insert:

"TOXICOLOGY SCREENINGS

The foregoing appropriation item 440XXX, Toxicology Screenings, shall be used by the Department of Health to reimburse county coroners in counties in which the coroner has performed toxicology screenings on victims of a drug overdose. The Director of Health shall transfer the funds to the counties in proportion to the numbers of toxicology screenings performed per county."

Delete lines 134391 through 134394

In line 134645, delete "\$77,268,993 \$77,268,993" and insert "\$77,418,993 \$77,418,993"

In line 134655, add \$150,000 to each fiscal year

Delete lines 134669 and 134669a

In line 134671, subtract \$150,000 from each fiscal year

Between lines 134895 and 134896, insert:

"Of the foregoing appropriation item 600523, Family and Children Services, \$150,000 in each fiscal year shall be allocated by the Department of Job and Family Services to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code."

Delete lines 134990 through 134993

Between lines 135589 and 135590, insert:

"GRF 651XXX Brigid's Path Program \$500,000 \$500,000"

In line 135591, add \$500,000 to each fiscal year

In line 135593, add \$500,000 to each fiscal year

Delete line 135606

In line 135608, subtract \$500,000 from each fiscal year

Between lines 135706 and 135707, insert:

"Section 333. __. BRIGID'S PATH PROGRAM

The foregoing appropriation item 651XXX, Brigid's Path Program, shall be used by the Department of Medicaid, in consultation with the Department of Job and Family Services and the Department of Health, to develop a pilot program under which newborns who have neonatal abstinence syndrome are, after being medically stabilized at a hospital, transferred to a nonhospital, community facility that is located in Montgomery County and

provides the newborns medical, pharmacological, and therapeutic services specified by the Department of Medicaid, the Department of Job and Family Services, and the Department of Health. The departments shall begin operation of the pilot program not later than ninety days after the effective date of this section and shall cease operation of the pilot program on July 1, 2018. Not later than ninety days after the date the pilot program ends, the Department of Medicaid, the Department of Job and Family Services, and the Department of Health shall jointly complete a report about the pilot program. The report shall include recommendations for making the pilot program statewide and part of the Medicaid program. The Department of Medicaid, the Department of Job and Family Services, and the Department of Health jointly shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code."

Delete lines 135760 through 135763

In line 136430, delete "\$72,214,846 \$72,214,846" and insert "\$78,214,846 \$78,214,846"

In line 136440, add \$6,000,000 to each fiscal year

Delete lines 136442 and 136442a

In line 136451, subtract \$6,000,000 from each fiscal year

Between lines 136530 and 136531, insert:

"(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$6,000,000 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. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, acute substance use disorder stabilization centers. There shall be one center located in each state psychiatric hospital region. The Department of Mental Health and Addiction Services shall conduct an analysis of each acute substance use disorder 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.

(F) Boards of alcohol, drug addiction, and mental health services shall ensure that each acute substance use disorder stabilization center established and administered under division (D) of this section complies with all of the following:

(1) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It admits individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It is located in a building constructed for another purpose before the effective date of this section.

(5) It admits individuals who have been identified as needing the stabilization services provided by the center.

(6) 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.

(G) As used in this section:

(1) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(2) "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.

(3) "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."

Delete lines 137018 through 137021

Between lines 139137a and 139138, insert:

"GRF 5014XX Probation Improvement and Incentive Grants
\$10,000,000 \$10,000,000"

In line 139143, add \$10,000,000 to each fiscal year

Delete lines 139151 and 139151a

In line 139153, subtract \$10,000,000 from each fiscal year

In line 139179, delete "501610" and insert "5014XX"

In line 139182, delete "in accordance with"

In line 139183, delete everything before "with"

Delete lines 143911 through 144015

In line 137027, delete "\$985,000 \$985,000" and insert "\$4,985,000
\$4,985,000"

In line 137028, add \$4,000,000 to each fiscal year

In line 137032, add \$4,000,000 to each fiscal year

In line 134651, delete "\$100,000 \$100,000" and insert "\$2,500,000 \$2,500,000"

In line 134655, add \$2,400,000 to each fiscal year

In line 134707, add \$2,400,000 to each fiscal year

Between lines 134641 and 134642, insert:

"GRF 600503 Job and Family Services \$2,000,000 \$2,000,000"

Program Support

In line 134655, add \$2,000,000 to each fiscal year

In line 134707, add \$2,000,000 to each fiscal year

Between lines 135024 and 135025, insert:

"Section 307.220. JOB AND FAMILY SERVICES PROGRAM SUPPORT

The foregoing appropriation item 600503, Job and Family Services Program Support, shall be used by the Director of Job and Family Services, in collaboration with the Chancellor of Higher Education, as state match for the Supplemental Nutrition Assistance Program Employment and Training program funded by the United States Department of Agriculture's Food and Nutrition Service.

The Director of Job and Family Services, in collaboration with the Chancellor of Higher Education, shall do the following:

(A) Convene a skills-based Supplemental Nutrition Assistance Program Employment and Training program planning committee to develop a plan for the expansion of the program, which shall at least include representatives of community colleges, local workforce development boards, and nonprofit organizations that provide employment and training services for low-income individuals;

(B) Identify workforce development, adult basic education, and higher education programs and resources that could serve as potential providers of education, training, and support services;

(C) Identify resources that could be reimbursed by funds from the United States Department of Agriculture and develop guidance on leveraging eligible state, local, and philanthropic resources to qualify for Supplemental Nutrition Assistance Program Employment and Training program federal match. The guidance shall include a description of the process to participate in the Supplemental Nutrition Assistance Program Employment and Training program, and a description of a system of tracking participant eligibility, enrollment, continued participation, and outcomes.

(D) Incorporate the plan to expand a skills-based Supplemental Nutrition Assistance Program Employment and Training program into the

annual state Supplemental Nutrition Assistance Program Employment and Training plan submitted to the United States Department of Agriculture."

In line 134200, delete "\$1,500,000 \$1,500,000" and insert "\$3,000,000 \$3,000,000"

In line 134220, add \$1,500,000 to each fiscal year

In line 134269, add \$1,500,000 to each fiscal year

In line 130429, delete "\$583,775,649" and insert "\$599,544,382"

In line 130430, add \$15,768,733 to fiscal year 2019

In line 130448, delete "\$1,718,457,466" and insert "\$1,744,185,399"

In line 130451, add \$25,727,933 to fiscal year 2019

In line 130452, add \$41,496,667 to fiscal year 2019

Between lines 131287 and 131288, insert:

"Section 261. ___. IO AND SELF MEDICAID WAIVER SLOTS

There shall be a total of one thousand three hundred more slots available under the Individual Options Medicaid waiver program and the Self Empowered Life Funding Medicaid waiver program during the period beginning July 1, 2017, and ending June 30, 2019, than are available on June 30, 2017. The Director of Developmental Disabilities shall determine how many of the additional slots will be available under the Individual Options Medicaid waiver program and how many of the additional slots will be available under the Self Empowered Life Funding Medicaid waiver program."

In line 202 of the title, after "5160.401," insert "5162.01,"

In line 210 of the title, delete "5166.40, 5166.405,"

In line 211 of the title, delete "5166.408,"

In line 278 of the title, after "5162.16," insert "5162.201,"

In line 315 of the title, after "5166.13," insert "5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.408, 5166.409"

In line 624, after "5160.401," insert "5162.01,"

In line 631, delete "5166.40, 5166.405, 5166.408,"

In line 676, after "5162.16," insert "5162.201,"

Between lines 84622 and 84623, insert:

"Sec. 5162.01. (A) As used in the Revised Code:

(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States

secretary of health and human services.

(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) As used in this chapter:

(1) "Cost sharing" has the same meaning as in 42 C.F.R. 447.51.

(2) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

~~(2)~~(3) "Exchange" has the same meaning as in 45 C.F.R. 155.20.

~~(3)~~(4) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.

~~(4)~~(5) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

(5)(6) "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code.

~~(6)~~(7) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component.

~~(7)~~(8) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component.

(8)(9) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

~~(9)~~(10) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

~~(10)~~(11) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code.

~~(11)~~(12) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

~~(12)~~(13) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

~~(13)~~(14) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

~~(14)~~(15) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code;

~~(15)~~(16) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

~~(16)~~(17) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services.

~~(17)~~(18) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.

~~(18)~~(19) "Premium" has the same meaning as in 42 C.F.R. 447.51.

~~(19)~~(20) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

~~(19)~~(21) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

~~(20)~~(22) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:

(a) It holds a valid provider agreement.

(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.

~~(21)~~(23) "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.

~~(22)~~(24) "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider."

Between lines 84689 and 84690, insert:

"Sec. 5162.201. The department of medicaid may not require an individual who is eligible for the medicaid program on the basis of being included in the expansion eligibility group, as defined in section 5163.01 of the Revised Code, to pay a premium as a condition of enrolling or remaining enrolled in the medicaid program."

Delete lines 88202 through 88304

In line 88339, after the period strike through the balance of the line

Strike through lines 88340 and 88341

In line 88342, strike through "shall participate in the"; strike through "system."

In line 106054, after "5160.401," insert "5162.01,"

In line 106061, delete "5166.40, 5166.405, 5166.408,"

In line 106100, after "5166.13," insert "5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.408, 5166.409,"

In line 135586, delete "\$3,763,967,966 \$3,917,695,014" and insert "\$3,765,135,123 \$3,926,159,950"

In line 135587, delete "\$9,901,479,541 \$10,234,340,703" and insert "\$9,952,929,938 \$10,410,605,565"

In line 135588, delete "\$13,665,447,507 \$14,152,035,717" and insert "\$13,718,065,061 \$14,336,765,515"

In line 135591, add \$1,167,157 to fiscal year 2018 and \$8,464,936 to fiscal year 2019

In line 135592, add \$51,450,397 to fiscal year 2018 and \$176,264,862 to fiscal year 2019

In line 135593, add \$52,617,554 to fiscal year 2018 and \$184,729,798 to fiscal year 2019

In line 135619, add \$52,617,554 to fiscal year 2018 and \$184,729,798 to fiscal year 2019

Delete lines 136247 through 136252

Between lines 144694 and 144695, insert:

"Section 5162.01 of the Revised Code as amended by both Sub. H.B. 89 and Sub. S.B. 332 of the 131st General Assembly."

Between lines 134651a and 134652, insert:

"GRF 600549 Ohio 211 Program \$900,000 \$900,000"

In line 134655, add \$900,000 to each fiscal year

In line 134707, add \$900,000 to each fiscal year

Between lines 134760 and 134761, insert:

"Section 307.3__.OHIO 211 PROGRAM

The foregoing appropriation item 600549, Ohio 211 Program, shall be used by the Director of Job and Family Services to enter into a contract with Ohio United Way for the support and expansion of the 2-1-1 program in the state of Ohio.

Any unexpended and unencumbered portion of the foregoing appropriation item 600549, Ohio 211 Program, at the end of fiscal year 2018

is hereby reappropriated for the same purpose in fiscal year 2019."

In line 134204, delete "\$2,489,621 \$3,489,621" and insert "\$3,089,621 \$4,089,621"

In line 134220, add \$600,000 to each fiscal year

In line 134269, add \$600,000 to each fiscal year

Between lines 134323 and 134324, insert:

"Of the foregoing appropriation item 440482, Chronic Disease/Health Promotion, \$550,000 in each fiscal year shall be used for the Ohio Partnership To Improve Oral Health Through Access to Needed Services Program."

In line 203 of the title, after "5163.03," insert "5163.06,"

In line 626, after "5163.03," insert "5163.06,"

Between lines 84966 and 84967, insert:

"Sec. 5163.06.The medicaid program shall cover all of the following optional eligibility groups:

(A) The group consisting of children placed with adoptive parents who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(VIII); of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII);

(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the sixty-day period beginning on the last day of the pregnancy, infants, and children who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(IX); of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);

(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in ~~the "Soeial Security Act,"~~ section 1902(a)(10)(A)(ii)(XV); of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XV);

(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(XVI); of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

(E) The group consisting of independent foster care adolescents who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(XVII); of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);

(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in ~~the "Social Security Act,"~~ section 1902(a)(10)(A)(ii)(XVIII); of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

(G) The group consisting of nonpregnant individuals who may receive family planning services and supplies and are specified in section 1902(a)(10)(A)(ii)(XXI) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI)."

In line 106056, after "5163.03," insert "5163.06,"

In line 135586, delete "\$3,763,967,966 \$3,917,695,014" and insert "\$3,764,327,966 \$3,918,055,014"

In line 135587, delete "\$9,901,479,541 \$10,234,340,703" and insert "\$9,904,719,541 \$10,237,580,703"

In line 135588, delete "\$13,665,447,507 \$14,152,035,717" and insert "\$13,669,047,507 \$14,155,635,717"

In line 135591, add \$360,000 to each fiscal year

In line 135592, add \$3,240,000 to each fiscal year

In line 135593, add \$3,600,000 to each fiscal year

In line 135619, add \$3,600,000 to each fiscal year

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,"

In line 135586, delete "\$3,763,967,966 \$3,917,695,014" and insert "\$3,777,543,239 \$3,936,829,862"

In line 135587, delete "\$9,901,479,541 \$10,234,340,703" and insert "\$9,939,504,268 \$10,287,205,855"

In line 135588, delete "\$13,665,447,507 \$14,152,035,717" and insert "\$13,717,047,507 \$14,224,035,717"

In line 135591, add \$13,575,273 to fiscal year 2018 and \$19,134,848 to fiscal year 2019

In line 135592, add \$38,024,727 to fiscal year 2018 and \$52,865,152 to fiscal year 2019

In line 135593, add \$51,600,000 to fiscal year 2018 and \$72,000,000 to fiscal year 2019

In line 135619, add \$51,600,000 to fiscal year 2018 and \$72,000,000 to fiscal year 2019

Delete lines 135991 through 135994

In line 136424, delete "\$450,000 \$450,000" and insert "\$1,450,000 \$1,450,000"

In line 136440, add \$1,000,000 to each fiscal year

In line 136472, add \$1,000,000 to each fiscal year

Between lines 136472 and 136474, insert:

"Section 337.20.RESIDENT TRAINEES

Of the foregoing appropriation item 336402, Resident Trainees, up to \$500,000 in each fiscal year shall be used to assist with workforce recruitment and retention by supporting community behavioral health centers in the provision of clinical oversight and supervision of practitioners working toward their independent licensure.

Of the foregoing appropriation item 336402, Resident Trainees, up to \$500,000 in each fiscal year shall be used to support residency programs for psychiatrists, advanced practice nurses, and physician assistants who engage in the public behavioral health system.

Of the foregoing appropriation item 336402, Resident Trainees, up to \$450,000 in each fiscal year may be used to fund residencies and traineeship programs in psychiatry, psychology, nursing, and social work at state universities and teaching hospitals."

In line 130429, delete "\$583,775,649" and insert "\$593,592,111"

In line 130430, add \$9,816,462 to fiscal year 2019

In line 130448, delete "\$1,718,457,466" and insert "\$1,734,473,798"

In line 130451, add \$16,016,332 to fiscal year 2019

In line 130452, add \$25,832,794 to fiscal year 2019

Between lines 131287 and 131288, insert:

"Section 261. ____ .INDIVIDUALS WITH COMPLEX CARE NEEDS

As used in this section, "individual with complex care needs" means an individual with a developmental disability who is dependent in all areas of daily living, cannot verbally communicate the individual's needs, and is dependent on direct service staff to learn the individual's nonverbal methods of communication and how to meet the individual's complex needs.

The Medicaid payment rates for home and community-based services provided under a Medicaid waiver component administered by the Department of Developmental Disabilities shall be increased for the purpose of encouraging Medicaid providers to provide the services to Medicaid recipients who are individuals with complex care needs during the period beginning July 1, 2017, and ending July 1, 2019.

Section 261. ____ .DIRECT SERVICE STAFF WAGES

The Medicaid payment rates for home and community-based services provided under a Medicaid waiver component administered by the Department of Developmental Disabilities shall be increased for the purpose of increasing the wages of direct service staff during the period beginning

July 1, 2017, and ending July 1, 2019."

In line 134764, delete "\$17,050,000" and insert "\$22,050,000"

In line 134772, delete "\$19,550,000" and insert "\$24,550,000"

In line 3 of the title, after "109.803," insert "109.90,"

In line 40 of the title, after "1733.24," insert "1739.05, 1751.01,"

In line 95 of the title, after "3715.041," insert "3715.89,"

In line 150 of the title, after "4729.67," insert "4729.69,"

In line 152 of the title, after "4729.86," insert "4729.99,"

In line 197 of the title, after "5119.41," insert "5119.49,"

In line 211 of the title, after "5167.04," insert "5167.12,"

In line 255 of the title, after "1501.08," insert "1751.692, 1751.76,"; after "2967.122," insert "3301.97,"

In line 262 of the title, after "3701.916," insert "3707.60,"

In line 263 of the title, after "3745.018," insert "3901.80, 3901.801,"; after "3901.90," insert "3923.046, 3923.852,"

In line 277 of the title, after "5119.19," insert "5119.368,"

In line 279 of the title, after "5163.15," insert "5164.092,"; after "5164.29," insert "5164.7512,"

In line 502, after "109.803," insert "109.90,"

In line 529, after "1733.24," insert "1739.05, 1751.01,"

In line 569, after "3715.041," insert "3715.89,"

In line 601, after "4729.67," insert "4729.69,"

In line 603, after "4729.86," insert "4729.99,"

In line 621, after "5119.41," insert "5119.49,"

In line 631, after "5167.04," insert "5167.12,"

In line 664, after "1501.08," insert "1751.692, 1751.76,"; after "2967.122," insert "3301.97,"

In line 669, after "3701.916," insert "3707.60,"; after "3745.018," insert "3901.80, 3901.801,"; after "3901.90," insert "3923.046, 3923.852,"

In line 675, after "5119.19," insert "5119.368,"

In line 676, after "5163.15," insert "5164.092,"; after "5164.29," insert "5164.7512,"

Between lines 3419 and 3420, insert:

"Sec. 109.90.(A) The attorney general shall collaborate with the state board of pharmacy and director of mental health and addiction services in the establishment and administration of a one or more drug take-back programs.

including the Ohio drug take-back program, as provided under section 4729.69 of the Revised Code. The Except as provided in division (D) of section 4729.69 of the Revised Code, the office of the attorney general is solely responsible for the costs incurred in the establishment and administration of the any such program.

(B) The attorney general may accept grants, gifts, or donations for purposes of the ~~program programs~~. Money received under this division or section 5119.49 or 4729.69 of the Revised Code shall be deposited into the state treasury to the credit of the drug take-back program fund, which is hereby created. Money credited to the fund shall be used solely for purposes of the ~~program programs~~."

Between lines 26185 and 26186, insert:

"Sec. 1739.05. (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:

(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.

(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 3902.14, 3923.041, 3923.046, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 3923.852, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the

"Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 U.S.C.A. 1161, as amended.

(E) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code is subject to, and shall comply with, sections 3903.81 to 3903.93 of the Revised Code in the same manner as other life or health insurers, as defined in section 3903.81 of the Revised Code.

Sec. 1751.01. As used in this chapter:

(A)(1) "Basic health care services" means the following services when medically necessary:

(a) Physician's services, except when such services are supplemental under division (B) of this section;

(b) Inpatient hospital services;

(c) Outpatient medical services;

(d) Emergency health services;

(e) Urgent care services;

(f) Diagnostic laboratory services and diagnostic and therapeutic radiologic services;

(g) Diagnostic and treatment services, other than prescription drug services, for biologically based mental illnesses;

(h) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care;

(i) Routine patient care for patients enrolled in an eligible cancer clinical trial pursuant to section 3923.80 of the Revised Code.

"Basic health care services" does not include experimental procedures.

Except as provided by divisions (A)(2) and (3) of this section in connection with the offering of coverage for diagnostic and treatment services for biologically based mental illnesses, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state

that has been entered into by the department of administrative services.

(2) A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses without offering coverage for all other basic health care services. A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses alone or in combination with one or more supplemental health care services. However, a health insuring corporation that offers coverage for any other basic health care service shall offer coverage for diagnostic and treatment services for biologically based mental illnesses in combination with the offer of coverage for all other listed basic health care services.

(3) A health insuring corporation that offers coverage for basic health care services is not required to offer coverage for diagnostic and treatment services for biologically based mental illnesses in combination with the offer of coverage for all other listed basic health care services if all of the following apply:

(a) The health insuring corporation submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of basic health care services to increase by more than one per cent per year.

(b) The health insuring corporation submits a signed letter from an independent member of the American academy of actuaries to the superintendent of insurance opining that the increase in costs described in division (A)(3)(a) of this section could reasonably justify an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services.

(c) The superintendent of insurance makes the following determinations from the documentation and opinion submitted pursuant to divisions (A)(3)(a) and (b) of this section:

(i) Incurred claims for diagnostic and treatment services for biologically based mental illnesses for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of basic health care services to increase by more than one per cent per year.

(ii) The increase in costs reasonably justifies an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services.

Any determination made by the superintendent under this division is

subject to Chapter 119. of the Revised Code.

(B)(1) "Supplemental health care services" means any health care services other than basic health care services that a health insuring corporation may offer, alone or in combination with either basic health care services or other supplemental health care services, and includes:

- (a) Services of facilities for intermediate or long-term care, or both;
- (b) Dental care services;
- (c) Vision care and optometric services including lenses and frames;
- (d) Podiatric care or foot care services;
- (e) Mental health services, excluding diagnostic and treatment services for biologically based mental illnesses;
- (f) Short-term outpatient evaluative and crisis-intervention mental health services;
- ~~(g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;~~
- ~~(h)~~ Home health services;
- ~~(i)~~(h) Prescription drug services;
- ~~(j)~~(i) Nursing services;
- ~~(k)~~(j) Services of a dietitian licensed under Chapter 4759. of the Revised Code;
- ~~(l)~~(k) Physical therapy services;
- ~~(m)~~(l) Chiropractic services;
- ~~(n)~~(m) Any other category of services approved by the superintendent of insurance.

(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.

(C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.

(D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

(E) "Closed panel plan" means a health care plan that requires enrollees to use participating providers.

(F) "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service or discounted-fee-for-service basis.

(G) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.

(H) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.

(I) "Emergency health services" means those health care services that must be available on a seven-days-per-week, twenty-four-hours-per-day basis in order to prevent jeopardy to an enrollee's health status that would occur if such services were not received as soon as possible, and includes, where appropriate, provisions for transportation and indemnity payments or service agreements for out-of-area coverage.

(J) "Enrollee" means any natural person who is entitled to receive health care benefits provided by a health insuring corporation.

(K) "Evidence of coverage" means any certificate, agreement, policy, or contract issued to a subscriber that sets out the coverage and other rights to which such person is entitled under a health care plan.

(L) "Health care facility" means any facility, except a health care practitioner's office, that provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, intellectual disability, intermediate care, or skilled nursing services.

(M) "Health care services" means basic, supplemental, and specialty health care services.

(N) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis.

(O) "Health insuring corporation" means a corporation, as defined in division (H) of this section, that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, basic health care services, supplemental health care services, or specialty health care services, or a combination of basic health care services and either supplemental health care services or specialty health care services, through either an open panel plan or a closed panel plan.

"Health insuring corporation" does not include a limited liability company formed pursuant to Chapter 1705. of the Revised Code, an insurer

licensed under Title XXXIX of the Revised Code if that insurer offers only open panel plans under which all providers and health care facilities participating receive their compensation directly from the insurer, a corporation formed by or on behalf of a political subdivision or a department, office, or institution of the state, or a public entity formed by or on behalf of a board of county commissioners, a county board of developmental disabilities, an alcohol and drug addiction services board, a board of alcohol, drug addiction, and mental health services, or a community mental health board, as those terms are used in Chapters 340. and 5126. of the Revised Code. Except as provided by division (D) of section 1751.02 of the Revised Code, or as otherwise provided by law, no board, commission, agency, or other entity under the control of a political subdivision may accept insurance risk in providing for health care services. However, nothing in this division shall be construed as prohibiting such entities from purchasing the services of a health insuring corporation or a third-party administrator licensed under Chapter 3959. of the Revised Code.

(P) "Intermediary organization" means a health delivery network or other entity that contracts with licensed health insuring corporations or self-insured employers, or both, to provide health care services, and that enters into contractual arrangements with other entities for the provision of health care services for the purpose of fulfilling the terms of its contracts with the health insuring corporations and self-insured employers.

(Q) "Intermediate care" means residential care above the level of room and board for patients who require personal assistance and health-related services, but who do not require skilled nursing care.

(R) "Medical record" means the personal information that relates to an individual's physical or mental condition, medical history, or medical treatment.

(S)(1) "Open panel plan" means a health care plan that provides incentives for enrollees to use participating providers and that also allows enrollees to use providers that are not participating providers.

(2) No health insuring corporation may offer an open panel plan, unless the health insuring corporation is also licensed as an insurer under Title XXXIX of the Revised Code, the health insuring corporation, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1736. or 1740. of the Revised Code, or an insurer licensed under Title XXXIX of the Revised Code is responsible for the out-of-network risk as evidenced by both an evidence of coverage filing under section 1751.11 of the Revised Code and a policy and certificate filing under section 3923.02 of the Revised Code.

(T) "Osteopathic hospital" means a hospital registered under section 3701.07 of the Revised Code that advocates osteopathic principles and the

practice and perpetuation of osteopathic medicine by doing any of the following:

(1) Maintaining a department or service of osteopathic medicine or a committee on the utilization of osteopathic principles and methods, under the supervision of an osteopathic physician;

(2) Maintaining an active medical staff, the majority of which is comprised of osteopathic physicians;

(3) Maintaining a medical staff executive committee that has osteopathic physicians as a majority of its members.

(U) "Panel" means a group of providers or health care facilities that have joined together to deliver health care services through a contractual arrangement with a health insuring corporation, employer group, or other payor.

(V) "Person" has the same meaning as in section 1.59 of the Revised Code, and, unless the context otherwise requires, includes any insurance company holding a certificate of authority under Title XXXIX of the Revised Code, any subsidiary and affiliate of an insurance company, and any government agency.

(W) "Premium rate" means any set fee regularly paid by a subscriber to a health insuring corporation. A "premium rate" does not include a one-time membership fee, an annual administrative fee, or a nominal access fee, paid to a managed health care system under which the recipient of health care services remains solely responsible for any charges accessed for those services by the provider or health care facility.

(X) "Primary care provider" means a provider that is designated by a health insuring corporation to supervise, coordinate, or provide initial care or continuing care to an enrollee, and that may be required by the health insuring corporation to initiate a referral for specialty care and to maintain supervision of the health care services rendered to the enrollee.

(Y) "Provider" means any natural person or partnership of natural persons who are licensed, certified, accredited, or otherwise authorized in this state to furnish health care services, or any professional association organized under Chapter 1785. of the Revised Code, provided that nothing in this chapter or other provisions of law shall be construed to preclude a health insuring corporation, health care practitioner, or organized health care group associated with a health insuring corporation from employing certified nurse practitioners, certified nurse anesthetists, clinical nurse specialists, certified nurse-midwives, dietitians, physician assistants, dental assistants, dental hygienists, optometric technicians, or other allied health personnel who are licensed, certified, accredited, or otherwise authorized in this state to furnish health care services.

(Z) "Provider sponsored organization" means a corporation, as defined in division (H) of this section, that is at least eighty per cent owned or controlled by one or more hospitals, as defined in section 3727.01 of the Revised Code, or one or more physicians licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code, or any combination of such physicians and hospitals. Such control is presumed to exist if at least eighty per cent of the voting rights or governance rights of a provider sponsored organization are directly or indirectly owned, controlled, or otherwise held by any combination of the physicians and hospitals described in this division.

(AA) "Solicitation document" means the written materials provided to prospective subscribers or enrollees, or both, and used for advertising and marketing to induce enrollment in the health care plans of a health insuring corporation.

(BB) "Subscriber" means a person who is responsible for making payments to a health insuring corporation for participation in a health care plan, or an enrollee whose employment or other status is the basis of eligibility for enrollment in a health insuring corporation.

(CC) "Urgent care services" means those health care services that are appropriately provided for an unforeseen condition of a kind that usually requires medical attention without delay but that does not pose a threat to the life, limb, or permanent health of the injured or ill person, and may include such health care services provided out of the health insuring corporation's approved service area pursuant to indemnity payments or service agreements.

Sec. 1751.692. (A) As used in this section:

(1) "Abuse-deterrent" means a labeling claim approved by the United States food and drug administration indicating properties expected to deter or reduce drug abuse.

(2) "Cost-sharing" has the same meaning as in section 1751.69 of the Revised Code.

(3) "Opioid analgesic" has the same meaning as in section 3719.01 of the Revised Code.

(B) Notwithstanding section 3901.71 of the Revised Code, an individual or group health insuring corporation policy, contract, or agreement that provides coverage for prescription drugs shall provide coverage for abuse-deterrent opioid analgesics. All of the following apply to the policy, contract, or agreement:

(1) It shall not deny reimbursement of an abuse-deterrent opioid analgesic solely because a generically equivalent drug is available at a lower cost.

(2) It shall not require treatment with an opioid analgesic that is not

abuse-deterrent before providing coverage of an abuse-deterrent opioid analgesic.

(3) It shall not impose cost-sharing requirements on an abuse-deterrent opioid analgesic that exceed the lowest cost-sharing requirements imposed on any opioid analgesic that is not abuse-deterrent and shall not increase cost-sharing requirements to obtain compliance with division (B)(3) of this section."

Between lines 26521 and 26522, insert:

"Sec. 1751.76. (A) As used in this section:

(1) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of alcoholism or drug addiction, prevention of relapse of alcoholism or drug addiction, or both.

(2) "Prior authorization requirement" has the same meaning as in section 1751.72 of the Revised Code.

(B) Notwithstanding section 3901.71 of the Revised Code, an individual or group health insuring corporation policy, contract, or agreement that provides basic health services shall provide coverage for medical or psychological treatment and referral services for alcohol and drug abuse or addiction, including medication-assisted treatment. All of the following apply to the policy, contract, or agreement:

(1) It shall not impose any prior authorization requirement on the treatment and referral services:

(2) It shall provide coverage for drugs prescribed for the treatment of alcohol and drug abuse or addiction, including buprenorphine and naltrexone.

(3) It shall provide coverage for the treatment and referral services as long as they are needed.

(C) This section does not prohibit a policy, contract, or agreement from imposing copayments, coinsurance, or deductibles for the treatment and referral services described in division (B) of this section."

Between lines 32728 and 32729, insert:

"Sec. 3301.97. (A) The department of education shall establish a grant program to fund school-based initiatives that seek to educate students about opioid dependence and addiction prevention.

(B) In awarding grants, the department shall give priority to initiatives that do both of the following:

(1) Collaborate with individuals, organizations, or entities engaged in activities at the local level to prevent or treat opioid dependence and addiction, including health care professionals, treatment providers, and law

enforcement officials:

(2) Concentrate efforts on students enrolled in grades kindergarten through eight.

(C) The department of education may adopt rules as it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

Between lines 50433 and 50434, insert:

"Sec. 3707.60. (A) As used in this section, "board of health" means the board of health of a city or general health district or authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) Each board of health shall establish an awareness program regarding safe drug disposal, including promoting awareness of collection locations, state and national drug take-back days, and drug repository programs. The awareness program shall do at least the following:

(1) Provide information to pharmacies, manufacturers of dangerous drugs, health care facilities, and government entities regarding the drug repository program established by the state board of pharmacy under section 3715.87 of the Revised Code;

(2) Encourage law enforcement agencies to participate in drug take-back days."

Between lines 51491 and 51492, insert:

"Sec. 3715.89.(A) Subject to divisions (B) and (C) of this section, any manufacturer of dangerous drugs, terminal distributor of dangerous drugs, or wholesale distributor of dangerous drugs may donate a dangerous drug, including a dangerous drug that has expired, to a pharmacy school.

(B) A dangerous drug donation to a pharmacy school shall meet all of the following requirements:

(1) ~~The dangerous drug is not a controlled substance.~~

(~~2~~) Each container in which a dangerous drug is donated contains a single national drug code number of that drug and no other drugs.

(~~3~~)⁽²⁾ If the dangerous drug is of a type that deteriorates with time, the container in which the drug is contained is plainly marked with the drug's expiration date.

(3) ~~If the dangerous drug is a controlled substance, the donor and recipient comply with all state and federal laws applicable to the donation, possession, or use of such drugs.~~

(C) A dangerous drug donation to a pharmacy school shall be accompanied by a form signed by a representative of the manufacturer, terminal distributor, or wholesale distributor donating the drug. On delivery, a

representative of the pharmacy school accepting the drug donation shall also sign the form. The form shall do both of the following:

(1) Confirm the acceptance of the dangerous drug donation by the pharmacy school;

(2) Confirm that both the manufacturer, terminal distributor, or wholesale distributor donating the dangerous drug and the pharmacy school accepting the donation understand the immunity provisions of section 3719.92 of the Revised Code."

Between lines 58390 and 58391, insert:

"Sec. 3901.80.(A) As used in this section and section 3901.801 of the Revised Code, "health plan issuer" means a sickness and accident insurer, health insuring corporation, or multiple employer welfare arrangement.

(B) Not later than January 1, 2019, the superintendent of insurance shall establish and administer a program of reinsurance to reimburse health plan issuers for costs incurred when providing coverage as described in sections 1751.76 and 3923.046 of the Revised Code.

(C) Each health plan issuer subject to section 1751.76 or 3923.046 of the Revised Code shall participate in the program.

(D) The superintendent shall do all of the following with regard to the program:

(1) Establish standards and procedures for health plan issuers to seek and obtain reimbursement under the program;

(2) Employ staff to administer the program;

(3) Set levels of reinsurance that are adequate to ensure minimal losses for health plan issuers.

(E) The superintendent may fulfill the requirements of this section by contracting with a reinsurer accredited under section 3901.62 of the Revised Code.

(F) The superintendent shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3901.801. There is hereby created in the state treasury the opioid overdose and treatment reinsurance fund. Any funds the department of insurance receives for the purposes of the reinsurance program established under section 3901.80 of the Revised Code shall be deposited into the fund. Money in the fund shall be used to reimburse participating health plan issuers as described in section 3901.80 of the Revised Code."

Between lines 58720 and 58721, insert:

"Sec. 3923.046. (A) As used in this section:

(1) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of alcoholism or drug addiction, prevention of relapse of alcoholism or drug addiction, or both.

(2) "Prior authorization" means any practice in which coverage of a health care service, device, or drug is dependent on a covered person or health care provider obtaining approval from the insurer prior to the service, device, or drug being performed, received, or prescribed. "Prior authorization" includes prospective or utilization review procedures conducted prior to a health care service, device, or drug being provided.

(B) Notwithstanding section 3901.71 of the Revised Code, a policy of sickness and accident insurance, or a public employee benefit plan, that provides basic hospital and surgical coverage, basic medical coverage, or major medical coverage shall provide coverage for medical or psychological treatment and referral services for alcohol and drug abuse or addiction, including medication-assisted treatment. All of the following apply to the policy or plan:

(1) It shall not impose any prior authorization requirement on the treatment and referral services.

(2) It shall provide coverage for drugs prescribed for the treatment of alcohol and drug abuse or addiction, including buprenorphine and naltrexone.

(3) It shall provide coverage for the treatment and referral services as long as they are needed.

(C) This section does not prohibit a policy or plan from imposing copayments, coinsurance, or deductibles for the treatment and referral services described in division (B) of this section.

Sec. 3923.852. (A) As used in this section:

(1) "Abuse-deterrent" means a labeling claim approved by the United States food and drug administration indicating properties expected to deter or reduce drug abuse.

(2) "Cost-sharing" has the same meaning as in section 3923.602 of the Revised Code.

(3) "Opioid analgesic" has the same meaning as in section 3719.01 of the Revised Code.

(B) Notwithstanding section 3901.71 of the Revised Code, an individual or group policy of sickness and accident insurance or public employee benefit plan that provides coverage for prescription drugs shall provide coverage for abuse-deterrent opioid analgesics. All of the following apply to the policy or plan:

(1) It shall not deny reimbursement of an abuse-deterrent opioid

analgesic solely because a generically equivalent drug is available at a lower cost.

(2) It shall not require treatment with an opioid analgesic that is not abuse-deterrent before providing coverage for an abuse-deterrent opioid analgesic.

(3) It shall not impose cost-sharing requirements on an abuse-deterrent opioid analgesic that exceed the lowest cost-sharing requirements imposed on any opioid analgesic that is not abuse-deterrent and shall not increase cost-sharing requirements to comply with division (B)(3) of this section."

In line 69842, after "licensure" insert "except that a licensed terminal distributor of dangerous drugs that is a retail pharmacy, as defined in section 4729.69 of the Revised Code, may possess or have custody and control over all drugs deposited in a lock box or kiosk as part of the Ohio drug take-back program established under section 4729.69 of the Revised Code"

Between lines 72695 and 72696, insert:

"Sec. 4729.69.(A) As used in this section, "retail pharmacy" means an establishment or place described pursuant to division (H)(2) of section 4729.54 of the Revised Code in a terminal distributor of dangerous drugs license, except that "retail pharmacy" does not include any of the following: an emergency medical service organization, mail-order pharmacy, pharmacy operated by a government entity, or pharmacy in which the majority of prescriptions filled are for patients of a drug treatment facility, hospital, intermediate care facility, nursing home, or other health care facility in which inpatient care is provided on a routine basis.

(B) The state board of pharmacy, in collaboration with the director of mental health and addiction services and the attorney general, shall establish and administer the Ohio drug take-back program. Under the program, drug manufacturers shall be required to supply secure lock boxes or secure kiosks in which individual consumers may dispose of drugs at retail pharmacies. The program shall not be used for the disposal of drugs by institutional consumers, including hospitals, ambulatory surgical facilities, veterinary clinics, nursing homes, correctional facilities, physician offices, pharmacies, or manufacturers of dangerous drugs.

~~The state board of pharmacy, in collaboration with the director of mental health and addiction services and attorney general, shall establish and administer a drug take-back the program under which drugs are collected from the community for the purpose of destruction or disposal of the drugs.~~

(B) The program shall be established and administered in such a manner that it does both of the following:

(1) Complies with any state or federal laws regarding the collection,

destruction, or disposal of drugs, including controlled substances as defined in section 3719.01 of the Revised Code;

(2) Maintains the confidentiality of individuals who submit or otherwise provide drugs under the program.

(C) ~~In consultation with the director of mental health and addiction services and attorney general, the board shall adopt rules governing the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. In adopting the rules, the board shall specify all of the following:~~

~~(1) The entities that may participate~~ A procedure for determining which manufacturer of dangerous drugs is responsible for supplying a lock box or kiosk to each retail pharmacy based on the objectives of achieving the efficient collection and destruction of unused drugs and having manufacturers bear the costs on an equitable basis;

~~(2) Guidelines and responsibilities for accepting drugs by participating entities;~~

~~(3) Drugs that may be collected;~~

~~(4) Record-keeping requirements;~~

~~Proper methods to destroy unused drugs~~ Standards for the proper removal, transport, or destruction of drugs deposited in each lock box or kiosk that comply with state and federal laws and with guidelines, if any, adopted by the United States food and drug administration and United States environmental protection agency;

~~(6) Privacy protocols and security standards;~~

~~Drug transportation procedures~~ A schedule of fees to be charged to manufacturers to cover the cost to the board of establishing and administering the program;

~~(8) The schedule, duration, and frequency of the collections of drugs, except that the first collection shall occur not later than one year after May 20, 2011;~~

~~(9) Any other standards and procedures the board considers necessary for purposes of governing the program.~~

(D)(1) Under the program, each retail pharmacy shall have a secure and prominently displayed and labeled lock box or secure kiosk supplied by a drug manufacturer into which individual consumers may deposit drugs. Manufacturers of dangerous drugs shall pay all administrative and operational costs associated with the program, including the cost of removing, transporting, and destroying drugs and associated packaging.

(2) No person may charge a consumer a fee associated with the program either at the time of the sale of a drug or when a consumer deposits a

drug in a lock box or kiosk.

(E) In accordance with state and federal law, the board may adopt rules to allow an entity participating in the program to return any unused drugs to the pharmacy that originally dispensed the drug. The rules shall include procedures to be followed to maintain the confidentiality of the person for whom the drug was dispensed.

~~(E)~~(F) Rules adopted under this section may not do any of the following:

(1) Require any entity to establish, fund, or operate a drug take-back program;

(2) ~~Establish~~ Except as provided in division (D)(1) of this section, establish any new licensing requirement or fee to participate in the program;

(3) Require any entity to compile data on drugs collected.

~~(F)~~(G) The board may compile data on the amount and type of drugs collected under the program. For purposes of this division, the board may cooperate with a public or private entity in obtaining assistance in the compilation of data. An entity providing the assistance shall not be reimbursed under the program for any costs incurred in providing the assistance.

~~(G)~~(H) If the board compiles data under division ~~(F)~~(G) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:

(1) Total weight of drugs collected, both with and without packaging;

(2) The weight of controlled substances;

(3) The amount of all of the following as a per cent of total drugs collected:

(a) Controlled substances;

(b) Brand name drugs;

(c) Generic drugs;

(d) Prescription drugs;

(e) Non-prescription drugs.

(4) The amount of vitamins, herbal supplements, and personal care products collected;

(5) If provided by the person who submitted or otherwise donated drugs to the program, the reasons why the drugs were returned or unused.

~~(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be subject to civil liability or~~

~~professional disciplinary action for declining to participate.~~

(I) The board may accept grants, gifts, or donations for purposes of the program. Money received under this division shall be deposited into the drug take-back program fund established under section 109.90 of the Revised Code.

(J) The state board of pharmacy may continue to administer a drug take-back program established prior to the effective date of this amendment to the extent that the program is not inconsistent with this section.

(K) No person shall knowingly fail to comply with this section.

(L) The board, in an adjudication under Chapter 119. of the Revised Code, may impose a fine of not more than one thousand dollars per day for each violation of division (K) of this section. On the request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid. All amounts collected under this division shall be deposited in the drug take-back program fund established under section 109.90 of the Revised Code.

A fine may be imposed under this division in addition to any action taken under section 4729.99 of the Revised Code."

Between lines 73166 and 73167, insert:

"**Sec. 4729.99.** (A) Whoever violates division (H) of section 4729.16, division (G) of section 4729.38, section 4729.57, or division (F) of section 4729.96 of the Revised Code is guilty of a minor misdemeanor, unless a different penalty is otherwise specified in the Revised Code. Each day's violation constitutes a separate offense.

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of the Revised Code is guilty of a misdemeanor of the third degree. Each day's violation constitutes a separate offense. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter, that person is guilty of a misdemeanor of the second degree.

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 or division (K) of section 4729.69 of the Revised Code is guilty of a misdemeanor.

(D) Whoever violates division (A), (B), (C), (D), (F), or (G) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree.

(E)(1) Whoever violates section 4729.37, division (E)(1)(b) of section 4729.51, division (J) of section 4729.54, division (B) or (D) of section 4729.553, or section 4729.61 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a violation of this chapter or a violation of Chapter 2925. or 3719. of the

Revised Code, that person is guilty of a felony of the fourth degree.

(2) If an offender is convicted of or pleads guilty to a violation of section 4729.37, division (E) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code, if the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender, as defined in section 2929.01 of the Revised Code, and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (E)(1) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (B)(3) of section 2929.14 of the Revised Code, the mandatory prison term specified in that division.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay any fine imposed for a violation of section 4729.37, division (E) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(F) Whoever violates section 4729.531 of the Revised Code or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division (E)(1)(a) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division (E)(1)(c) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree.

(I)(1) Whoever violates division (A) of section 4729.95 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, unauthorized pharmacy-related drug conduct

is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(2) Whoever violates division (B) or (C) of section 4729.95 of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code or any other provision of law that governs the distribution of fines, the clerk of the court shall pay any fine imposed pursuant to division (I) (1) or (2) of this section to the state board of pharmacy if the board has adopted a written internal control policy under division (F)(2) of section 2925.03 of the Revised Code that addresses fine moneys that it receives under Chapter 2925. of the Revised Code and if the policy also addresses fine moneys paid under this division. The state board of pharmacy shall use the fines so paid in accordance with the written internal control policy to subsidize the board's law enforcement efforts that pertain to drug offenses.

(J)(1) Whoever violates division (A)(1) of section 4729.86 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of or pleaded guilty to a violation of division (A)(1), (2), or (3) of section 4729.86 of the Revised Code, that person is guilty of a misdemeanor of the first degree.

(2) Whoever violates division (A)(2) of section 4729.86 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of division (A)(1), (2), or (3) of section 4729.86 of the Revised Code, that person is guilty of a felony of the fifth degree.

(3) Whoever violates division (A)(3) of section 4729.86 of the Revised Code is guilty of a felony of the fifth degree. If the offender has previously been convicted of or pleaded guilty to a violation of division (A) (1), (2), or (3) of section 4729.86 of the Revised Code, that person is guilty of a felony of the fourth degree.

(K) A person who violates division (C) of section 4729.552 of the Revised Code is guilty of a misdemeanor of the first degree. If the person previously has been convicted of or pleaded guilty to a violation of division (C) of section 4729.552 of the Revised Code, that person is guilty of a felony of the fifth degree."

Between lines 82531 and 82532, insert:

"Sec. 5119.368. The department of mental health and addiction services shall establish and maintain a web portal to monitor the availability of services and supports from community addiction services providers. The department may contract with a separate entity to establish and maintain all or any part of the web portal on behalf of the department.

The web portal shall allow information regarding the availability of services and supports to be updated instantaneously and be presented by county.

Each community addiction services provider shall submit to the department any information the department determines necessary for maintaining the web portal."

Between lines 82695 and 82696, insert:

"Sec. 5119.49.(A) The director of mental health and addiction services shall collaborate with the state board of pharmacy and attorney general in the establishment and administration of a one or more drug take-back programs, including the Ohio drug take-back program, as provided under section 4729.69 of the Revised Code.

(B) The department may accept grants, gifts, or donations for purposes of the ~~program~~ programs. Money received under this division shall be deposited into the drug take-back program fund established under section 109.90 of the Revised Code."

Between lines 85064 and 85065, insert:

"Sec. 5164.092. (A) As used in this section:

(1) "Abuse-deterrent" means a labeling claim approved by the United States food and drug administration indicating properties expected to deter or reduce drug abuse.

(2) "Opioid analgesic" has the same meaning as in section 3719.01 of the Revised Code.

(B) With respect to the coverage of prescribed drugs under the medicaid program, the department of medicaid shall provide coverage for abuse-deterrent opioid analgesics.

(C) All of the following apply to the medicaid program's coverage of abuse-deterrent opioid analgesics:

(1) The department shall not deny reimbursement of an abuse-deterrent opioid analgesic solely on the basis of the drug's cost.

(2) The department shall not require treatment with an opioid analgesic that is not abuse-deterrent before providing coverage for an abuse-deterrent opioid analgesic.

(3) The department shall not institute cost-sharing requirements under section 5162.20 of the Revised Code for an abuse-deterrent opioid analgesic that exceed the lowest cost-sharing requirements imposed on any opioid analgesic that is not abuse-deterrent. The department shall not increase cost-sharing requirements to obtain compliance with division (C)(3) of this section."

Between lines 85994 and 85995, insert:

"Sec. 5164.7512. (A) As used in this section:

(1) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of alcoholism or drug addiction, prevention of relapse of alcoholism or drug addiction, or both.

(2) "Prior authorization requirement" means any practice in which coverage of a health care service, device, or drug is dependent on a medicaid recipient or medicaid provider obtaining approval from the medicaid program prior to the service, device, or drug being performed, received, or prescribed. "Prior authorization" includes prospective or utilization review procedures conducted prior to a health care service, device, or drug being provided.

(B) The medicaid program shall provide coverage for medical or psychological treatment and referral services for alcohol and drug abuse or addiction, including medication-assisted treatment. All of the following apply to the department of medicaid with regard to this coverage:

(1) The department shall not impose any prior authorization requirement on the treatment and referral services.

(2) The department shall provide coverage for drugs prescribed for the treatment of alcohol and drug abuse or addiction, including buprenorphine and naltrexone.

(3) The department shall provide coverage for treatment for as long as it is needed.

(C) This section does not prohibit the department from imposing cost-sharing requirements on the treatment and referral services."

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~~ sections 5164.091, 5164.092, and 5164.7512 of the Revised Code as if the health insuring corporation were the department."

In line 105932, after "109.803," insert "109.90,"

In line 105959, after "1733.24," insert "1739.05, 1751.01,"

In line 105999, after "3715.041," insert "3715.89,"

In line 106032, after "4729.67," insert "4729.69,"

In line 106033, after "4729.86," insert "4729.99,"

In line 106051, after "5119.41," insert "5119.49,"

In line 106061, after "5167.04," insert "5167.12,"

Between lines 131382a and 131383, insert:

"GRF 200597 Education Program Support \$2,000,000 \$2,000,000"

In line 131384, add \$2,000,000 to each fiscal year

In line 131434, add \$2,000,000 to each fiscal year

Between lines 133126 and 133127, insert:

"EDUCATION PROGRAM SUPPORT

Of the foregoing appropriation item 200597, Education Program Support, \$2,000,000 in each fiscal year shall be used to provide grants in accordance with section 3301.97 of the Revised Code."

In line 136430, delete the first "\$72,214,846" and insert "\$172,214,846"

In line 136440, add \$100,000,000 to fiscal year 2018

In line 136472, add \$100,000,000 to fiscal year 2018

Between lines 136530 and 136531, insert:

"(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$10,000,000 in fiscal year 2018 shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services to assist in data collection. Each board shall use these funds to provide the following data to the Department of Mental Health and Addiction Services within ninety days of the effective date of this section:

(1) A list and description of programs and services available within the board's jurisdiction to address opioid addiction;

(2) The number of individuals each board is serving by program or service;

(3) The number of individuals each board is capable of serving by program or service; and

(4) An estimate of the number of individuals addicted to opioids within the board's jurisdiction.

(F) Of the foregoing appropriation item 336421, Continuum of Care Services, \$90,000,000 in fiscal year 2018 shall be distributed to programs that provide treatment for opioid addiction. Any programs that receive funds shall

use the funds to increase the number of facilities providing opioid addiction treatment or to increase the number of beds within such a facility. Programs that receive funds shall provide services to individuals regardless of an individual's county of residence. The Department of Mental Health and Addiction Services shall give priority to programs that:

- (1) Are currently in operation and scalable statewide; and
- (2) Provide transportation for individuals receiving treatment services."

In line 139236, delete "\$381,800,000" and insert "\$481,800,000"

In line 139242, add \$100,000,000 to fiscal year 2018

In line 139259, add \$100,000,000 to fiscal year 2018

Between lines 139514 and 139515, insert:

"LOCAL GOVERNMENT FUND SUPPLEMENT

(A) Of the foregoing appropriation item 110969, Local Government Fund, up to \$100,000,000 in fiscal year 2018 shall be allocated to counties in fiscal year 2018. On the effective date of this section, or as soon as possible thereafter, the Tax Commissioner shall determine amounts to be distributed to each county based on the county's calendar year 2015 undivided local government fund distributions as a percentage of the total calendar year 2015 undivided local government fund distributions made to all counties. The Tax Commissioner shall distribute the amounts to each county treasurer for deposit into the county undivided local government fund and shall separately identify to each county treasurer the amount to be allocated to the county under this section.

(B) Moneys received by each county under this section shall be expended only for the following purposes: ADAMHS Boards; law enforcement purposes; Child Protective Services; Kinship Care; purposes of first responders; or establishing or expanding Drug Courts. Within six months after the effective date of this act, each county shall prepare a written report to the Department of Mental Health and Addiction Services regarding its expenditures related to moneys received under this section."

Between lines 140311 and 140312, insert:

"Section 503. __. TRANSFERS FROM THE BUDGET STABILIZATION FUND

Notwithstanding any provision of law to the contrary, on the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$100,000,000 cash from the Budget Stabilization Fund (Fund 7013) to the General Revenue Fund and \$100,000,000 cash from Fund 7013 to the Local Government Fund (Fund 7069). The Director shall transfer \$200,000,000 from the GRF to the Budget

Stabilization Fund when funds are available to do so, but in any case not later than June 30, 2019.

Between lines 141387 and 141388, insert:

"Section 521. ____ .TIMING OF APPLICABILITY OF CHANGES

Sections 1739.05, 1751.692, and 1751.76 of the Revised Code, as amended or enacted by this act, apply only to arrangements, policies, contracts, and agreements that are created, delivered, issued for delivery, or renewed in this state on or after January 1, 2019. Sections 3923.046 and 3923.852 of the Revised Code, as enacted by this act, apply only to policies of sickness and accident insurance delivered, issued for delivery, or renewed in this state on or after January 1, 2019, and only to public employee benefit plans that are established or modified in this state on or after January 1, 2019. Sections 5164.092 and 5164.7512 of the Revised Code, as enacted by this act, apply to the Medicaid program and health insuring corporations under contract with the Department of Medicaid on or after January 1, 2019. The requirement in section 5167.12 of the Revised Code, as amended by this act, that the department require a health insuring corporation to comply with sections 5164.092 and 5164.7512 of the Revised Code as if the health insuring corporation were the department, applies to the Medicaid program and health insuring corporations under contract with the Department of Medicaid on or after January 1, 2019.

Section 521. ____ .ACTUARIAL SURVEY TO DETERMINE COST OF REINSURANCE PROGRAM

Not later than July 1, 2018, the Superintendent of Insurance shall conduct an actuarial survey to determine the estimated cost for the reinsurance program to be established and administered under section 3901.80 of the Revised Code. The Superintendent may fulfill the requirements of this section by contracting with an actuary to conduct the survey."

Between lines 144646 and 144647, insert:

"Section 1739.05 of the Revised Code as amended by both Sub. H.B. 463 and Sub. S.B. 319 of the 131st General Assembly."

Between lines 144682 and 144683, insert:

"Section 4729.99 of the Revised Code as amended by both Sub. H.B. 505 and Sub. S.B. 319 of the 131st General Assembly."

In line 128674, delete the second "\$18,000,000" and insert "\$19,000,000"

In line 128675, add \$1,000,000 to fiscal year 2019

In line 128711, add \$1,000,000 to fiscal year 2019

In line 131365, delete "\$413,167 \$913,167" and insert "\$5,413,167 \$5,913,167"

In line 131377, delete "\$6,799,382,816 \$6,936,728,845" and insert "\$6,803,882,816 \$6,942,228,845"

In line 131384, add \$9,500,000 to fiscal year 2018 and \$10,500,000 to fiscal year 2019

In line 131434, add \$9,500,000 to fiscal year 2018 and \$10,500,000 to fiscal year 2019

Between lines 134211 and 134212, insert:

"GRF 440473 Tobacco Prevention, \$1,000,000 \$1,000,000"
Cessation, and Enforcement

In line 134220, add \$1,000,000 to each fiscal year

In line 134269, add \$1,000,000 to each fiscal year

In line 135586, delete "\$3,917,695,014" and insert "\$3,925,193,214"

In line 135588, delete "\$14,152,035,717" and insert "\$14,159,533,917"

In line 135591, add \$7,498,200 to fiscal year 2019

In line 135593, add \$7,498,200 to fiscal year 2019

In line 135619, add \$7,498,200 to fiscal year 2019

Between lines 140128 and 140129, insert:

"Section 500.10. INCREASE IN GRF APPROPRIATIONS

There is hereby appropriated out of moneys in the General Revenue Fund an additional \$431,717,322 for fiscal year 2018 and an additional \$530,806,974 for fiscal year 2019. These additional moneys shall be used to, notwithstanding the sections of this act numbered in the 200s, 300s, and 400s, increase the state share of all appropriation items in this act appropriated out of any moneys in the General Revenue Fund that are lower than recommended in the As Introduced version of this act, to their As Introduced levels."

In line 139389, delete "and"; after "(E)" insert ", and (F)"

In line 139408, delete "(E)" and insert "(F)"

Between lines 139414 and 139415, insert:

"(E) On August 1, 2018, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000,000 cash from the General Revenue Fund to the Medicaid Local Sales Tax Transition Fund. On or before November 1, 2018, the Tax Commissioner shall provide for payment to each county and transit authority in the amounts provided in division (F) of this section, after each amount has been multiplied by the fraction 0.96618. The county treasurer or transit authority fiscal officer shall deposit such amount into the County and Transit Authority Medicaid Sales

Tax Transition Fund."

In line 139415, delete "(E)" and insert "(F)"

In line 139863, delete "\$6,500,000 \$6,500,000" and insert "\$20,000,000 \$20,000,000"

In line 139866, add \$13,500,000 to each fiscal year

In line 139870, add \$13,500,000 to each fiscal year

In line 249 of the title, after "122.156," insert "122.26,"

In line 659, after "122.156," insert "122.26,"

Between lines 6599 and 6600, insert:

"Sec. 122.26.(A) As used in this section:

(1) "County land reutilization corporation" has the same meaning as in section 1724.041 of the Revised Code.

(2) "Electing subdivision" has the same meaning as in section 5722.01 of the Revised Code.

(3) "Assessment" means a property assessment conducted in accordance with section 3746.04 of the Revised Code or a corrective action process or source investigation process conducted in accordance with section 3737.88 or 3737.882 of the Revised Code.

(4) "Remediation" means any action to contain, remove, or dispose of hazardous substances or remove underground storage tanks used to store petroleum or other hazardous substances.

(5) "Demolition" means any action related to tearing down and disposing of buildings, equipment, and other man-made structures.

(6) "Renovation" means the repair, reconstruction, renovation, rehabilitation, or improvement of dwellings and other residential buildings or structures.

(7) "Commercial and industrial property" means a building, structure, or parcel of land classified as to use for tax purposes as commercial or industrial.

(8) "Multiple-unit residential property" means a building or structure and the surrounding parcel of land classified as to use for tax purposes as residential and which is comprised of or is intended to contain five or more family dwelling units.

(9) "Mixed-use property" means a building, structure, or parcel of land that is intended for use in some combination of residential and commercial functions.

(10) "Conventional residential property" means a single-family dwelling or a building or structure that is comprised of or is intended to

contain four or fewer family dwelling units, including the surrounding parcel of land, that is classified as to use for tax purposes as residential.

(11) "School property" means a building, structure, or parcel of land that has been used by a city, local, exempted village, cooperative education, or joint vocational school district or an institution of higher education, as defined in section 3334.01 of the Revised Code, for instructional, operational, or other related purposes.

(12) "Abandoned" when used in reference to commercial and industrial property, multiple-unit residential property, mixed-use property, or school property means that the property meets one or more of the following criteria, as applicable:

(a) For commercial and industrial property, no trade or business is actively being conducted on the property by the owner, a tenant, or another party occupying the property pursuant to a lease or other legal authority and there are no signs of a change in tenancy or that the property is undergoing improvements, as indicated by an application for a building permit or other factors.

(b) For multiple-unit residential property, no person physically inhabits the property and there are no signs of a change in ownership or tenancy or that the property is undergoing improvements, as indicated by an application for a building permit or other factors.

(c) For any such property, manual inspection of the property by a county, municipal corporation, or township in which it is located or by a county land reutilization corporation reveals substantial indications that the property is vacant and insecure. Such indications may include vandalism and buildings or structures that have been boarded up or otherwise sealed in response to trespass and vandalism.

(d) For any such property, no utility connections such as water, sewer, natural gas, or electric currently service the property.

(e) For mixed-use property, both divisions (A)(12)(a) and (b) of this section apply.

(B) For the purposes of addressing property conditions that may be harmful to the environment or deleterious to public health, encouraging the safe and productive reuse of abandoned commercial and industrial property, abandoned school property, abandoned multiple-unit residential property, and abandoned mixed-use property, and facilitating the renovation of conventional residential property, the director of development services shall establish an abandoned property cleanup and residential structure renovation program under which the director may make grants to county land reutilization corporations and local governments to assist in the assessment, demolition, and remediation of abandoned commercial and industrial property, abandoned

school property, abandoned multiple-unit residential property, and abandoned mixed-use property in this state and the renovation of conventional residential property in this state. Sections 122.65 to 122.658 of the Revised Code do not apply to the abandoned property cleanup and residential structure renovation program.

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the abandoned property cleanup and residential structure renovation program. The rules shall establish at least all of the following:

(1) An application form and procedures governing the application process for receiving a grant under the program;

(2) A procedure for prioritizing the award of grants under the program. The procedure shall give preference to projects that will eliminate blight and promote the assemblage, redevelopment, or expansion of existing development on or around the project site. The procedure shall require a distribution of awards throughout the state that is diverse in terms of geographic location and in terms of urban, suburban, and rural areas.

(3) A requirement that, if the grant is for the assessment, demolition, or remediation of commercial and industrial property, school property, multiple-unit residential property, or mixed-use property, the property must be abandoned and at least one of the following must apply:

(a) The property is owned or may imminently be acquired by a county land reutilization corporation or an electing subdivision.

(b) The property is subject to a local action by a township under section 505.86 of the Revised Code or by a municipal corporation under section 715.26 or 715.261 of the Revised Code or under a municipal ordinance for the removal or demolition of buildings or structures due to insecure, unsafe, or structurally defective conditions.

(c) The property has been ordered forfeited to the state under section 5723.01 of the Revised Code and has not been redeemed by the former owner under section 5723.03 of the Revised Code or sold or transferred under section 5723.04 of the Revised Code.

(4) A requirement that the maximum grant awarded for any one project be one million dollars;

(5) A requirement that grant recipients devote matching funds to the project for all amounts exceeding seventy-five thousand dollars. Matching funds may consist of contributions of money by any person, any local government, or the federal government or of contributions in-kind by such entities through the purchase or donation of equipment, land, easements, interest in land, labor, technical expertise, or materials necessary to complete the project.

(6) A requirement that grant recipients periodically report to the director on the use of the funds provided, the status of the assessment, demolition, remediation, or renovation project, and the potential economic impact of the project upon its completion;

(7) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program consistent with this section.

(D) The director may consult with the environmental protection agency, the state fire marshal, the Ohio water development authority, and the Ohio public works commission in connection with administering and awarding grants under the abandoned property cleanup and residential structure renovation program.

(E) There is hereby created in the state treasury the abandoned property cleanup and residential structure renovation fund. The fund shall consist of money that is appropriated to it by the general assembly. Money in the fund shall be used to make grants under the program and by the director in the administration of that program."

Between lines 129998a and 129999, insert:

"5XXX	195XXX	Cleanup and	7,500,000	7,500,000"
		Renovation		
		Grants		

In line 130004, add \$7,500,000 to each fiscal year

In line 130043, add \$7,500,000 to each fiscal year

Between lines 130254 and 130255, insert:

"CLEANUP AND RENOVATION GRANTS

The foregoing appropriation item 195XXX, Cleanup and Renovation Grants, shall be used for the Abandoned Property Cleanup and Residential Structure Renovation Program as described in section 122.26 of the Revised Code.

In each fiscal year of the biennium ending June 30, 2019, the Director of Budget and Management shall transfer \$7,500,000 cash from the GRF to the Abandoned Property Cleanup and Residential Structure Renovation Fund (Fund 5XXX)."

In line 129973, delete "\$824,500 \$1,067,000" and insert "\$5,824,500 \$6,067,000"

In line 129983, add \$5,000,000 to each fiscal year

In line 130043, add \$5,000,000 to each fiscal year

Between lines 130067 and 130068, insert:

"Of the foregoing appropriation item 195426, Redevelopment

Assistance, not less than \$5,000,000 in each fiscal year shall be used to support the Ohio Brownfield Fund."

Between lines 128672a and 128673, insert:

"GRF 100XXX Voting Machine Reimbursement \$7,000,000 \$0"

In line 128675, add \$7,000,000 to FY 2018

In line 128711, add \$7,000,000 to FY 2018

Between lines 128771 and 128772, insert:

"VOTING MACHINE REIMBURSEMENT

The foregoing appropriation item 100XXX, Voting Machine Reimbursement, shall be used to reimburse counties that have entered into agreements for new voting machines and associated services and equipment on or after January 1, 2014, for up to 85% of their acquisition costs. Counties shall notify the Office of Procurement Services of the agreements to be reimbursed, and provide all necessary information to the Office before the reimbursement may be issued. All reimbursements shall be paid to the county's general fund.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 100XXX, Voting Machine Reimbursement, at the end of FY 2018 is hereby reappropriated in FY 2019 for the same purpose.

It is the intent of the General Assembly to provide additional funding to counties for voting machine and associated services and equipment purchases, leases, or reimbursements by FY 2019. It is the further intent of the General Assembly to provide funding in the manner outlined under this section."

In line 129971, delete "\$1,696,358 \$1,696,358" and insert "\$3,696,358 \$3,696,358"

In line 129983, add \$2,000,000 to each fiscal year

In line 130043, add \$2,000,000 to each fiscal year

Between lines 130057 and 130058, insert:

"Of the foregoing appropriation item 195405, Minority Business Development, \$2,000,000 in each fiscal year shall be distributed in equal amounts to the seven minority business assistance centers across the state."

In line 284 of the title, after "5501.91," insert "5502.021,"

In line 679, after "5501.91," insert "5502.021,"

Between lines 89196 and 89197, insert:

"Sec. 5502.021. (A) The director of public safety shall establish a body camera grant pilot program to distribute grants to law enforcement agencies for the purchase, use, and maintenance of body camera equipment.

The director may enter into contracts and agreements, including grant agreements with federal, state, or local government agencies, nonprofit organizations, and universities for this purpose.

(B) The director shall adopt rules establishing procedures and requirements regarding applications for grants under this section. At a minimum, the rules shall require a law enforcement agency that applies for a grant to specify in the application how the grant will be used."

Between lines 137470a and 137471, insert:

"GRF 7684XX Body Camera Grant \$750,000 \$750,000"

Pilot Program

In line 137472, add \$750,000 to each fiscal year

In line 137505, add \$750,000 to each fiscal year

In line 137507, after "373.20." insert:

"BODY CAMERA GRANT PILOT PROGRAM

The foregoing appropriation item 7684XX, Body Camera Grant Pilot Program, shall be used for the purposes of the Body Camera Grant Pilot Program described in section 5502.021 of the Revised Code."; begin a new paragraph

In line 129301, delete "\$1,500,000 \$1,500,000" and insert "\$2,000,000 \$2,000,000"

In line 129302, add \$500,000 to each fiscal year

In line 129343, add \$500,000 to each fiscal year

In line 129880, delete "\$5,541,093 \$5,541,093" and insert "\$5,666,093 \$5,666,093"

In line 129881, add \$125,000 to each fiscal year

In line 129882, add \$125,000 to each fiscal year

In line 231 of the title, after "5743.63," insert "5747.01,"

In line 233 of the title, after "5747.98," insert "5748.01,"

In line 285 of the title, delete "5747.031,"

In line 646, after "5743.63," insert "5747.01,"

In line 647, after "5747.98," insert "5748.01,"

In line 681, delete "5747.031,"

Between lines 101316 and 101317, insert:

"Sec. 5747.01.Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if

not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. "Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net income included in the

adjusted gross income of a beneficiary shall reduce the undistributed net income of the trust commencing with the earliest years of the accumulation period.

(7) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income.

(9) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income.

(10) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code.

(11)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income, any amount included in federal adjusted gross income under section 105 or not excluded under section 106 of the Internal Revenue Code solely because it relates to an accident and health plan for a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(d) For purposes of division (A)(11) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(12)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(12)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in

accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(16) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational

expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the

taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(20) and (21) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(21)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(20)(a) of this section has been deducted.

(d) No refund shall be allowed as a result of adjustments made by division (A)(21) of this section.

(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code.

(24) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and allowances received by the taxpayer during the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this state.

(25) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of

qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A)(25) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired personnel pay for service in the uniformed services or reserve components thereof, or the national guard, or received by the surviving spouse or former spouse of such a taxpayer under the survivor benefit plan on account of such a taxpayer's death. If the taxpayer receives income on account of retirement paid under the federal civil service retirement system or federal employees retirement system, or under any successor retirement program enacted by the congress of the United States that is established and maintained for retired employees of the United States government, and such retirement income is based, in whole or in part, on credit for the taxpayer's uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A)(26) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(26) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5902.05 of the Revised Code.

(28) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(29) Deduct, to the extent not otherwise deducted or excluded in

computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(30) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution.

~~(31)(a) For taxable years beginning in 2015, deduct from the portion of an individual's adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the lesser of the following amounts:~~

~~(i) Seventy-five per cent of the individual's business income;~~

~~(ii) Ninety-three thousand seven hundred fifty dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or one hundred eighty-seven thousand five hundred dollars for all other individuals.~~

~~(b) For taxable years beginning in 2016 or thereafter, deduct from the portion of an individual's adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal adjusted gross income for the taxable year, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals.~~

(32) Deduct, as provided under section 5747.78 of the Revised Code, contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code.

(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and

royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following, provided that division (I) (3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document

or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at

the time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on

obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year.

(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section;

(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;

(4) Deduct interest or dividends, net of related expenses deducted in computing federal taxable income, on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are exempt from state taxes under the laws of the United States, but only to the extent that such amount is included in federal taxable income and is described in either division (S)(1)(a) or (b) of this section;

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable

income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust

include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised

Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the chancellor of higher education pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust

amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (BB)(4)(a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined in section 5747.012 of the Revised Code, but only to the extent the qualifying investment income does not otherwise constitute modified business income and does not otherwise constitute a qualifying trust amount.

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B) (2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to

division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level

pass-through entity directly and indirectly owns less than fifty per cent of the equity of the lower level pass-through entity on each day of the upper level pass-through entity's calendar or fiscal year in which or with which ends the calendar or fiscal year of the lower level pass-through entity and if, based upon clear and convincing evidence, complete information about the location and cost of the physical assets of the lower pass-through entity is not available to the upper level pass-through entity, then solely for purposes of ascertaining if a gain or loss constitutes a qualifying trust amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation.

(ii) Such gain or loss constitutes nonbusiness income.

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

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

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal

Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF) (3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

~~(HH) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(31) of this section for the taxable year."~~

In line 101329, strike through "(4)" and insert "(3)"

In line 101340, strike through "on"

In line 101341, strike through "income other than taxable business income"

In line 101342, strike through "less taxable business income and"

Strike through line 101350a

In line 101365, strike through "(4)(a)"

In line 101379, strike through all after "(b)"

Strike through lines 101380 and 101381

In line 101382, strike through all before "(e)"; delete "(b)"; strike through "of"

Strike through line 101383

In line 101384, delete "(b)"; strike through all after "(b)"

Strike through lines 101385 through 101387

In line 101388, strike through "the tax under division (A)(4)(a)"; strike through "of this section."

In line 101463, delete "taxable"

In line 101464, delete "business income and"

Delete lines 101468 through 101487

Between lines 102887 and 102888, insert:

"Sec. 5748.01. As used in this chapter:

(A) "School district income tax" means an income tax adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;

(4) Section 5748.021 of the Revised Code;

(5) Section 5748.081 of the Revised Code;

(6) Section 5748.09 of the Revised Code.

(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.

(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.

(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.

(E) "Taxable income" means:

(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:

(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, ~~plus any amount deducted under division (A)(31) of section 5747.01 of the Revised Code for the taxable year;~~

(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.

(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.

(F) "Resident" of the school district means:

(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;

(2) An estate of a decedent who, at the time of death, was domiciled in the school district.

(G) "School district income" means:

(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district.

(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district.

(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed.

(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to division (A) of section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code."

In line 106076, after "5743.63," insert "5747.01,"

In line 106077, after "5747.98," insert "5748.01,"

Between lines 144522 and 144523, insert:

"Section 803. __.The amendment by this act of sections 5747.01,

5747.02, and 5748.01 of the Revised Code applies to taxable years beginning on or after January 1, 2017."

Between lines 134641 and 134642, insert:

"GRF 600503 Job and Family Services Program Support
\$11,000,000 \$11,000,000"

In line 134655, add \$11,000,000 to each fiscal year

In line 134707, add \$11,000,000 to each fiscal year

Delete lines 134962 through 134967

Between lines 135024 and 135025, insert:

**"Section 307.220.JOB AND FAMILY SERVICES PROGRAM
SUPPORT**

The foregoing appropriation item 600503, Job and Family Services Program Support, shall be used to implement the Department of Job and Family Service's 2016 Ohio Child Care Market Rate Survey for licensed child care programs that are rated in the quality rating and improvement system. In implementing the survey for rated programs, the Department shall do both of the following:

(A) Ensure that reimbursement rates for each rating tier are not lower than the reimbursement rates for each corresponding rating tier that were in effect on December 31, 2016;

(B) Place all counties included in the survey in the reimbursement category in which they are designated in the survey."

In line 131358, delete "\$68,116,789 \$68,116,789" and insert "\$70,616,789 \$70,616,789"

In line 131384, add \$2,500,000 to each fiscal year

In line 131434, add \$2,500,000 to each fiscal year

In line 37780, strike through "\$272" and insert "\$280"

In line 38477, delete "for"

In line 39478, delete "fiscal year 2018 or 2019."

In line 38479, delete "for that"

In line 38480, delete "fiscal year"

In line 38483, delete "the tax year immediately"

In line 38484, delete "preceding the most recent"; delete "for which data is available" and insert "2015"

In line 38486, delete "the most recent"; delete "for which" and insert "2016"

In line 38487, delete "data is available"

In line 38488, delete "the"

In line 38489, delete "tax year immediately preceding the most recent"; delete "for which" and insert "2015"

In line 38490, delete "data is available"

In line 38492, delete "the most recent"; delete "for which data is available" and insert "2016"

In line 38494, delete "the tax year immediately preceding the"

In line 38495, delete "most recent"; delete "for which data is available" and insert "2015"

In line 38501, delete "the most recent"; delete "for which data is" and insert "2016"

In line 38502, delete "available"

In line 38505, delete "the most recent"; delete "for which data is available" and insert "2016"

In line 38638, delete "\$6,010"; strike through ", for fiscal year"

In line 38639, delete "2018"; strike through ", and"; delete "\$6,020"; strike through ", for fiscal year"; delete "2019" and insert "\$6,020"

In line 38884, strike through "\$272" and insert "\$280"

In line 39600, strike through "\$272" and insert "\$280"

In line 39701, reinsert "(1)"

Reinsert lines 39712 through 39725

In line 45518, strike through "\$272" and insert "\$280"

Delete lines 92633 through 92986 and insert:

"**Sec. 5709.92.(A)** As used in this section:

(1) "School district" means a city, local, or exempted village school district.

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)~~(3)~~(4)(a) of this section.

(a) The state education aid for fiscal year 2015;

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)

(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.

(7) "Threshold per cent" means the following:

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.

(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.

(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.

(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.

(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.

(f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.

(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)~~(3)~~(4)(b) of this section.

(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities.

(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code.

(B) The department of education shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016.

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts equal to the amount described in division (C)(1)(a) or (b) of this section.

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold per cent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2) In fiscal year years 2018 and subsequent fiscal years 2019, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C)(2)(b) of this section from the amount described in division (C)(2)(a) of this section, provided that such amount is greater than zero.

(a) The sum of the payments received by the district under division (C)(1)(b) or (C)(2) of this section for the immediately preceding fiscal year;

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016.

(3) In fiscal year 2020 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C)(3)(b) of this section from the amount described in division (C)(3)(a) of this section, provided that such amount is greater than zero.

(a) The sum of the payments received by the district under division

(C)(2) or (3) of this section for the immediately preceding fiscal year:

(b) One-fourth of one-tenth of one per cent of the average of the total taxable value of the district for tax years 2016, 2017, and 2018.

(4)(a) "Total resources" used to compute payments under division (C) (1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

~~(4)(5)~~ The department of education shall report to each school district and joint vocational school district the apportionment of the payments under division (C)(1) of this section among the district's funds based on qualifying levies.

(D)(1) Payments in the following amounts shall be made to school districts and joint vocational school districts in tax years 2016 through 2021:

(a) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses.

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses.

(c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses.

(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses.

(e) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses.

(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses.

No payment shall be made under division (D)(1) of this section after tax year 2021.

(2) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least

equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division.

(E)(1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the district's fixed-sum levy loss determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015, and paid in tax year 2014. No payment shall be made for qualifying levies that are no longer charged and payable.

(2) Beginning in 2016, by the thirty-first day of January of each year, the tax commissioner shall review the calculation of fixed-sum levy loss for debt purposes determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year is no longer charged and payable, a revised calculation for that year and all subsequent years shall be made.

(F)(1) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2016.

(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018.

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-

current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current expense allocation.

(4) If the recipient district under division (G)(2) of this section or the newly created district under division (G)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the reimbursements for those losses.

(H) The payments required by divisions (C), (D), (E), and (F) of this section shall be distributed periodically to each school and joint vocational school district by the department of education unless otherwise provided for. Except as provided in division (D) of this section, if a levy that is a qualifying levy is not charged and payable in any year after 2014, payments to the school district or joint vocational school district shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to the levy loss of that levy."

In line 131377, delete "\$6,799,382,816 \$6,936,728,845" and insert "\$6,905,382,816 \$7,055,228,845"

Between lines 131382a and 131383, insert:

"GRF 200XXX School District TPP Supplement \$13,000,000
\$24,000,000"

In line 131384, add \$119,000,000 to fiscal year 2018 and \$142,500,000 to fiscal year 2019

In line 132434, add \$119,000,000 to fiscal year 2018 and \$142,500,000 to fiscal year 2019

In line 132440, delete everything after "(h)"

Delete lines 132441 through 132443

In line 132444, delete "(j)"

Delete lines 132446 through 132449

In line 132450, delete "(m)" and insert "(i)"

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

In line 132474, delete everything after "(h)"

Delete lines 132475 through 132477

In line 132478, delete "(j)"

Delete lines 132480 through 132483

In line 132484, delete "(m)" and insert "(i)"

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

In line 132510, delete everything after "(h)"

Delete lines 132511 through 132513

In line 132514, delete "(j)"

Delete lines 132516 through 132519

In line 132520, delete "(m)" and insert "(i)"

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

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

In line 132538, delete "2014" and insert "2011"

Between lines 132538 and 132539, insert:

"For purposes of this calculation, "total ADM for fiscal year 2011" means the lesser of the following:

(i) The average daily membership used to derive formula ADM for funding purposes in fiscal year 2011;

(ii) The district's average daily membership reported in October 2010 under division (A) of the version of section 3317.03 of the Revised Code in effect for that fiscal year, and as verified by the Superintendent of Public Instruction and adjusted if so ordered under division (K) of that section."

In line 132570, delete "the district's limitation base multiplier" and insert "1.055"

In line 132572, delete "(9)" and insert "(8)"

In line 132586, delete everything after "(e)"

Delete line 132587

In line 132588, delete "(f)"

In line 132590, delete "(g)" and insert "(f)"

In line 132592, delete "(h)" and insert "(g)"

In line 132594, delete "(i)" and insert "(h)"

In line 132597, delete "(j)" and insert "(i)"

In line 132599, delete "(k)" and insert "(j)"

In line 132614, delete everything after "(e)"

Delete line 132615

In line 132616, delete "(f)"

In line 132618, delete "(g)" and insert "(f)"

In line 132620, delete "(h)" and insert "(g)"

In line 132622, delete "(i)" and insert "(h)"

In line 132625, delete "(j)" and insert "(i)"

In line 132627, delete "(k)" and insert "(j)"

In line 132644, delete everything after "(e)"

Delete line 132645

In line 132646, delete "(f)"

In line 132648, delete "(g)" and insert "(f)"

In line 132650, delete "(h)" and insert "(g)"

In line 132652, delete "(i)" and insert "(h)"

In line 132655, delete "(j)" and insert "(i)"

In line 132657, delete "(k)" and insert "(j)"

In line 132673, delete everything after "(e)"

Delete line 132674

In line 132675, delete "(f)"

In line 132677, delete "(g)" and insert "(f)"

In line 132679, delete "(h)" and insert "(g)"

In line 132681, delete "(i)" and insert "(h)"

In line 132684, delete "(j)" and insert "(i)"

In line 132686, delete "(k)" and insert "(j)"

In line 132688, delete "(l)" and insert "(k)"

In line 132691, delete everything after "(6)"

Delete lines 132692 through 132726

In line 132727, delete "(7)"

In line 132737, delete "(8)" and insert "(7)"

In line 132739, delete "(5),"

In line 132745, delete the first "(9)" and insert "(8)"; delete the second "(9)" and insert "(8)"

In line 132752, delete "(9)" and insert "(8)"

In line 132756, delete "(9)" and insert "(8)"

In line 132762, delete the first "the"; after the first "year" insert "2015"; delete "three years preceding the tax year in which the"

In line 132763, delete "current fiscal year ends"

In line 132765, delete the first "the"; after "year" insert "2016"; delete "two years preceding the tax year"

In line 132766, delete everything before the period

In line 132794, delete the semicolon and insert a period

Delete lines 132795 through 132800

In line 132813, delete the semicolon and insert a period

Delete lines 132814 through 132819

In line 132835, delete everything after "(e)"

Delete lines 132836 through 132840

In line 132841, delete "(h)"

In line 132854, delete "2014" and insert "2011"

In line 132888, delete "the district's limitation base multiplier" and insert "1.055"

In line 132899, delete everything after "(c)"

Delete line 132900

In line 132901, delete "(d)"

In line 132903, delete "(e)" and insert "(d)"

In line 132914, delete everything after "(c)"

Delete line 132915

In line 132916, delete "(d)"

In line 132918, delete "(e)" and insert "(d)"

In line 132931, delete everything after "(c)"

Delete line 132932

In line 132933, delete "(d)"

In line 132935, delete "(e)" and insert "(d)"

In line 132947, delete everything after "(c)"

Delete line 132948

In line 132949, delete "(d)"

In line 132951, delete "(e)" and insert "(d)"

In line 132953, delete everything after "(6)"

Delete lines 132954 through 132988

In line 132989, delete "(7)"

In line 132997, delete "(7)" and insert "(6)"

In line 133000, delete "(8)" and insert "(7)"

In line 133001, delete ", (3),"

Between lines 133049 and 133050, insert:

"Section 265.____.SCHOOL DISTRICT TPP SUPPLEMENT

The foregoing appropriation item 200XXX, School District TPP Supplement, shall be distributed to city, local, and exempted village school districts for supplemental foundation aid as provided in this section.

For each fiscal year, the Department of Education shall compute and pay supplemental foundation aid to each school district as follows:

(A)(1) Calculate the school district's combined state aid for fiscal year 2017, which equals the sum of:

(a) The sum of the amounts computed for the district for fiscal year 2017 under section 3317.022 of the Revised Code, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, and under divisions (E), (F), and (G) of section 3317.0212 of the Revised Code, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, plus any amount calculated for temporary transitional aid for fiscal year 2017 under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly, and after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly; and

(b) The sum of the payments received by the school district in fiscal year 2017 for current expense levy losses pursuant to division (C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding the portion of such payments attributable to levies for joint vocational school district purposes.

(2) Calculate the school district's combined state aid for fiscal year 2018, which equals the sum of:

(a) The sum of the amounts computed for the district for fiscal year 2018 under section 3317.022 of the Revised Code, as amended by this act, and under divisions (E), (F), and (G) of section 3317.0212 of the Revised Code, as amended by this act, plus any amount calculated for temporary transitional aid for fiscal year 2018 under division (A) of Section 265.220 of this act and any amount calculated as a cap offset for fiscal year 2018 under Section 265.233 of this act, and after any reductions made for fiscal year 2018 under division (B) of Section 265.220 of this act; and

(b) The sum of the payments received by the school district in fiscal year 2018 for current expense levy losses pursuant to division (C)(2) of

section 5709.92 of the Revised Code, as amended by this act, excluding the portion of such payments attributable to levies for joint vocational school district purposes.

(3) Calculate the school district's combined state aid for fiscal year 2019, which equals the sum of:

(a) The sum of the amounts computed for the district for fiscal year 2019 under section 3317.022 of the Revised Code, as amended by this act, and under divisions (E), (F), and (G) of section 3317.0212 of the Revised Code, as amended by this act, plus any amount calculated for temporary transitional aid for fiscal year 2019 under division (A) of Section 265.220 of this act, and after any reductions made for fiscal year 2019 under division (B) of Section 265.220 of this act; and

(b) The sum of the payments received by the school district in fiscal year 2019 for current expense levy losses pursuant to division (C)(2) of section 5709.92 of the Revised Code, as amended by this act, excluding the portion of such payments attributable to levies for joint vocational school district purposes.

(B)(1) For fiscal year 2018, each district's payment shall be in an amount equal to the following:

(The amount calculated under division (A)(1) of this section – the sum of the amounts calculated under divisions (A)(8), (9), (11), and (12) of section 3317.022 of the Revised Code for fiscal year 2017) – (the amount calculated under division (A)(2) of this section – the sum of the amounts calculated under divisions (A)(8), (9), (11), and (12) of section 3317.022 of the Revised Code for fiscal year 2018)

If the result is a negative number, the district's payment shall be zero.

(2) For fiscal year 2019, each district's payment shall be in an amount equal to the following:

(The amount calculated in division (A)(1) of this section – the sum of the amounts calculated under divisions (A)(8), (9), (11), and (12) of section 3317.022 of the Revised Code for fiscal year 2017) – (the amount calculated in division (A)(3) of this section - the sum of the amounts calculated under divisions (A)(8), (9), (11), and (12) of section 3317.022 of the Revised Code for fiscal year 2019)

If the result is a negative number, the district's payment shall be zero."

In line 139228, delete "\$207,311,667 \$165,229,141" and insert "\$201,811,667 \$162,729,141"

In line 139242, subtract \$5,500,000 from fiscal year 2018 and \$2,500,000 from fiscal year 2019

In line 139259, subtract \$5,500,000 from fiscal year 2018 and \$2,500,000 from fiscal year 2019

Delete lines 144506 through 144508

In line 131376, delete "\$10,437,366 \$9,500,892" and insert "\$22,662,366 \$21,725,892"

In line 131384, add \$12,225,000 to each fiscal year

In line 131434, add \$12,225,000 to each fiscal year

Between lines 132269 and 132270, insert:

"Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$12,225,000 in each fiscal year shall be used to provide grants to city, local, exempted village, and joint vocational school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code to improve access to workforce training opportunities for students. The Superintendent of Public Instruction shall develop guidelines for and administer the grants. The grants shall be used by recipients to do any of the following:

(A) Assist students with shop fees associated with career-technical education courses;

(B) Assist students with industry credential testing fees;

(C) Purchase or upgrade equipment for career-technical education programs;

(D) Expand existing work readiness programs;

(E) Carry out any other purposes that the Superintendent deems appropriate to improve access to workforce training opportunities for students."

In line 131372, delete "\$8,963,500 \$8,963,500" and insert "\$9,223,500 \$9,223,500"

In line 131384, add \$260,000 to each fiscal year

In line 131434, add \$260,000 to each fiscal year

Between lines 132080 and 132081, insert:

"Of the foregoing appropriation item 200505, School Lunch Match, \$260,000 in each fiscal year shall be distributed to the Children's Hunger Alliance to expand the number of day-care centers and home child care providers participating in the federal Child and Adult Care Food Program."

In line 132081, after "The" insert "remainder of the"

In line 131364, delete "\$55,959,287 \$56,025,042" and insert "\$56,459,287 \$56,525,042"

In line 131384, add \$500,000 to each fiscal year

In line 131434, add \$500,000 to each fiscal year

Between lines 131887 and 131888, insert:

"Of the foregoing appropriation item 200437, Student Assessment, up to \$500,000 in each fiscal year shall be used to reimburse a portion of the costs associated with Advanced Placement or International Baccalaureate tests for low-income students."

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Skindell moved to amend as follows:

In line 228 of the title, after "5739.033," insert "5739.05,"; after "5739.09," insert "5739.10,"

In line 229 of the title, after "5739.30," insert "5741.02,"

In line 231 of the title, after "5743.63," insert "5747.01,"; after "5747.02," insert "5747.054, 5747.055,"

In line 232 of the title, after "5747.122," insert "5747.27,"

In line 233 of the title, after "5747.70," insert "5747.71,"; after "5747.98," insert "5748.01,"

In line 285 of the title, delete "5747.031," and insert "5747.051,"

In line 286 of the title, after "5747.504," insert "5747.72,"

In line 643, after "5739.033," insert "5739.05,"

In line 644, after "5739.09," insert "5739.10,"; after "5739.30," insert "5741.02,"

In line 646, after "5743.63," insert "5747.01,"; after "5747.02," insert "5747.054, 5747.055,"; after "5747.122," insert "5747.27,"

In line 647, after "5747.70," insert "5747.71,"; after "5747.98," insert "5748.01,"

In line 681, delete "5747.031," and insert "5747.051,"; after "5747.504," insert "5747.72,"

In line 96533, strike through "three-fourths" and insert "one-half"

Between lines 97180 and 97181, insert:

"(57) Sales of qualifying energy star products occurring on the first Friday in April and the following Saturday and Sunday of each year.

As used in this division, "qualifying energy star product" means a device that carries the energy star label indicating that the device meets the energy efficiency criteria of the energy star program established by the United States department of energy and the United States environmental protection agency and that is categorized as an appliance or water heater or as heating and cooling equipment under that program. "Qualifying energy star product" does not include any device that is rented, purchased for use in a trade or business, or purchased by a person who will affix or install the device on behalf of the ultimate consumer. For the purposes of this division, a sale of a qualifying energy star product is considered to "occur" during the specified three-day period if, regardless of the date the device is delivered, the purchaser paid for the device during the specified period and did not request any delay in the shipment or delivery of the device."

Between lines 99129 and 99130, insert:

"Sec. 5739.05. (A)(1) The tax commissioner shall enforce and administer sections 5739.01 to 5739.31 of the Revised Code, which are hereby declared to be sections which the commissioner is required to administer within the meaning of sections 5703.17 to 5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The commissioner may adopt and promulgate, in accordance with sections 119.01 to 119.13 of the Revised Code, such rules as the commissioner deems necessary to administer sections 5739.01 to 5739.31 of the Revised Code.

(2) The commissioner, in accordance with section 5703.14 of the Revised Code, shall adopt rules necessary to implement the three-day tax exemption periods provided by division (B)(57) of section 5739.02 of the Revised Code. Before each exemption period required under that division, the commissioner shall make available to vendors informational bulletins explaining the exemption.

(B) Upon application, the commissioner may authorize a vendor to pay on a predetermined basis the tax levied by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code upon sales of

things produced or distributed or services provided by such vendor, and the commissioner may waive the collection of the tax from the consumer. The commissioner shall not grant such authority unless the commissioner finds that the granting of the authority would improve compliance and increase the efficiency of the administration of the tax. The person to whom such authority is granted shall post a notice, if required by the commissioner, at the location where the product is offered for sale that the tax is included in the selling price. The commissioner may adopt rules to administer this division.

(C) Upon application, the commissioner may authorize a vendor to remit, on the basis of a prearranged agreement under this division, the tax levied by section 5739.02 or pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code. The proportions and ratios in a prearranged agreement shall be determined either by a test check conducted by the commissioner under terms and conditions agreed to by the commissioner and the vendor or by any other method agreed upon by the vendor and the commissioner. If the parties are unable to agree to the terms and conditions of the test check or other method, the application shall be denied.

If used, the test check shall determine the proportion that taxable retail sales bear to all of the vendor's retail sales and the ratio which the tax required to be collected under sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code bears to the receipts from the vendor's taxable retail sales.

The vendor's liability for remitting the tax shall be based solely upon the proportions and ratios established in the agreement until such time that the vendor or the commissioner believes that the nature of the vendor's business has so changed as to make the agreement no longer representative. The commissioner may give notice to the vendor at any time that the authorization is revoked or the vendor may notify the commissioner that the vendor no longer elects to report under the authorization. Such notice shall be delivered to the other party personally or by registered mail. The revocation or cancellation is effective the last day of the month in which the vendor or the commissioner receives the notice."

Between lines 100181 and 100182, insert:

"Sec. 5739.10. (A) In addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure the same objectives specified in those sections, there is hereby levied upon the privilege of engaging in the business of making retail sales, an excise tax equal to the tax levied by section 5739.02 of the Revised Code, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the

receipts derived from all retail sales, except those to which the excise tax imposed by section 5739.02 of the Revised Code is made inapplicable by division (B) of that section.

(B) For the purpose of this section, no vendor shall be required to maintain records of sales of food for human consumption off the premises where sold, and no assessment shall be made against any vendor for sales of food for human consumption off the premises where sold, solely because the vendor has no records of, or has inadequate records of, such sales; provided that where a vendor does not have adequate records of receipts from the vendor's sales of food for human consumption on the premises where sold, the tax commissioner may refuse to accept the vendor's return and, upon the basis of test checks of the vendor's business for a representative period, and other information relating to the sales made by such vendor, determine the proportion that taxable retail sales bear to all of the vendor's retail sales. The tax imposed by this section shall be determined by deducting from the sum representing five and ~~three-fourths~~ one-half per cent, as applicable under division (A) of this section, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the receipts from such retail sales, the amount of tax paid to the state or to a clerk of a court of common pleas. The section does not affect any duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 to 5739.31 of the Revised Code, nor the liability of any consumer to pay any tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code."

Between lines 100475 and 100476, insert:

"Sec. 5741.02. (A)(1) For the use of the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption in this state of tangible personal property or the benefit realized in this state of any service provided. The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and ~~three-fourths~~ one-half per cent.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the seller at the time the lease or rental is consummated and shall be calculated by the seller on the basis of the total amount to be paid by the lessee or renter under the lease or rental agreement. If the total amount of the consideration for the

lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the seller at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the seller on the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

(3) Except as provided in division (A)(2) of this section, in the case of a transaction, the price of which consists in whole or part of the lease or rental of tangible personal property, the tax shall be measured by the installments of those leases or rentals.

(B) Each consumer, storing, using, or otherwise consuming in this state tangible personal property or realizing in this state the benefit of any service provided, shall be liable for the tax, and such liability shall not be extinguished until the tax has been paid to this state; provided, that the consumer shall be relieved from further liability for the tax if the tax has been paid to a seller in accordance with section 5741.04 of the Revised Code or prepaid by the seller in accordance with section 5741.06 of the Revised Code.

(C) The tax does not apply to the storage, use, or consumption in this state of the following described tangible personal property or services, nor to the storage, use, or consumption or benefit in this state of tangible personal property or services purchased under the following described circumstances:

(1) When the sale of property or service in this state is subject to the excise tax imposed by sections 5739.01 to 5739.31 of the Revised Code, provided said tax has been paid;

(2) Except as provided in division (D) of this section, tangible personal property or services, the acquisition of which, if made in Ohio, would be a sale not subject to the tax imposed by sections 5739.01 to 5739.31 of the Revised Code;

(3) Property or services, the storage, use, or other consumption of or benefit from which this state is prohibited from taxing by the Constitution of the United States, laws of the United States, or the Constitution of this state. This exemption shall not exempt from the application of the tax imposed by this section the storage, use, or consumption of tangible personal property that was purchased in interstate commerce, but that has come to rest in this state, provided that fuel to be used or transported in carrying on interstate commerce that is stopped within this state pending transfer from one conveyance to another is exempt from the excise tax imposed by this section

and section 5739.02 of the Revised Code;

(4) Transient use of tangible personal property in this state by a nonresident tourist or vacationer, or a nonbusiness use within this state by a nonresident of this state, if the property so used was purchased outside this state for use outside this state and is not required to be registered or licensed under the laws of this state;

(5) Tangible personal property or services rendered, upon which taxes have been paid to another jurisdiction to the extent of the amount of the tax paid to such other jurisdiction. Where the amount of the tax imposed by this section and imposed pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code exceeds the amount paid to another jurisdiction, the difference shall be allocated between the tax imposed by this section and any tax imposed by a county or a transit authority pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion to the respective rates of such taxes.

As used in this subdivision, "taxes paid to another jurisdiction" means the total amount of retail sales or use tax or similar tax based upon the sale, purchase, or use of tangible personal property or services rendered legally, levied by and paid to another state or political subdivision thereof, or to the District of Columbia, where the payment of such tax does not entitle the taxpayer to any refund or credit for such payment.

(6) The transfer of a used manufactured home or used mobile home, as defined by section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(7) Drugs that are or are intended to be distributed free of charge to a practitioner licensed to prescribe, dispense, and administer drugs to a human being in the course of a professional practice and that by law may be dispensed only by or upon the order of such a practitioner-;

(8) Computer equipment and related software leased from a lessor located outside this state and initially received in this state on behalf of the consumer by a third party that will retain possession of such property for not more than ninety days and that will, within that ninety-day period, deliver such property to the consumer at a location outside this state. Division (C)(8) of this section does not provide exemption from taxation for any otherwise taxable charges associated with such property while it is in this state or for any subsequent storage, use, or consumption of such property in this state by or on behalf of the consumer.

(9) Tangible personal property held for sale by a person but not for that person's own use and donated by that person, without charge or other compensation, to either of the following:

(a) A nonprofit organization operated exclusively for charitable

purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; or

(b) This state or any political subdivision of this state, but only if donated for exclusively public purposes.

For the purposes of division (C)~~(10)~~(9) of this section, "charitable purposes" has the same meaning as in division (B)(12) of section 5739.02 of the Revised Code.

(D) The tax applies to the storage, use, or other consumption in this state of tangible personal property or services, the acquisition of which at the time of sale was excepted under division (E) of section 5739.01 of the Revised Code from the tax imposed by section 5739.02 of the Revised Code, but which has subsequently been temporarily or permanently stored, used, or otherwise consumed in a taxable manner.

(E)(1)(a) If any transaction is claimed to be exempt under division (E) of section 5739.01 of the Revised Code or under section 5739.02 of the Revised Code, with the exception of divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the consumer shall provide to the seller, and the seller shall obtain from the consumer, a certificate specifying the reason that the transaction is not subject to the tax. The certificate shall be in such form, and shall be provided either in a hard copy form or electronic form, as the tax commissioner prescribes.

(b) A seller that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under this chapter. Relief under this division from liability does not apply to any of the following:

(i) A seller that fraudulently fails to collect tax;

(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption;

(iii) A seller that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the seller in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;

(iv) A seller that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section

5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.

(2) The seller shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) If no certificate is provided or obtained within ninety days after the date on which the transaction is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a seller, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the transaction is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(4) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the seller. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(F) A seller who files a petition for reassessment contesting the assessment of tax on transactions for which the seller obtained no valid exemption certificates, and for which the seller failed to establish that the transactions were not subject to the tax during the one-hundred-twenty-day period allowed under division (E) of this section, may present to the tax commissioner additional evidence to prove that the transactions were exempt. The seller shall file such evidence within ninety days of the receipt by the seller of the notice of assessment, except that, upon application and for reasonable cause, the tax commissioner may extend the period for submitting such evidence thirty days.

(G) For the purpose of the proper administration of sections 5741.01 to 5741.22 of the Revised Code, and to prevent the evasion of the tax hereby levied, it shall be presumed that any use, storage, or other consumption of tangible personal property in this state is subject to the tax until the contrary is established.

(H) The tax collected by the seller from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional use tax pursuant to section 5741.021 or 5741.023 of the Revised Code and of transit authorities levying an additional use tax pursuant to section 5741.022 of the Revised Code. Except for the discount authorized under section 5741.12 of the Revised

Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection of such tax."

Between lines 101316 and 101317, insert:

"**Sec. 5747.01.** Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. "Undistributed net income of a trust"

means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net income included in the adjusted gross income of a beneficiary shall reduce the undistributed net income of the trust commencing with the earliest years of the accumulation period.

(7) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income.

(9) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income.

(10) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code.

(11)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium

dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income, any amount included in federal adjusted gross income under section 105 or not excluded under section 106 of the Internal Revenue Code solely because it relates to an accident and health plan for a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(d) For purposes of division (A)(11) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(12)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(12)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(16) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross

income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for

the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(20) and (21) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(21)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(20)(a) of this section has been deducted.

(d) No refund shall be allowed as a result of adjustments made by division (A)(21) of this section.

(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code.

(24) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and

allowances received by the taxpayer during the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this state.

(25) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A)(25) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired personnel pay for service in the uniformed services or reserve components thereof, or the national guard, or received by the surviving spouse or former spouse of such a taxpayer under the survivor benefit plan on account of such a taxpayer's death. If the taxpayer receives income on account of retirement paid under the federal civil service retirement system or federal employees retirement system, or under any successor retirement program enacted by the congress of the United States that is established and maintained for retired employees of the United States government, and such retirement income is based, in whole or in part, on credit for the taxpayer's uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A)(26) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(26) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the

amount the taxpayer received during the taxable year from the military injury relief fund created in section 5902.05 of the Revised Code.

(28) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(29) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(30) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution.

~~(31)(a) For taxable years beginning in 2015, deduct from the portion of an individual's adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the lesser of the following amounts:~~

~~(i) Seventy-five per cent of the individual's business income;~~

~~(ii) Ninety-three thousand seven hundred fifty dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or one hundred eighty-seven thousand five hundred dollars for all other individuals.~~

~~(b) For taxable years beginning in 2016 or thereafter, deduct from the portion of an individual's adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal adjusted gross income for the taxable year, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals.~~

(32) Deduct, as provided under section 5747.78 of the Revised Code, contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code.

(B) "Business income" means income, including gain or loss, arising

from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following, provided that division (I) (3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in

division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately

prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual

relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like

functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year.

(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section;

(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;

(4) Deduct interest or dividends, net of related expenses deducted in computing federal taxable income, on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are exempt from state taxes under the laws of the United States, but only to the extent that such amount is included in federal taxable income and is described in either division (S)(1)(a) or (b) of this section;

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income

of the S portion of an electing small business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 or

5747.65 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws

of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the chancellor of higher education pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (BB)(4)(a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined in section 5747.012 of the Revised Code, but only to the extent the qualifying investment income does not otherwise constitute modified business income and does not otherwise constitute a qualifying trust amount.

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's

calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level pass-through entity directly and indirectly owns less than fifty per cent of the equity of the lower level pass-through entity on each day of the upper level pass-through entity's calendar or fiscal year in which or with which ends the calendar or fiscal year of the lower level pass-through entity and if, based upon clear and convincing evidence, complete information about the location and cost of the physical assets of the lower pass-through entity is not available to the upper level pass-through entity, then solely for purposes of ascertaining if a gain or loss constitutes a qualifying trust amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation.

(ii) Such gain or loss constitutes nonbusiness income.

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

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

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF) (3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was

created.

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

~~(HH) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(31) of this section for the taxable year."~~

In line 101329, strike through "(4)" and insert "(3)"

In line 101340, strike through "on"

In line 101341, strike through "income other than taxable business income"

In line 101342, strike through "less taxable business income and"

Strike through line 101350a

In line 101365, strike through "(4)(a)"

In line 101379, strike through all after "~~(b)~~"

Strike through lines 101380 and 101381

In line 101382, strike through all before "~~(e)~~"; delete "(b)"; strike through "of"

Strike through line 101383

In line 101384, delete "(b)"; strike through all after "(b)"

Strike through lines 101385 through 101387

In line 101388, strike through "the tax under division (A)(4)(a)"; strike through "of this section."

In line 101439, delete "(9)" and insert "(8)"

In line 101440, delete "(18)" and insert "(17)"; delete "(20)" and insert "(19)"

In line 101463, delete "taxable"

In line 101464, delete "business income and"

Delete lines 101468 through 101487 and insert:

"Sec. 5747.051. (A) As used in this section:

(1) "Institution of higher education" has the same meaning as in section 3334.01 of the Revised Code.

(2) "Qualifying student" means an individual to which all of the following apply:

(a) The individual completed one or more semesters or quarters of enrollment as a full-time student or half-time student at an institution of

higher education in a program or course of study resulting in a degree, certification, or license;

(b) The individual ceased enrollment at that institution of higher education before obtaining a degree, certification, or license and was not enrolled in any institution of higher education for five or more consecutive years as a full-time student or half-time student;

(c) After the five-year period described in division (A)(2)(b) of this section, the individual completes two semesters or three quarters of enrollment as a full-time student or half-time student at an institution of higher education in this state.

(B) A taxpayer who is a qualifying student may apply to the chancellor of higher education for a tax credit. The application shall be made on a form prescribed by the chancellor for that purpose and shall include all information and documentation the chancellor deems necessary. If the chancellor determines that the taxpayer meets the qualifications prescribed by this section, the chancellor shall award the taxpayer a tax credit certificate. The chancellor shall not award more than twenty thousand tax credit certificates under this division. The chancellor shall evaluate applications and award tax credit certificates in the order in which the applications are received by the chancellor.

(C) There is hereby allowed a refundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers that are awarded tax credit certificates by the chancellor under division (B) of this section. The amount of the credit shall equal one thousand dollars. The taxpayer shall claim the credit for the taxpayer's taxable year that includes the date the tax credit certificate was awarded or the next ensuing taxable year. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the amount of the credit exceeds the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code after deduction of all other credits in that order, the taxpayer is entitled to a refund of the excess. A taxpayer claiming a credit under this section shall retain the tax credit certificate for four years following the end of the taxable year to which the credit was applied, and shall make the certificate available for inspection by the tax commissioner upon the request of the commissioner during that period.

(D) The chancellor, in consultation with the commissioner, shall adopt rules under Chapter 119. of the Revised Code as necessary to administer the tax credit authorized by this section. Such rules shall include guidelines for determining if an individual is enrolled as a "full-time student" or "half-time student."

Sec. 5747.054.In addition to all other credits allowed by this chapter, a credit shall be allowed against a taxpayer's aggregate tax liability under

section 5747.02 of the Revised Code for taxpayers with adjusted gross income of less than ~~forty~~ sixty thousand dollars. The amount of the credit shall equal ~~twenty-five~~ fifty per cent of the federal dependent care credit for which the taxpayer is eligible for the taxable year under section 21 of the Internal Revenue Code, 26 U.S.C.A. 21; except that the amount of the credit for a taxpayer with adjusted gross income of less than ~~twenty~~ forty thousand dollars shall equal the federal credit for which the taxpayer is eligible, in any case without regard to any limitation imposed by section 26 of the Internal Revenue Code, 26 U.S.C.A. 26.

The credit allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code.

Sec. 5747.055.(A) As used in this section "retirement income" means retirement benefits, annuities, or distributions that are made from or pursuant to a pension, retirement, or profit-sharing plan and that:

(1) In the case of an individual, are received by the individual on account of retirement and are included in the individual's adjusted gross income;

(2) In the case of an estate, are payable to the estate for the benefit of the surviving spouse of the decedent and are included in the estate's taxable income.

(B) A credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers who received retirement income during the taxable year and whose adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars. Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80

Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) A taxpayer who received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year and whose adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, may elect to receive a credit under this division in lieu of the credit allowed under division (B) of this section. A taxpayer making such an election is not entitled to the credit authorized under this division or division (B) of this section in subsequent taxable years. A taxpayer electing the credit under this division shall receive a credit for the taxable year against the taxpayer's aggregate tax liability under section 5747.02 of the Revised Code computed as follows:

(1) Divide the amount of retirement income received during the taxable year by the taxpayer's expected remaining life on the last day of the taxable year, as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year that includes the last day of the taxable year;

(2) Using the quotient thus obtained as the amount of retirement income received during the taxable year, compute the credit for the taxable year in accordance with division (B) of this section;

(3) Multiply the credit thus obtained by the taxpayer's expected remaining life. The product thus obtained shall be the credit under this division for the taxable year.

(D) If the credit under division (C) or (E) of this section exceeds the taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for the taxable year after allowing for any other credit that precedes that credit in the order required under section 5747.98 of the Revised Code, the taxpayer may elect to receive a credit for each subsequent taxable year. The amount of the credit for each such year shall be computed as follows:

(1) Determine the amount by which the unused credit elected under division (C) or (E) of this section exceeded the total tax due for the taxable year after allowing for any preceding credit in the required order;

(2) Divide the amount of such excess by one year less than the taxpayer's expected remaining life on the last day of the taxable year of the distribution for which the credit was allowed under division (C) or (E) of this section. The quotient thus obtained shall be the credit for each subsequent year.

(E) If subsequent to the receipt of a lump-sum distribution and an election under division (C) of this section an individual receives another

lump-sum distribution within one taxable year, and the taxpayer's adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, the taxpayer may elect to receive a credit for that taxable year. The credit shall equal the lesser of:

(1) A credit computed in the manner prescribed in division (C) of this section;

(2) The amount of credit, if any, to which the taxpayer would otherwise be entitled for the taxable year under division (D) of this section times the taxpayer's expected remaining life on the last day of the taxable year. A taxpayer who elects to receive a credit under this division is not entitled to a credit under this division or division (B) or (C) of this section for any subsequent year except as provided in division (D) of this section.

~~(F) A credit equal to fifty dollars for each return required to be filed under section 5747.08 of the Revised Code shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers sixty-five years of age or older during the taxable year whose adjusted gross income, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars for that taxable year. The credit shall equal one hundred dollars for such a taxpayer whose adjusted gross income, less such exemptions, is not more than fifty thousand dollars, and shall equal fifty dollars for all other such taxpayers.~~

(G) A taxpayer sixty-five years of age or older during the taxable year who has received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year, and whose adjusted gross income, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars for that taxable year may elect to receive a credit under this division in lieu of the credit to which the taxpayer is entitled under division (F) of this section. A taxpayer making such an election shall receive a credit for the taxable year against the taxpayer's aggregate tax liability under section 5747.02 of the Revised Code equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the Internal Revenue Code and in effect for the calendar year that includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under this division or division (F) of this section in subsequent taxable years.

(H) The credits allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. The tax commissioner may require a taxpayer to furnish any information necessary to support a claim for credit under this section, and no credit shall be allowed unless such

information is provided."

In line 101685, after "Code" insert ";

(n) The child tax credit under section 5747.72 of the Revised Code"

Between lines 101978 and 101979, insert:

"Sec. 5747.27.As used in this section, "displaced worker" means an individual who has lost or left the individual's job due to the closing or moving of the facility at which the individual was employed or the abolishment of the individual's position or shift at that facility and who has not obtained another job at which the individual works more than twenty hours a week.

A nonrefundable credit is allowed against the aggregate tax liability under section 5747.02 of the Revised Code of a displaced worker who pays for job training to enhance the displaced worker's ability to get a new job. The amount of the credit equals the lesser of five hundred one thousand dollars or fifty per cent of the amount the individual actually paid less any reimbursements for job training during the twelve-month period beginning when the individual became a displaced worker. The credit shall be claimed for the taxable year in which the worker pays for the job training. If the twelve-month period after the individual becomes a displaced worker extends over two taxable years, the worker may claim all or a portion of the credit, not to exceed five hundred one thousand dollars, for both taxable years. The displaced worker shall claim the credit in the order required under section 5747.98 of the Revised Code. The credit for a taxable year shall not exceed the displaced worker's tax liability for that year after allowing for any other credit that precedes the credit under this section in that order."

Between lines 102813 and 102814, insert:

"Sec. 5747.71.There is hereby allowed a ~~nonrefundable~~ credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer who is an "eligible individual" as defined in section 32 of the Internal Revenue Code. The credit shall equal five per cent of the credit allowed on the taxpayer's federal income tax return pursuant to section 32 of the Internal Revenue Code for taxable years beginning in 2013, and ten per cent of the federal credit allowed for taxable years beginning in or after 2014. If For taxable years beginning in 2013, 2014, 2015, or 2016, if the Ohio adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse if the taxpayer and the taxpayer's spouse file a joint return under section 5747.08 of the Revised Code, less applicable exemptions under section 5747.025 of the Revised Code, exceeds twenty thousand dollars, the credit authorized by this section shall not exceed fifty per cent of the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other nonrefundable credits that precede the credit

allowed under this section in the order prescribed by section 5747.98 of the Revised Code except for the joint filing credit authorized under division (E) of section 5747.05 of the Revised Code. In all other cases, the no case shall a credit authorized by this section shall not for a taxable year beginning in 2013, 2014, 2015, or 2016 exceed the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other nonrefundable credits that precede the credit allowed under this section in the order prescribed by section 5747.98 of the Revised Code. For taxable years beginning in or after 2017, if the amount of the credit authorized by this section exceeds the amount of tax due after deducting all other credits that precede the credit allowed under this section in the order prescribed by section 5747.98 of the Revised Code, the taxpayer shall receive a refund of the excess.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code.

Sec. 5747.72.For taxable years beginning on or after January 1, 2017, there is hereby allowed a refundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer who is allowed a federal child tax credit under section 24 of the Internal Revenue Code for the taxable year. The credit shall equal one of the following amounts for each qualifying child for whom the federal credit is allowed:

<u>Filing status</u>	<u>Ohio Adjusted Gross Income</u>	<u>Credit</u>
<u>Single, qualifying widower, or married filing separately</u>	<u>\$20,000 or less</u>	<u>\$125</u>
	<u>\$20,001 to \$50,000</u>	<u>\$100</u>
<u>Head of household</u>	<u>\$32,000 or less</u>	<u>\$125</u>
	<u>\$32,001 to \$80,000</u>	<u>\$100</u>
<u>Married filing jointly</u>	<u>\$40,000 or less</u>	<u>\$125</u>
	<u>\$40,001 to \$100,000</u>	<u>\$100</u>

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. If the amount of the credit allowed under this section exceeds the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code after deduction of all other credits in that order, the taxpayer is entitled to a refund of the excess."

In line 102836, delete "(8)"; strike through the balance of the line
Strike through line 102837

In line 102838, delete "(9)" and insert "(8)"

In line 102840, delete "(10)" and insert "(9)"

In line 102842, delete "(11)" and insert "(10)"

In line 102844, delete "(12)" and insert "(11)"

In line 102846, delete "(13)" and insert "(12)"

In line 102848, delete "(14)" and insert "(13)"

In line 102850, delete "(15)" and insert "(14)"

In line 102852, delete "(16)" and insert "(15)"

In line 102854, delete "(17)" and insert "(16)"

In line 102856, delete "(18)" and insert "(17)"

In line 102858, delete "(19)" and insert "(18)"

In line 102860, delete "(20)" and insert "(19)"

In line 102862, delete "(21)" and insert "(20)"

In line 102864, delete "(22)" and insert "(21)"

In line 102866, delete "(23)" and insert "(22)"

In line 102869, delete "(24)" and insert "(23)"

In line 102872, delete "(25)" and insert "(24)"

In line 102874, delete "(26)" and insert "(25)"

In line 102876, after "Code" insert ";

(26) The refundable earned income credit under section 5747.71 of the Revised Code;

(27) The refundable credit for resuming higher education under section 5747.051 of the Revised Code;

(28) The refundable child tax credit allowed under section 5747.72 of the Revised Code"

Between lines 102887 and 102888, insert:

"Sec. 5748.01. As used in this chapter:

(A) "School district income tax" means an income tax adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;

(4) Section 5748.021 of the Revised Code;

(5) Section 5748.081 of the Revised Code;

(6) Section 5748.09 of the Revised Code.

(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.

(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.

(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.

(E) "Taxable income" means:

(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:

(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, ~~plus any amount deducted under division (A)(31) of section 5747.01 of the Revised Code for the taxable year;~~

(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.

(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.

(F) "Resident" of the school district means:

(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;

(2) An estate of a decedent who, at the time of death, was domiciled in the school district.

(G) "School district income" means:

(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district.

(2) With respect to an estate, the taxable income of the estate for the

portion of the taxable year that the school district income tax is in effect in that school district.

(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed.

(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to division (A) of section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code."

In line 106073, after "5739.033," insert "5739.05,"

In line 106074, after "5739.09," insert "5739.10,"; after "5739.30," insert "5741.02,"

In line 106076, after "5743.63," insert "5747.01,"; after "5747.02," insert "5747.054, 5747.055,"; after "5747.122," insert "5747.27,"

In line 106077, after "5747.70," insert "5747.71,"; after "5747.98," insert "5748.01,"

Between lines 144522 and 144523, insert:

"Section 803. The amendment or enactment by this act of sections 5747.01, 5747.02, 5747.051, 5747.054, 5747.055, 5747.27, 5747.71, 5747.72, and 5748.01 of the Revised Code applies to taxable years beginning on or after January 1, 2017."

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Thomas moved to amend as follows:

In line 17 of the title, after "173.99," insert "174.02,"

In line 18 of the title, after "307.984," insert "317.32, 317.321,"

In line 19 of the title, after "319.54," insert "319.63,"

In line 293 of the title, after "173.53," insert "174.09,"

In line 512, after "173.99," insert "174.02,"

In line 513, after "307.984," insert "317.32, 317.321,"

In line 514, after "319.54," insert "319.63,"

Between lines 13229 and 13230, insert:

"Sec. 174.02. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, ~~money transferred from the housing trust reserve fund pursuant to section 174.09 of the Revised Code,~~ and all grants, gifts, loan repayments, and contributions of money made from any source to the development services agency for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development services shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The development services agency shall administer the fund. The Ohio housing finance agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the development services agency shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised Code. Use of all money drawn from the fund is subject to the following restrictions:

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

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

(2) Not more than ten per cent of any current year appropriation authority for the fund shall be used for the emergency shelter housing grants program to make grants to private, nonprofit organizations and municipal corporations, counties, and townships for emergency shelter housing for the homeless and emergency shelter facilities serving unaccompanied youth seventeen years of age and younger. The grants shall be distributed pursuant

to rules the director adopts and qualify as matching funds for funds obtained pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378.

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

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

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

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

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

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

(9) In any fiscal year from 2018 to 2021 in which the amount in the fund exceeds sixty million dollars, six million dollars shall be provided to the department of mental health and addiction services to expand the housing component of the community transition program for the purpose of advancing housing opportunities for individuals exiting residential opiate addiction treatment who lack affordable, suitable housing.

(B) If, after the second quarter of any year, it appears to the director of development services that the full amount of the money in the fund designated in that year for activities that provide housing and housing assistance to families and individuals in rural areas and small cities under division (A) of this section will not be used for that purpose, the director may reallocate all or a portion of that amount for other housing activities. In determining whether or how to reallocate money under this division, the director may consult with and shall receive advice from the housing trust fund

advisory committee."

Between lines 15142 and 15143, insert:

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

(A)(1) Except as otherwise provided in division (A)(2) of this section, for recording and indexing an instrument if the photocopy or any similar process is employed:

(a) For a deed or other instrument of writing for the absolute and unconditional sale or conveyance of lands, tenements, and hereditaments, a base fee of thirty-five dollars and a housing trust fund fee of thirty-five dollars;

(b) For a mortgage or assignment of rents, a base fee of one hundred dollars and a housing trust fund fee of one hundred dollars;

(c) For an instrument that conveys or affects an interest in utilities, minerals, crude oil, or natural gas, a base fee of fourteen dollars for the first two pages and a housing trust fund fee of fourteen dollars, and a base fee of four dollars and a housing trust fund fee of four dollars for each subsequent page, size eight and one-half inches by fourteen inches, or fraction of a page, including the caption page, of such instrument and for entering any reference cited in such an instrument, a base fee of two dollars and a housing trust fund fee of two dollars;

(d) For all other instruments, a base fee of thirty-five dollars and a housing trust fund fee of thirty-five dollars, unless a different fee is prescribed by law elsewhere in the Revised Code.

(2) For recording and indexing an instrument described in division (D) of section 317.08 of the Revised Code if the photocopy or any similar process is employed, a fee of ~~twenty-eight~~ fifty dollars for the first two pages to be deposited as specified elsewhere in this division, ~~and a fee of eight dollars to be deposited in the same manner for each subsequent page, size eight and one-half inches by fourteen inches, or fraction of a page, including the caption page, of that instrument.~~ If the county recorder's technology fund has been established under section 317.321 of the Revised Code, of the ~~twenty-eight~~ fifty dollars, ~~fourteen~~ twenty-five dollars shall be deposited into the county treasury to the credit of the county recorder's technology fund and ~~fourteen~~ twenty-five dollars shall be deposited into the county treasury to the credit of the county general fund. If the county recorder's technology fund has not been established, the ~~twenty-eight~~ fifty dollars shall be deposited into the county treasury to the credit of the county general fund.

(B) For certifying a photocopy from the record previously recorded, a

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

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

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

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

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

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

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

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

In any county in which the recorder employs the photostatic or any

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

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

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

Sec. 317.321. (A) Not later than the first day of October of any year, the county recorder may submit to the board of county commissioners a proposal for funding any of the following:

(1) The acquisition and maintenance of imaging and other technological equipment and contract services therefor;

(2) To reserve funds for the office's future technology needs if the county recorder has no immediate plans for the acquisition of imaging and other technological equipment or contract services, or to use the county recorder's technology fund as a dedicated revenue source to repay debt to purchase any imaging and other technological equipment before the accumulation of adequate resources to purchase the equipment with cash.

(3) Subject to division (G) of this section, for other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services.

(B) The proposal shall be in writing and shall include at least the following:

(1) A request that an amount not to exceed eight dollars of the total base fees collected for filing or recording a document for which a fee is charged as required by division (A)(1) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code be placed in the county treasury to the credit of the county recorder's technology fund;

(2) Except as provided in division (E)(3) of this section, the number

of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;

(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code that will be credited to the county recorder's technology fund if the request submitted under division (B)(1) of this section is approved by the board of county commissioners.

(C) A proposal for the purposes of division (A)(1) of this section shall include a description or summary of the imaging and other technological equipment that the county recorder proposes to acquire and maintain, and the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal for the purposes of division (A)(2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with moneys in the county recorder's technology fund, if the proposal is for those purposes.

(D) The board of county commissioners shall receive a proposal and the clerk shall enter it on the journal. At the same time, the board shall establish a date, not sooner than fifteen or later than thirty days after the board receives the proposal, on which to meet with the recorder to review the proposal.

(E)(1) Except as provided in division (E)(3) of this section, not later than the fifteenth day of December of any year in which a proposal is submitted under division (A) of this section, the board of county commissioners shall approve, reject, or modify the proposal and notify the county recorder of its action on the proposal. If the board rejects or modifies the proposal, it shall make a written finding that the request is for a purpose other than for a purpose in division (A) of this section, or that the amount requested is excessive as determined by the board.

(2) A proposal submitted under division (A) of this section that was approved by the board of county commissioners before, and is in effect on, ~~the effective date of this amendment~~ September 29, 2013, shall continue in effect until January 1, ~~2019~~ 2029, notwithstanding the number of years of

funding specified in the approved proposal.

(3) A proposal submitted under division (A) of this section between October 1, 2013, and October 1, ~~2017~~ 2027, may request that an amount that does not exceed three dollars be credited to the county recorder's technology fund, in addition to the amount previously approved by the board of county commissioners in a proposal described in division (E)(2) of this section. The proposal may be submitted each year during that time period, but shall be limited to funding in the following fiscal year. If the total of the amount under division (E)(2) of this section and the amount requested under this division does not exceed eight dollars, the board shall approve the proposal and notify the county recorder of its approval.

(4) If the total amount of fees provided for in divisions (B), (E)(2), and (E)(3) of this section is less than eight dollars, a proposal requesting additional fees may be submitted to the board of county commissioners under division (E)(1) of this section, as long as the total amount of the fees in divisions (B) and (E)(2), (3), and (4) of this section that are to be credited to the county recorder's technology fund does not exceed eight dollars, and the proposal is for a number of years, not to exceed five.

(5) When a proposal is approved by the board of county commissioners under division (E) of this section, the county recorder's technology fund is established in the county treasury, and, beginning on the following first day of January, the fees approved shall be deposited in that fund.

(F) The acquisition and maintenance of imaging and other technological equipment, and other associated expenses and contract services therefor, shall be specifically governed by sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, and 5705.38, and by division (D) of section 5705.41 of the Revised Code.

(G) If the use of the county recorder's technology fund for the purposes of division (A)(3) of this section includes associated expenses for personnel, the use of the fund for personnel shall be strictly confined to personnel directly related to imaging and other technological equipment, and any compensation increases for those personnel shall not exceed the average of the annual aggregate percentage increase or decrease in the compensation fixed by the board of county commissioners for their employees, and for the officers in section 325.27 of the Revised Code. Use of the fund for compensation bonuses, or for recognizing outstanding employee performance in a manner described in section 325.25 of the Revised Code, is prohibited.

(H) If a county is under a fiscal caution under section 118.025 of the Revised Code, or is under a fiscal watch or fiscal emergency as defined in section 118.01 of the Revised Code, the board of county commissioners, notwithstanding sections 5705.14 to 5705.16 of the Revised Code, may

transfer from the county recorder's technology fund any moneys the board deems necessary."

Between lines 15535 and 15536, insert:

"**Sec. 319.63.**(A) During the first thirty days of each calendar quarter, the county auditor shall pay to the treasurer of state all amounts that the county recorder collected as housing trust fund fees pursuant to section 317.36 of the Revised Code during the previous calendar quarter. If payment is made to the treasurer of state within the first thirty days of the quarter, the county auditor may retain an administrative fee of one per cent of the amount of the trust fund fees collected during the previous calendar quarter.

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

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

In line 105942, after "173.99," insert "174.02,"

In line 105943, after "307.984," insert "317.32, 317.321,"

In line 105944, after "319.54," insert "319.63,"

In line 106087, after "173.53," insert "174.09,"

In line 232 of the title, delete "5747.50,"

In line 286 of the title, delete "5747.504,"

In line 647, delete "5747.50,"

In line 681, delete "5747.504,"

In line 8988, reinsert "section"; delete "sections"; delete "and
5747.503"

Delete lines 101979 through 102102

In line 102142, delete "5747.503"; delete the second underlined comma

In line 102174, delete "5747.503,"

In line 102175, delete the second underlined comma

Delete lines 102190 through 102232

In line 102233, delete "**5747.504**" and insert "**5747.503**"

In line 102436, delete "5747.504" and insert "5747.503"

In line 102651, delete "5747.504" and insert "5747.503"

In line 106077, delete "5747.50,"

In line 134393, delete "(G)" and insert "(D)"

In line 134992, delete "(G)" and insert "(D)"

In line 135762, delete "(G)" and insert "(D)"

In line 137021, delete "(G)" and insert "(D)"

In line 139183, delete "(G)" and insert "(D)"

In line 143863, delete "Tax"

In line 143864, delete "Commissioner shall reduce the"

In line 143866, after "as" insert "otherwise"; delete "by" and insert "shall equal"

In line 143867, delete the first "with"; after "July" insert "1,"; delete "with December" and insert "June 30, 2019."

Delete lines 143868 through 143910

In line 143911, delete "(E)" and insert "(B)"

In line 143913, delete "(F)" and insert "(C)"; delete "(2)"

In line 143914, delete "the amounts that would" and insert "in each month of the period beginning July 1, 2017, and ending June 30, 2019, an amount equal to the amount obtained by subtracting one million dollars from the product obtained by multiplying the total amount available for distribution from the local government fund during the current month by the aggregate municipal share, as defined in that division,"

Delete lines 143915 and 143916

In line 143922, delete all after "Code"

In line 143923, delete "to (D) of this section"

In line 143924, delete "(G)" and insert "(D)"

In line 143984, delete "(H)" and insert "(E)"

In line 143987, delete "(G)" and insert "(D)"

In line 144414, delete "5747.50,"; delete "5747.504,"

In line 24 of the title, delete "718.02,"

In line 517, delete "718.02,"

Delete lines 18517 through 18696

In line 19478, delete "only" and insert "in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation"

In line 19479, delete "either" and insert "any"

Between lines 19489 and 19490, insert:

"(c) The property is shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made."

In line 105947, delete "718.02,"

In line 144375, delete "718.02,"

In line 237 of the title, delete "6117.38,"

In line 650, delete "6117.38,"

Delete lines 105231 through 105294

In line 106080, delete "6117.38,"

The question being, "Shall the amendment be agreed to?"

Senator Gardner moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Burke	Coley
Eklund	Gardner	Hackett	Hite
Hoagland	Hottinger	Huffman	Jordan
Kunze	LaRose	Manning	Oelslager
Peterson	Terhar	Uecker	Wilson
			Obhof-21

Those who voted in the negative were: Senators

Beagle	Brown	Dolan	Lehner
O'Brien	Schiavoni	Skindell	Sykes
Tavares	Thomas	Williams	Yuko-12

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Brown moved to amend as follows:

In line 1 of the title, after "sections" insert "9.75,"

In line 500, after "sections" insert "9.75,"

Between lines 683 and 684, insert:

"Sec. 9.75.(A) As used in this section:

(1) "Construction manager" and "construction manager at risk" have

the same meanings as in section 9.33 of the Revised Code.

(2) "Contractor" means a person who undertakes to construct, alter, erect, improve, repair, demolish, remove, dig, drill, or provide professional design services for any part of a structure or public improvement.

"Contractor" may include any public or business association and any person or entity that actively participates in whole or in part in the actual construction of a public improvement or provision of professional design services by itself, through the use of employees, or through the use of a construction manager, construction manager at risk, professional design firm, design-build firm, general contractor, or subcontractor.

(3) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code.

(4) "Laborer" means a person who does any of the following in furtherance of a public improvement:

(a) Performs manual labor or labor of a particular occupation, trade, or craft;

(b) Uses tools or machinery of a particular occupation, trade, or craft;

(c) Otherwise performs physical work in a particular occupation, trade, or craft.

(5) "Professional design services" and "professional design firm" have the same meanings as in section 153.65 of the Revised Code.

(6) "Public authority" includes any of the following:

(a) The state;

(b) A county, township, municipal corporation, or any other political subdivision of the state;

(c) Any public agency, authority, board, commission, instrumentality, or special district of the state, a county, township, municipal corporation, or other political subdivision of the state;

(d) Any officer or agent of one of the entities listed in divisions (A) (6)(a) to (c) of this section who is authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor.

(7) "Public improvement" means any of the following:

(a) A road, bridge, highway, street, or tunnel;

(b) A waste water treatment system or water supply system;

(c) A solid waste disposal facility or a storm water and sanitary collection, storage, and treatment facility;

(d) Any structure or work constructed by a public authority or by

another person on behalf of a public authority pursuant to a contract with the public authority.

(B)(+) Except as provided in division (C) of this section:

(1) No public authority shall require a contractor, as part of a prequalification process or for the construction of a specific public improvement or the provision of professional design services for that public improvement, to employ as laborers a certain number or percentage of individuals who reside within the defined geographic area or service area of the public authority.

(2) No public authority shall provide a bid award bonus or preference to a contractor as an incentive to employ as laborers a certain number or percentage of individuals who reside within the defined geographic area or service area of the public authority.

(C) The department of transportation may do either of the following:

(1) Require a contractor to employ a certain number or percentage of laborers who reside in the service area for the construction of or provision of professional design services for a public improvement, up to fifteen per cent;

(2) Provide a bid award bonus or preference to a contractor who employs a certain number or percentage of laborers who reside in the service area for the construction of or provision of professional design services for a public improvement, up to fifteen per cent."

In line 105930, after "sections" insert "9.75,"

In line 53 of the title, delete "3309.374, 3309.661,"

In line 538, delete "3309.374, 3309.661,"

Delete lines 33919 through 33995

In line 105968, delete "3309.374,"

In line 105969, delete "3309.661,"

In line 25 of the title, after "733.81," insert "743.04,"

In line 235 of the title, after "5923.05," insert "6103.02,"

In line 518, after "733.81," insert "743.04,"

In line 649, after "5923.05," insert "6103.02,"

After line 20804, insert:

"Sec. 743.04. (A) For the purpose of paying the expenses of conducting and managing the waterworks of a municipal corporation, including operating expenses and the costs of permanent improvements, the director of public service or any other city official or body authorized by charter may assess and collect a water rent or charge of sufficient amount and in such manner as the director, other official, or body determines to be most

equitable from all tenements and premises supplied with water.

(1) When water rents or charges are not paid when due, the director or other official or body may do either or both of the following:

(a) Certify them, together with any penalties, to the county auditor. The county auditor shall place the certified amount on the real property tax list and duplicate against the property served by the connection if the auditor also receives from the director or other official or body additional certification that the unpaid rents or charges have arisen pursuant to a service contract made directly with an owner who occupies the property served and that one of the following applies:

(i) The property has not been sold to a new owner after the date the unpaid water rents or charges became due.

(ii) The property has been sold since the date the unpaid water rents or charges became due, and neither party to the most recent sale, either directly or through their agents:

(I) Made a timely request for a final bill to be rendered for all outstanding rents or charges for water service under division (A)(5) of this section; or

(II) Paid the outstanding rents or charges on the final bill for water service rendered under division (A)(5) of this section.

The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid water rents or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount. Any amounts collected by the county treasurer under this division shall be immediately placed in the distinct fund established by section 743.06 of the Revised Code.

(b) Collect them by actions at law, in the name of the city from an owner, tenant, or other person who is liable to pay the rents or charges.

(2) The director or other official body shall not certify to the county auditor for placement upon the tax list and duplicate and the county auditor shall not place upon the tax list and duplicate as a charge against the property the amount of any unpaid water rents or charges together with any penalties as described in division (A)(1)(a) of this section if any of the following apply:

(a) The property served by the connection has been transferred or sold to an electing subdivision as defined in section 5722.01 of the Revised Code, regardless of whether the electing subdivision is still the owner of the property, and the unpaid water rents or charges together with any penalties

have arisen from a period of time prior to the transfer or confirmation of sale to the electing subdivision;

(b) The property served by the connection has been sold to a purchaser at sheriff's sale or auditor's sale, the unpaid water rents or charges together with any penalties have arisen from a period of time prior to the confirmation of sale, and the purchaser is not the owner of record of the property immediately prior to the judgment of foreclosure nor any of the following:

(i) A member of that owner's immediate family;

(ii) A person with a power of attorney appointed by that owner who subsequently transfers the land to the owner;

(iii) A sole proprietorship owned by that owner or a member of that owner's immediate family;

(iv) A partnership, trust, business trust, corporation, or association of which the owner or a member of the owner's immediate family owns or controls directly or indirectly more than fifty per cent.

(c) The property served by the connection has been forfeited to this state for delinquent taxes, unless the owner of record redeems the property.

(3) Upon valid written notice to the county auditor by any owner possessing an ownership interest of record of the property or by an electing subdivision previously in the chain of title of the property that the unpaid water rents or charges together with any penalties have been certified for placement or placed upon the tax list and duplicate as a charge against the property in violation of division (A)(2) of this section, the county auditor shall promptly remove such charge from the tax duplicate. This written notice to the county auditor shall include all of the following:

(a) The parcel number of the property;

(b) The common address of the property;

(c) The date of the recording of the transfer of the property to the owner or electing subdivision;

(d) The charge allegedly placed in violation of division (A)(2) of this section.

(4) Each director or other official or body that assesses water rents or charges shall determine the actual amount of rents due based upon an actual reading of each customer's meter at least once in each three-month period, and at least quarterly the director or other official or body shall render a bill for the actual amount shown by the meter reading to be due, except estimated bills may be rendered if access to a customer's meter was unobtainable for a timely reading. Each director or other official or body that assesses water rents or charges shall establish procedures providing fair and reasonable

opportunity for resolution of billing disputes.

(5) When property to which water service is provided is about to be sold, any party to the sale or the agent of any such party may request the director or other official or body to read the meter at that property and to render within ten days following the date on which the request is made, a final bill for all outstanding rents and charges for water service. Such a request shall be made at least fourteen days prior to the transfer of the title of such property.

(6) At any time prior to a certification under division (A)(1)(a) of this section, the director or other official or body shall accept any partial payment of unpaid water rents or charges, in the amount of ten dollars or more.

(B)(1) When title to a parcel of land that is subject to any of the actions described in division (A)(1) of this section is transferred to a county land reutilization corporation, any lien placed on the parcel under division (A)(1)(a) of this section shall be extinguished, and the corporation shall not be held liable for unpaid rents or charges in any collection action brought under division (A)(1)(b) of this section, if the rents or charges certified under division (A)(1)(a) of this section or subject to collection under division (A)(1)(b) of this section were incurred before the date of the transfer to the corporation and if the corporation did not incur the rents or charges, regardless of whether the rents or charges were certified, the lien was attached, or the action was brought before the date of transfer. In such a case, the corporation and its successors in title shall take title to the property free and clear of any such lien and shall be immune from liability in any such collection action.

If a county land reutilization corporation takes title to property before any rents or charges have been certified or any lien has been placed with respect to the property under division (A)(1) of this section, the corporation shall be deemed a bona fide purchaser for value without knowledge of such rents, charges, or lien, regardless of whether the corporation had actual or constructive knowledge of the rents, charges, or lien, and any such lien shall be void and unenforceable against the corporation and its successors in title.

(2) If a lien placed on a parcel is extinguished as provided in division (B)(1) of this section, the municipal corporation may pursue the remedy available under division (A)(1)(b) of this section to recoup the rents and charges incurred with respect to the parcel from any owner, tenant, or other person liable to pay such rents and charges."

After line 103962, insert:

"Sec. 6103.02. (A) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities within its

county for one or more sewer districts and may provide for their protection and prevent their pollution and unnecessary waste. The board may negotiate and enter into a contract with any public agency or any person for the management, maintenance, operation, and repair of the facilities on behalf of the county, upon the terms and conditions as may be agreed upon with the agency or person and as may be determined by the board to be in the interests of the county. By contract with any public agency or any person operating public water supply facilities within or without its county, the board also may provide a supply of water to a sewer district from the facilities of the public agency or person.

(B) The county sanitary engineer or sanitary engineering department, in addition to other assigned duties, shall assist the board in the performance of its duties under this chapter and shall be charged with other duties and services in relation to the board's duties as the board prescribes.

(C) The board may adopt, publish, administer, and enforce rules for the construction, maintenance, protection, and use of county-owned or county-operated public water supply facilities outside municipal corporations and of public water supply facilities within municipal corporations that are owned or operated by the county or that are supplied with water from water supply facilities owned or operated by the county, including, but not limited to, rules for the establishment and use of any connections, the termination in accordance with reasonable procedures of water service for nonpayment of county water rates and charges, and the establishment and use of security deposits to the extent considered necessary to ensure the payment of county water rates and charges. The rules shall not be inconsistent with the laws of the state or any applicable rules of the director of environmental protection.

(D) No public water supply facilities shall be constructed in any county outside municipal corporations by any person, except for the purpose of supplying water to those municipal corporations, until the plans and specifications for the facilities have been approved by the board. Construction shall be done under the supervision of the county sanitary engineer. Any person constructing public water supply facilities shall pay to the county all expenses incurred by the board in connection with the construction.

(E) The county sanitary engineer or the county sanitary engineer's authorized assistants or agents, when properly identified in writing or otherwise and after written notice is delivered to the owner at least five days in advance or mailed at least five days in advance by first class or certified mail to the owner's tax mailing address, may enter upon any public or private property for the purpose of making, and may make, surveys or inspections necessary for the design or evaluation of county public water supply facilities. This entry is not a trespass and is not to be considered an entry in connection with any appropriation of property proceedings under sections 163.01 to

163.22 of the Revised Code that may be pending. No person or public agency shall forbid the county sanitary engineer or the county sanitary engineer's authorized assistants or agents to enter, or interfere with their entry, upon the property for the purpose of making the surveys or inspections. If actual damage is done to property by the making of the surveys or inspections, the board shall pay the reasonable value of the damage to the property owner, and the cost shall be included in the cost of the facilities and may be included in any special assessments levied and collected to pay that cost.

(F) The board shall fix reasonable rates, including penalties for late payments, for water supplied to public agencies and persons when the source of supply or the facilities for its distribution are owned or operated by the county and may change the rates from time to time as it considers advisable. When the source of the water supply to be used by the county is owned by another public agency or person, the schedule of rates to be charged by the public agency or person shall be approved by the board at the time it enters into a contract for the use of water from the public agency or person.

When the distribution facilities are owned by the county, the board also may fix reasonable charges to be collected for the privilege of connecting to the distribution facilities and may require that, prior to the connection, the charges be paid in full or, if determined by the board to be equitable in a resolution relating to the payment of the charges, may require their payment in installments, as considered adequate by the board, at the times, in the amounts, and with the security, carrying charges, and penalties as may be determined by the board in that resolution to be fair and appropriate. No public agency or person shall be permitted to connect to those facilities until the charges have been paid in full or provision for their payment in installments has been made. If the connection charges are to be paid in installments, the board shall certify, to the county auditor, information sufficient to identify each parcel of property served by a connection and, with respect to each parcel, the total of the charges to be paid in installments, the amount of each installment, and the total number of installments to be paid. The county auditor shall record and maintain the information so supplied in the waterworks record provided for in section 6103.16 of the Revised Code until the connection charges are paid in full. The board may include amounts attributable to connection charges being paid in installments in its billings of rates and other charges for water supplied. In addition, the board may consider payments made to a school district under section 6103.25 of the Revised Code when the board establishes rates and other charges for water supplied.

A board may establish discounted rates or charges or may establish another mechanism for providing a reduction in rates or charges for persons who are sixty-five years of age or older. The board shall establish eligibility requirements for such discounted or reduced rates or charges, including a

requirement that a person be eligible for the homestead exemption or qualify as a low- and moderate-income person.

(G) When any rates or charges are not paid when due, the board may do any or all of the following:

(1) Certify the unpaid rates or charges, together with any penalties, to the county auditor. The county auditor shall place the certified amount ~~upon~~ on the real property tax list and duplicate against the property served by the connection if the auditor also receives from the board additional certification of one of the following:

(a) The property has not been sold to a new owner after the date the unpaid water rates or charges became due.

(b) The property has been sold since the date the unpaid water rates or charges became due, and neither party to the most recent sale, either directly or through their agents:

(i) Made a timely request for a final bill to be rendered for all outstanding rates or charges for water service under division (G)(4) of this section; or

(ii) Paid the outstanding rates or charges on the final bill rendered under division (G)(4) of this section. The

The certified amount shall be a lien on the property from the date placed on the real property tax list and duplicate and shall be collected in the same manner as taxes, except that, notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in that amount when separately tendered as payment for the full amount of the unpaid rates or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.

(2) Collect the unpaid rates or charges, together with any penalties, by actions at law in the name of the county from an owner, tenant, or other person or public agency that is liable for the payment of the rates or charges;

(3) Terminate, in accordance with established rules, the water service to the particular property unless and until the unpaid rates or charges, together with any penalties, are paid in full;

(4) Apply, to the extent required, any security deposit made in accordance with established rules to the payment of the unpaid rates and charges, together with any penalties, for water service to the particular property.

All moneys collected as rates, charges, or penalties fixed or established in accordance with division (F) of this section for water supply purposes in or for any sewer district shall be paid to the county treasurer and kept in a separate and distinct water fund established by the board to the credit

of the district.

Each board that fixes water rates or charges may render estimated bills periodically, provided that at least quarterly it shall schedule an actual reading of each customer's meter so as to render a bill for the actual amount shown by the meter reading to be due, with credit for prior payments of any estimated bills submitted for any part of the billing period, except that estimated bills may be rendered if a customer's meter is not accessible for a timely reading or if the circumstances preclude a scheduled reading. Each board also shall establish procedures providing a fair and reasonable opportunity for the resolution of billing disputes.

When property to which water service is provided is about to be sold, any party to the sale or an agent of a party may request the board to have the meter at that property read and to render, within ten days following the date on which the request is made, a final bill for all outstanding rates and charges for water service. The request shall be made at least fourteen days prior to the transfer of the title of the property.

At any time prior to a certification under division (G)(1) of this section, the board shall accept any partial payment of unpaid water rates or charges in the amount of ten dollars or more.

Except as otherwise provided in any proceedings authorizing or providing for the security for and payment of any public obligations, or in any indenture or trust or other agreement securing public obligations, moneys in the water fund shall be applied first to the payment of the cost of the management, maintenance, and operation of the water supply facilities of, or used or operated for, the sewer district, which cost may include the county's share of management, maintenance, and operation costs under cooperative contracts for the acquisition, construction, or use of water supply facilities and, in accordance with a cost allocation plan adopted under division (H) of this section, payment of all allowable direct and indirect costs of the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, incurred for the purposes of this chapter, and shall be applied second to the payment of debt charges payable on any outstanding public obligations issued or incurred for the acquisition or construction of water supply facilities for or serving the district, or for the funding of a bond retirement or other fund established for the payment of or security for the obligations. Any surplus remaining may be applied to the acquisition or construction of those facilities or for the payment of contributions to be made, or costs incurred, for the acquisition or construction of those facilities under cooperative contracts. Moneys in the water fund shall not be expended other than for the use and benefit of the district.

(H) A board of county commissioners may adopt a cost allocation plan that identifies, accumulates, and distributes allowable direct and indirect

costs that may be paid from the water fund of the sewer district created pursuant to division (G) of this section, and that prescribes methods for allocating those costs. The plan shall authorize payment from the fund of only those costs incurred by the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, and those costs incurred by the general and other funds of the county for a common or joint purpose, that are necessary and reasonable for the proper and efficient administration of the district under this chapter. The plan shall not authorize payment from the fund of any general government expense required to carry out the overall governmental responsibilities of a county. The plan shall conform to United States office of management and budget Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments," published May 17, 1995."

In line 105949, after "733.81," insert "743.04,"

In line 106079, after "5923.05," insert "6103.02,"

In line 13 of the title, after "143.01," insert "145.01, 145.334,"

In line 509, after "143.01," insert "145.01, 145.334,"

Between lines 10397 and 10398, insert:

"Sec. 145.01. As used in this chapter:

(A) "Public employee" means:

(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio history connection, public library, county law library, union cemetery, joint hospital, institutional commissary, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in division (A)(1) of this section, or employed and paid in whole or in part by the state or any of the authorities named in division (A)(1) of this section in any capacity not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.

(2) A person who is a member of the public employees retirement system and who continues to perform the same or similar duties under the direction of a contractor who has contracted to take over what before the date of the contract was a publicly operated function. The governmental unit with which the contract has been made shall be deemed the employer for the purposes of administering this chapter.

(3) Any person who is an employee of a public employer, notwithstanding that the person's compensation for that employment is derived from funds of a person or entity other than the employer. Credit for

such service shall be included as total service credit, provided that the employee makes the payments required by this chapter, and the employer makes the payments required by sections 145.48 and 145.51 of the Revised Code.

(4) A person who elects in accordance with section 145.015 of the Revised Code to remain a contributing member of the public employees retirement system.

(5) A person who is an employee of the legal rights service on September 30, 2012, and continues to be employed by the nonprofit entity established under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly. The nonprofit entity is the employer for the purpose of this chapter.

In all cases of doubt, the public employees retirement board shall determine under section 145.036, 145.037, or 145.038 of the Revised Code whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio history connection, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical university, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in this division not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior military service" also means all service credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code.

When used in the sections listed in division (B) of section 145.82 of the Revised Code, "contributor" includes any person participating in a PERS defined contribution plan.

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retiree, qualify for or are receiving some right or benefit under this chapter.

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in the public employees retirement system, shall make a payment of the contributions they would have paid had they been members of this system for the eighteen months of employment preceding the date membership was established. When that payment has been made by all such employee members, a corresponding payment shall be paid into the employers' accumulation fund by that municipal corporation as the employer of the employees.

(3) Not more than one year of credit may be given for any period of twelve months.

(4) "Ohio service credit" means credit for service that was rendered to the state or any of its political subdivisions or any employer.

(I) "Regular interest" means interest at any rates for the respective funds and accounts as the public employees retirement board may determine from time to time.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's individual account in the employees' savings fund together with any interest credited to the contributor's account under section

145.471 or 145.472 of the Revised Code.

(K)(1) "Final average salary" means the greater of the following:

(a) The sum of the member's earnable salaries for the appropriate number of calendar years of contributing service, determined under section 145.017 of the Revised Code, in which the member's earnable salary was highest, divided by the same number of calendar years or, if the member has fewer than the appropriate number of calendar years of contributing service, the total of the member's earnable salary for all years of contributing service divided by the number of calendar years of the member's contributing service;

(b) The sum of a member's earnable salaries for the appropriate number of consecutive months, determined under section 145.017 of the Revised Code, that were the member's last months of service, up to and including the last month, divided by the appropriate number of years or, if the time between the first and final months of service is less than the appropriate number of consecutive months, the total of the member's earnable salary for all months of contributing service divided by the number of years between the first and final months of contributing service, including any fraction of a year, except that the member's final average salary shall not exceed the member's highest earnable salary for any twelve consecutive months.

(2) If contributions were made in only one calendar year, "final average salary" means the member's total earnable salary.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M) "Annuity reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retiree as provided in this chapter.

(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.

(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.

(O) "Age and service retirement" means retirement as provided in

sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.

(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to former division (K)(3) and former division (Y) of this section and section 145.2916 of the Revised Code.

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

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the

contributor receives a salary;

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

(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;

(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;

(f) Payments made to or on behalf of a contributor 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;

(g) 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;

(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;

(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.

(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.

(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to

be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.

(T) "Contributing service" means both of the following:

(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.

(2) Service credit received by election of the member under section 145.814 of the Revised Code.

(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, and 145.46 and former section 145.34 of the Revised Code.

(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) "Five years of service credit," for the exclusive purpose of satisfying the service credit requirements and of determining eligibility under section 145.33 or 145.332 of the Revised Code, means employment covered under this chapter or under a former retirement plan operated, recognized, or endorsed by the employer prior to coverage under this chapter or under a combination of the coverage.

(Z) "Deputy sheriff" means any person who is commissioned and employed as a full-time peace officer by the sheriff of any county, and has been so employed since on or before December 31, 1965; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code; or any person deputized by the sheriff of any county and employed pursuant to section 2301.12 of the Revised Code as a criminal bailiff or court constable who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code.

(AA) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised

Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code.

(BB) "Drug agent" means any person who is either of the following:

(1) Employed full time as a narcotics agent by a county narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) Employed full time as an undercover drug agent as defined in section 109.79 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(CC) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section 5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of the Revised Code.

(DD) "Natural resources law enforcement staff officer" means a full-time employee of the department of natural resources who is designated a natural resources law enforcement staff officer under section 1501.013 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(EE) "Forest-fire investigator" means a full-time employee of the department of natural resources who is appointed a forest-fire investigator under section 1503.09 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(FF) "Natural resources officer" means a full-time employee of the department of natural resources who is appointed as a natural resources officer under section 1501.24 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(GG) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(HH) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(II) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(JJ) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of

the Ohio police and fire pension fund.

(KK) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(MM) "Special police officer for an institution for persons with intellectual disabilities" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(NN) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

(OO) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section.

(PP) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code.

(QQ) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(RR) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person serving full time as a special police officer pursuant to that section on a permanent basis on October 21, 1997, who is in compliance with section 109.77 of the Revised Code.

(SS) "Municipal public safety director" means a person who serves full time as the public safety director of a municipal corporation with the duty of directing the activities of the municipal corporation's police department and fire department.

(TT) "Bureau of criminal identification and investigation investigator" means a person who is in compliance with section 109.77 of the Revised Code and is employed full time as an investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification

and investigation commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section.

(UU) "Gaming agent" means a person who is in compliance with section 109.77 of the Revised Code and is employed full time as a gaming agent with the Ohio casino control commission pursuant to section 3772.03 of the Revised Code.

(VV) "Department of taxation investigator" means a person employed full time with the department of taxation to whom both of the following apply:

(1) The person has been delegated investigation powers pursuant to section 5743.45 of the Revised Code for the enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 5747. of the Revised Code.

(2) The person is in compliance with section 109.77 of the Revised Code.

(WW) "Special police officer for a port authority" means a person who is in compliance with section 109.77 of the Revised Code and is employed full time as a special police officer with a port authority under section 4582.04 or 4582.28 of the Revised Code.

(XX) "Special police officer for a municipal airport" means a person to whom both of the following apply:

(1) The person is employed full time as a special police officer with a municipal corporation at a municipal airport or other municipal air navigation facility that meets both of the following requirements:

(a) The airport or navigation facility has scheduled operations, as defined in 14 C.F.R. 110.2, as amended.

(b) The airport or navigation facility is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in 49 C.F.R. parts 1542 and 1544, as amended.

(2) The person is in compliance with section 109.77 of the Revised Code.

(YY) "Parole officer" means a person who is employed full time by the department of rehabilitation and correction in the adult parole authority created under section 5149.02 of the Revised Code to supervise criminal offenders released from prison on parole or post-release control. As used in this division, "parole" and "post-release control" have the same meanings as in section 2967.01 of the Revised Code.

(ZZ) Notwithstanding section 2901.01 of the Revised Code, "PERS

law enforcement officer" means a sheriff or any of the following whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, wildlife officer, forest-fire investigator, natural resources officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for persons with developmental disabilities, state university law enforcement officer, municipal police officer, house sergeant at arms, assistant house sergeant at arms, regional transit authority police officer, or state highway patrol police officer.

"PERS law enforcement officer" also includes a person employed as a parole officer who commences employment on or after the effective date of this amendment or makes the election described in division (B) of section 145.334 of the Revised Code.

"PERS law enforcement officer" also includes a person employed as a bureau of criminal identification and investigation investigator, gaming agent, department of taxation investigator, special police officer for a port authority, or special police officer for a municipal airport who commences employment in any of those positions on or after ~~the effective date of this amendment~~ April 6, 2017, or makes the election described in division (A) of section 145.334 of the Revised Code.

"PERS law enforcement officer" also includes a person serving as a municipal public safety director at any time during the period from September 29, 2005, to March 24, 2009, if the duties of that service were to preserve the peace, protect life and property, and enforce the laws of this state.

~~(ZZ)~~(AAA) "Hamilton county municipal court bailiff" means a person appointed by the clerk of courts of the Hamilton county municipal court under division (A)(3) of section 1901.32 of the Revised Code who is employed full time as a bailiff or deputy bailiff, who has received a certificate attesting to the person's satisfactory completion of the peace officer basic training described in division (D)(1) of section 109.77 of the Revised Code.

~~(AAA)~~(BBB) "PERS public safety officer" means a Hamilton county municipal court bailiff, or any of the following whose primary duties are other than to preserve the peace, protect life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, wildlife officer, forest-fire investigator, natural resources officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an

institution for persons with developmental disabilities, state university law enforcement officer, municipal police officer, house sergeant at arms, assistant house sergeant at arms, regional transit authority police officer, or state highway patrol police officer.

"PERS public safety officer" also includes a person employed as a parole officer who commences employment on or after the effective date of this amendment or makes the election described in division (B) of section 145.334 of the Revised Code.

"PERS public safety officer" also includes a person employed as a bureau of criminal identification and investigation investigator, gaming agent, department of taxation investigator, special police officer for a port authority, or special police officer for a municipal airport who commences employment in any of those positions on or after ~~the effective date of this amendment~~ April 6, 2017, or makes the election described in division (A) of section 145.334 of the Revised Code.

"PERS public safety officer" also includes a person serving as a municipal public safety director at any time during the period from September 29, 2005, to March 24, 2009, if the duties of that service were other than to preserve the peace, protect life and property, and enforce the laws of this state.

~~(BBB)~~(CCC) "Fiduciary" means a person who does any of the following:

- (1) 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) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;
- (3) Has any discretionary authority or responsibility in the administration of the system.

~~(CCC)~~(DDD) "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.

~~(DDD)~~(EEE) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.

~~(EEE)~~(FFF) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.

Sec. 145.334.(A) A member who, on ~~the effective date of this section~~

April 6, 2017, meets the definition of bureau of criminal identification and investigation investigator, gaming agent, department of taxation investigator, special police officer for a port authority, or special police officer for a municipal airport in section 145.01 of the Revised Code may make the election to be considered a PERS law enforcement officer or PERS public safety officer by giving notice to the public employees retirement system on a form provided by the public employees retirement board. To be valid, the notice must be received by the retirement system not later than ninety days after ~~the effective date of this section~~ April 6, 2017. The election, once made, causes the member to be considered a PERS law enforcement officer or PERS public safety officer and is irrevocable.

(B) A member who, on the effective date of this amendment, meets the definition of parole officer in section 145.01 of the Revised Code may make the election to be considered a PERS law enforcement officer or PERS public safety officer by giving notice to the public employees retirement system on a form provided by the public employees retirement board. To be valid, the notice must be received by the retirement system not later than ninety days after the effective date of this amendment. The election, once made, causes the member to be considered a PERS law enforcement officer or PERS public safety officer and is irrevocable.

(C) Service credit earned by a member of the public employees retirement system before the first day of the first month following the retirement system's receipt of the notice of election under division (A) or (B) of this section shall not be considered service credit as a PERS law enforcement officer or PERS public safety officer."

In line 105939, after "143.01," insert "145.01, 145.334,"

In line 263 of the title, after "3901.90," insert "4113.87, 4113.88, 4113.89, 4113.90, 4113.91, 4113.92, 4113.93,"

In line 304 of the title, after "3742.48," insert "4113.81,"

In line 669, after "3901.90," insert "4113.87, 4113.88, 4113.89, 4113.90, 4113.91, 4113.92, 4113.93,"

Between lines 59357 and 59358, insert:

"Sec. 4113.87. As used in sections 4113.87 to 4113.93 of the Revised Code:

(A) "Appropriate unit" means independent child care providers or independent home care providers, whichever is the subject of the bargaining activity.

(B) "Independent child care provider" means any of the following persons:

(1) A person who is licensed as a type A home who does not meet the

definition of "employee" under the National Labor Relations Act, 29 U.S.C. 152;

(2) A person who is a licensed type B home;

(3) A person who is an in-home aide who is not a county or state employee.

(C) "Independent home care provider" means any person who has a medicaid provider agreement to provide either of the following on a self-employed basis and without employing, directly or through contract, another person:

(1) State plan home and community-based services covered by the medicaid program pursuant to section 5164.10 of the Revised Code;

(2) Home and community-based services available under a medicaid waiver component as defined in section 5166.01 of the Revised Code.

(D) "Provider" means an independent child care provider or an independent home care provider.

(E) "Recipient" means any person receiving the services of an independent child care provider or an independent home care provider, or that person's parent or legal guardian.

(F) "Representative organization" means any employee organization as defined in section 4117.01 of the Revised Code or any labor or bona fide organization in which providers participate and that exists for the purpose, in whole or in part, of dealing with the state concerning grievances, wages, hours, terms, and other conditions of employment of providers that are within the control of the state.

(G) "Type A home," "licensed type B home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

Sec. 4113.88. Providers may do all of the following:

(A) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, any representative organization of their own choosing;

(B) Engage in concerted activities, other than those described in division (A) of this section, for the purpose of collective bargaining or other mutual aid and protection;

(C) Be represented by a representative organization;

(D) Bargain collectively with the state to determine wages, hours, and terms and conditions of employment that are within the control of the state, the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into a collective bargaining agreement;

(E) Present grievances and have them adjusted, without the intervention of the representative organization, so long as the adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and the representative organization has the opportunity to be present at the adjustment.

Sec. 4113.89.(A) A representative organization shall become the exclusive representative of all the providers in an appropriate unit for the purpose of collective bargaining by filing a request with the state for recognition as an exclusive representative, as described in division (B) of this section, a copy of which shall be sent to the state employment relations board.

(B)(1) In the request for recognition, the representative organization shall do all of the following:

(a) Describe the bargaining unit;

(b) Allege that a majority of the providers in the bargaining unit wish to be represented by the representative organization;

(c) Support the request with substantial evidence based on, and in accordance with, rules prescribed by the state employment relations board demonstrating that a majority of the providers in the bargaining unit wish to be represented by the representative organization.

(2) Immediately upon receipt of the request described in this section, the state shall request an election in accordance with the same requirements as provided in division (A)(2) of section 4117.07 of the Revised Code.

(C) Nothing in this section shall be construed to permit the state to recognize, or the state employment relations board to certify, a representative organization as an exclusive representative if there is in effect a lawful written agreement, contract, or memorandum of understanding between the state and another representative organization that, on the effective date of this section, has been recognized by the state as the exclusive representative of the providers in an appropriate unit or that by tradition, custom, practice, election, or negotiation has been the only representative organization representing all providers in the unit. This division does not apply to any agreement that has been in effect in excess of three years. For purposes of this section, extensions of an agreement do not affect the expiration of the original agreement.

Sec. 4113.90.(A) All matters pertaining to wages, hours, and terms and conditions of employment that are within the control of the state, the continuation, modification, or deletion of an existing provision of a collective bargaining agreement shall be subject to collective bargaining between the state and the exclusive representative as described in section 4113.89 of the Revised Code, except as otherwise specified in this section.

(B) This section shall not alter the unique relations between providers and recipients of care. The recipient retains the absolute right to choose

providers and to control the hiring, termination, and supervision of providers.

(C) This section shall not affect the ability of the state to take appropriate action when a provider is no longer eligible to provide care under state or federal law, or any rules or regulations adopted thereunder.

Sec. 4113.91. The parties to any collective bargaining agreement entered into pursuant to sections 4113.87, 4113.88, 4113.89, and 4113.90 of the Revised Code shall record that agreement in writing, which is to be executed by all of the parties to the agreement. The agreement shall contain the same provisions as described in division (B) of section 4117.09 of the Revised Code, as applicable. Such provisions shall apply to the state, its agents or representatives, any representative organization, its agents or representatives, and to providers in the same manner as the same provisions apply to public employers, public employees, and employee organizations as described in Chapter 4117. of the Revised Code.

Sec. 4113.92. The state employment relations board has the same authority as described in sections 4117.12 and 4117.13 of the Revised Code to investigate, hold hearings, make determinations, and issue complaints regarding unfair labor practices, insofar as that authority does not conflict with sections 4113.87, 4113.88, 4113.89, 4113.90, 4113.91, 4113.92, and 4113.93 of the Revised Code. For purposes of this section, "unfair labor practice" has the same meaning as in section 4117.11 of the Revised Code, except any provisions applying to public employers shall apply to the state, any provisions applying to employee organizations shall apply to representative organizations, and any provisions applying to public employees shall apply to providers.

Sec. 4113.93. A provider shall not be considered to be an employee of the state or in the service of the state."

In line 106095, after "3742.48," insert "4113.81,"

In line 78917, reinsert "Flat-rate, monthly, primary"; delete "Monthly"

In line 78918, reinsert "with touch-tone service,"

The question being, "Shall the amendment be agreed to?"

Senator Gardner moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose

Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24
Those who voted in the negative were: Senators			
Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Skindell moved to amend as follows:

In line 32 of the title, after "1509.071," insert "1509.10,"

In line 235 of the title, after "5923.05," insert "6109.34,"

In line 236, after "6111.046," insert "6111.05,"

In line 523, after "1509.071," insert "1509.10,"

In line 649, after "5923.05," insert "6109.34,," after "6111.046," insert "6111.05,"

Between lines 22731 and 22732, insert:

"Sec. 1509.10. (A) Any person drilling within the state shall, within sixty days after the completion of drilling operations to the proposed total depth or after a determination that a well is a dry or lost hole, file with the division of oil and gas resources management all wireline electric logs and an accurate well completion record on a form that is prescribed by the chief of the division of oil and gas resources management that designates:

(1) The purpose for which the well was drilled;

(2) The character, depth, and thickness of geological units encountered, including coal seams, mineral beds, associated fluids such as fresh water, brine, and crude oil, natural gas, and sour gas, if such seams, beds, fluids, or gases are known;

(3) The dates on which drilling operations were commenced and completed;

(4) The types of drilling tools used and the name of the person that drilled the well;

(5) The length in feet of the various sizes of casing and tubing used in drilling the well, the amount removed after completion, the type and setting depth of each packer, all other data relating to cementing in the annular space behind such casing or tubing, and data indicating completion as a dry, gas, oil, combination oil and gas, brine injection, or artificial brine well or a stratigraphic test;

(6) The number of perforations in the casing and the intervals of the perforations;

(7) The elevation above mean sea level of the point from which the depth measurements were made, stating also the height of the point above ground level at the well, the total depth of the well, and the deepest geological unit that was penetrated in the drilling of the well;

(8) If applicable, the type, volume, and concentration of acid, and the date on which acid was used in acidizing the well;

(9)(a) If applicable, the trade name and the total amount of all products, fluids, and substances, and the supplier of each product, fluid, or substance, not including cement and its constituents and lost circulation materials, intentionally added to facilitate the drilling of any portion of the well until the surface casing is set and properly sealed. The owner shall identify each additive used and provide a brief description of the purpose for which the additive is used. In addition, the owner shall include a list of all chemicals, not including any information that is designated as a trade secret pursuant to division (I)(1) of this section, intentionally added to all products, fluids, or substances and include each chemical's corresponding chemical abstracts service number and the maximum concentration of each chemical. The owner shall obtain the chemical information, not including any information that is designated as a trade secret pursuant to division (I)(1) of this section, from the company that drilled the well, provided service at the well, or supplied the chemicals. If the company that drilled the well, provided service at the well, or supplied the chemicals provides incomplete or inaccurate chemical information, the owner shall make reasonable efforts to obtain the required information from the company or supplier.

(b) For purposes of division (A)(9)(a) of this section, if recycled fluid was used, the total volume of recycled fluid and the well that is the source of the recycled fluid or the centralized facility that is the source of the recycled fluid.

(10)(a) If applicable, the type and volume of fluid, not including cement and its constituents or information that is designated as a trade secret pursuant to division (I)(1) of this section, used to stimulate the reservoir of the well, the reservoir breakdown pressure, the method used for the containment of fluids recovered from the fracturing of the well, the methods used for the containment of fluids when pulled from the wellbore from swabbing the well, the average pumping rate of the well, and the name of the person that performed the well stimulation. In addition, the owner shall include a copy of the log from the stimulation of the well, a copy of the invoice for each of the procedures and methods described in division (A)(10) of this section that were used on a well, and a copy of the pumping pressure and rate graphs. However, the owner may redact from the copy of each invoice that is required to be included under division (A)(10) of this section the costs of and charges for the procedures and methods described in division (A)(10) of this section

that were used on a well.

(b) If applicable, the trade name and the total volume of all products, fluids, and substances, and the supplier of each product, fluid, or substance used to stimulate the well. The owner shall identify each additive used, provide a brief description of the purpose for which the additive is used, and include the maximum concentration of the additive used. In addition, the owner shall include a list of all chemicals, not including any information that is designated as a trade secret pursuant to division (I)(1) of this section, intentionally added to all products, fluids, or substances and include each chemical's corresponding chemical abstracts service number and the maximum concentration of each chemical. The owner shall obtain the chemical information, not including any information that is designated as a trade secret pursuant to division (I)(1) of this section, from the company that stimulated the well or supplied the chemicals. If the company that stimulated the well or supplied the chemicals provides incomplete or inaccurate chemical information, the owner shall make reasonable efforts to obtain the required information from the company or supplier.

(c) For purposes of division (A)(10)(b) of this section, if recycled fluid was used, the total volume of recycled fluid and the well that is the source of the recycled fluid or the centralized facility that is the source of the recycled fluid.

(11) The name of the company that performed the logging of the well and the types of wireline electric logs performed on the well.

The well completion record shall be submitted in duplicate. The first copy shall be retained as a permanent record in the files of the division, and the second copy shall be transmitted by the chief to the division of geological survey.

(B)(1) Not later than sixty days after the completion of the drilling operations to the proposed total depth, the owner shall file all wireline electric logs with the division of oil and gas resources management and the chief shall transmit such logs electronically, if available, to the division of geological survey. Such logs may be retained by the owner for a period of not more than six months, or such additional time as may be granted by the chief in writing, after the completion of the well substantially to the depth shown in the application required by section 1509.06 of the Revised Code.

(2) If a well is not completed within sixty days after the completion of drilling operations, the owner shall file with the division of oil and gas resources management a supplemental well completion record that includes all of the information required under this section within sixty days after the completion of the well.

(3) After a well is initially completed and stimulated and until the

well is plugged, the owner shall report, on a form prescribed by the chief, all materials placed into the formation to refracture, restimulate, or newly complete the well. The owner shall submit the information within sixty days after completing the refracturing, restimulation, or new completion. In addition, the owner shall report the information required in divisions (A)(10)(a) to (c) of this section, as applicable, in a manner consistent with the requirements established in this section.

(C) Upon request in writing by the chief of the division of geological survey prior to the beginning of drilling of the well, the person drilling the well shall make available a complete set of cuttings accurately identified as to depth.

(D) The form of the well completion record required by this section shall be one that has been prescribed by the chief of the division of oil and gas resources management and the chief of the division of geological survey. The filing of a log as required by this section fulfills the requirement of filing a log with the chief of the division of geological survey in section 1505.04 of the Revised Code.

(E) If a material listed or designated under division (A)(9) or (10) or (B)(3) of this section is a material for which the division of oil and gas resources management does not have a material safety data sheet, the owner shall provide a copy of the material safety data sheet for the material to the chief.

(F) An owner shall submit to the chief the information that is required in divisions (A)(10)(b) and (c) and (B)(3) of this section consistent with the requirements established in this section using one of the following methods:

(1) On a form prescribed by the chief;

(2) Through the chemical disclosure registry that is maintained by the ground water protection council and the interstate oil and gas compact commission;

(3) Any other means approved by the chief.

(G) The chief shall post on the division's web site each material safety data sheet obtained under division (E) of this section. In addition, the chief shall make available through the division's web site the chemical information that is required by divisions (A)(9) and (10) and (B)(3) of this section.

(H)(1) If a medical professional, in order to assist in the diagnosis or treatment of an individual who was affected by an incident associated with the production operations of a well, requests the exact chemical composition of each product, fluid, or substance and of each chemical component in a product, fluid, or substance that is designated as a trade secret pursuant to division (I) of this section, the person claiming the trade secret protection

pursuant to that division shall provide to the medical professional the exact chemical composition of the product, fluid, or substance and of the chemical component in a product, fluid, or substance that is requested.

(2) A medical professional who receives information pursuant to division (H)(1) of this section shall keep the information confidential and shall not disclose the information for any purpose that is not related to the diagnosis or treatment of an individual who was affected by an incident associated with the production operations of a well. Nothing in division (H)(2) of this section precludes a medical professional from making any report required by law or professional ethical standards.

(I)(1) The owner of a well who is required to submit a well completion record under division (A) of this section or a report under division (B)(3) of this section or a person that provides information to the owner as described in and for purposes of division (A)(9) or (10) or (B)(3) of this section may designate without disclosing on a form prescribed by the chief and withhold from disclosure to the chief the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance as a trade secret. The owner or person may pursue enforcement of any rights or remedies established in sections 1333.61 to 1333.69 of the Revised Code for misappropriation, as defined in section 1333.61 of the Revised Code, with respect to the identity, amount, concentration, or purpose of a product, fluid, or substance or a chemical component in a product, fluid, or substance designated as a trade secret pursuant to division (I)(1) of this section. The Except as provided in division (J)(2) of this section, the division shall not disclose information regarding the identity, amount, concentration, or purpose of any product, fluid, or substance or of any chemical component in a product, fluid, or substance designated as a trade secret pursuant to division (I)(1) of this section.

(2) A property owner, an adjacent property owner, or any person or agency of this state having an interest that is or may be adversely affected by a product, fluid, or substance or by a chemical component in a product, fluid, or substance may commence a civil action in the court of common pleas of Franklin county against an owner or person described in division (I)(1) of this section challenging the owner's or person's claim to entitlement to trade secret protection for the specific identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance pursuant to division (I)(1) of this section. A person who commences a civil action pursuant to division (I)(2) of this section shall provide notice to the chief in a manner prescribed by the chief. In the civil action, the court shall conduct an in camera review of information submitted by an owner or person described in division (I)(1) of this section to determine if the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance pursuant to division (I)

(1) of this section is entitled to trade secret protection.

(J)(1) Except for any information that is designated as a trade secret pursuant to division (I)(1) of this section and except as provided in division (J)(2) of this section, the owner of a well shall maintain records of all chemicals placed in a well for a period of not less than two years after the date on which each such chemical was placed in the well. The chief may inspect the records at any time concerning any such chemical.

(2) An owner or person who has designated the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance as a trade secret pursuant to division (I)(1) of this section shall maintain the records for such a product, fluid, or substance or for a chemical component in a product, fluid, or substance for a period of not less than two years after the date on which each such product, fluid, or substance or each such chemical component in a product, fluid, or substance ~~was placed in the well~~ is brought to a location that is regulated under or is subject to this chapter or rules adopted under it. Upon the request of the chief, the owner or person, ~~as applicable,~~ immediately shall disclose the records or information to the chief if the records or information is necessary to respond to a spill, release, or investigation. ~~However~~ The owner or person who received a request for records or information under this division shall label and clearly identify all records or information designated as a trade secret.

The chief may provide the records or information to any agency of the state or emergency responder that is responding to a spill or release or that is participating in an investigation of a spill or release that occurred at a location regulated under or subject to this chapter or rules adopted under it. If the chief provides the records or information to an agency of the state or an emergency responder, the chief shall notify, as soon as practicable, the owner or person who disclosed the records or information that the chief has provided the records or information to the agency of the state or emergency responder, as applicable. Unless otherwise authorized by the Revised Code, the chief or an agency of the state or emergency responder receiving the records or information shall not disclose the records or information that is designated as a trade secret.

The provision of records or information by the chief to a state agency or emergency responder under this division does not affect the designation of a trade secret under division (I)(1) of this section. In addition, the chief's provision of records or information to a state agency or emergency responder under this division does not subject the records or information to public disclosure. Nothing in this division precludes an owner or person who has designated the identity, amount, concentration, or purpose of a product, fluid, or substance or of a chemical component in a product, fluid, or substance as a

trade secret and discloses records or information to the chief pursuant to a request by the chief under this division from requesting a confidentiality agreement with a recipient of the records or information.

(K)(1) For purposes of correcting inaccuracies and incompleteness in chemical information required by divisions (A)(9) and (10) and (B)(3) of this section, an owner shall be considered in substantial compliance if the owner has made reasonable efforts to obtain the required information from the supplier.

(2) For purposes of reporting under this section, an owner is not required to report chemicals that occur incidentally or in trace amounts.

(L) As used in this section, ~~the term "material"~~

(1) "Material safety data sheet" shall conform to any revision of or change in the term by the occupational safety and health administration in the United States department of labor.

(2) "Emergency responder" means both of the following:

(a) A representative of a fire department as defined in section 3750.01 of the Revised Code;

(b) The director or coordinator of a countywide emergency management agency established under section 5502.26 of the Revised Code."

Between lines 103962 and 103963, insert:

"Sec. 6109.34. The director of environmental protection or ~~his~~ the director's duly authorized representative may enter at reasonable times upon any private or public property to inspect and investigate conditions relating to the construction, maintenance, and operation of a public water system, and may take samples for analysis. If entry or inspection authorized by this section is refused, hindered, or thwarted, the director or ~~his~~ the director's authorized representative may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

During an emergency that requires the director or the director's authorized representative to respond to protect public health or safety or the environment or during an investigation of such an emergency, the director or the director's authorized representative may share any complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with section 6111.05 of the Revised Code. A person that receives such records, reports, or information or any such part shall maintain the confidentiality of the records, reports, or information or any such part and use them only for the purposes established in division (D) of that section.

The sharing of complete records, reports, or information or any part

of a record, report, or information that has been designated as containing trade secret information in accordance with division (D) of section 6111.05 of the Revised Code does not change the status of the records, reports, or information or any such part as being designated a trade secret pursuant to that section. In addition, the sharing does not subject the records, reports, or information or any such part to public disclosure."

Between lines 105002 and 105003, insert:

"Sec. 6111.05.(A) The director of environmental protection, on the director's own initiative, may investigate or make inquiries into any alleged act of pollution or failure to comply with this chapter or any order, any rule, the terms and conditions of a permit, or any other determination pursuant thereto. However, upon written complaint by any person, the director shall conduct any investigations and make any inquiries that are required.

The director or the director's duly authorized representative may enter at reasonable times upon any private or public property to inspect and investigate conditions relating to pollution of any air of the state or land located in the state related to the use, storage, treatment, or disposal of sludge or sludge materials or pollution of any waters of the state, inspect any monitoring equipment, inspect the drilling, conversion, or operation of any injection well, and sample any discharges, including discharges by "industrial users" into a publicly owned "treatment works" as those terms are defined in sections 212 and 502 of the Federal Water Pollution Control Act, and may apply to the court of common pleas having jurisdiction for a warrant permitting the entrance and inspection.

(B) Any authorized representative of the director at reasonable times may examine any records or memoranda pertaining to sludge management, the operation of disposal systems, the drilling, conversion, or operation of injection wells, or discharges by "industrial users" into publicly owned "treatment works" as defined in sections 212 and 501 of the Federal Water Pollution Control Act. The director may require the maintenance of records relating to sludge management, discharges, or the operation of disposal systems or injection wells. The director may make copies of the records. Any authorized representative of a publicly owned "treatment works" may enter at reasonable times upon the premises of any "industrial user" that discharges into the works to inspect any monitoring equipment or method of the user, to sample any discharges of the user into the works, or to inspect any records or memoranda pertaining to discharges by the user into the works, in order to ascertain compliance by the user with applicable pretreatment standards. The representative may make copies of the records. ~~Any~~

(C) If an emergency requires the director or the director's authorized representative to respond to protect public health or safety or the environment, the director or the director's authorized representative may request any person

that is responsible for causing or allowing a spill, release, or discharge of a pollutant or contaminant into or on the environment or any person having knowledge of the components or chemical identity of the pollutant or contaminant spilled, released, or discharged to disclose records, reports, or information necessary to respond to or investigate the spill, release, or discharge. Upon receiving the request, the person immediately shall submit the records, reports, or information. If the person disclosing the records, reports, or information claims that any portion of the records, reports, or information contains trade secret information, the person shall submit both a complete and a redacted version of the records, reports, or information. The person shall mark the redacted version "public version" and redact any trade secret information.

(D) Any records, reports, or information obtained under this chapter shall be available for public inspection, except that:

(A) Upon a showing satisfactory to the director by any person that the (1) Any records, reports, or information, or any particular part thereof designated as a trade secret by the person submitting the records, reports, or information, other than data concerning the amounts or contents of discharges or the quality of the receiving waters, to which the director has access under this chapter, if made public would divulge information entitled to protection as trade secrets of the person, the director shall consider the record, report, or information or particular portion thereof confidential. Prior to divulging any alleged trade secret information pursuant to this division, the director shall give ten days' written notice to the person claiming trade secrecy shall be considered by the director to be a trade secret and managed by the director as confidential. The director or the director's authorized representative shall not disclose any complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with this section. However, during an emergency that requires the director or the director's authorized representative to respond to protect public health or safety or the environment or during an investigation of such an emergency, the director or the director's authorized representative may share any of the complete records, reports, or information or any such part with the owner or operator of a public or private water system that needs the records, reports, or information or any such part for any of the following purposes:

(a) Assessing exposure or potential exposure of persons or aquatic organisms to any component of or chemical in a pollutant or contaminant spilled, released, or discharged;

(b) Conducting or assessing sampling to determine exposure levels of various population groups or aquatic organisms to any component of or chemical in a pollutant or contaminant spilled, released, or discharged;

(c) Testing for any component of or chemical in a pollutant or contaminant spilled, released, or discharged.

(B) Prior to sharing any complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with this section, the director or the director's authorized representative shall label and identify, to the extent practicable, any of those records, reports, or information or any such part designated as a trade secret. If the director or the director's authorized representative shares any such records, reports, or information or any such part, the director shall notify the person that designated the trade secret information in accordance with division (C) of this section of that sharing as soon as practicable. Nothing in this section precludes a person that designated trade secret information in accordance with division (C) of this section from requesting a confidentiality agreement with a recipient of the records, reports, or information or any such part.

During an emergency action taken to protect public health or safety or the environment, the owner or operator of a public or private water system may share complete records, reports, or information or any part of a record, report, or information received under this division that has been designated as containing trade secret information in accordance with this section with an agent, consultant, or representative of the owner or operator. The owner or operator of a public or private water system, including an agent, consultant, or representative of the owner or operator, that receives the records, reports, or information or any such part shall maintain the confidentiality of the records, reports, or information or any such part and may use the information only for the purposes specified in this division.

The sharing of complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with this section does not change the status of the records, reports, or information or any such part as being designated a trade secret pursuant to this section. In addition, the sharing does not subject the records, reports, or information or any such part to public disclosure.

The director or the director's authorized representative may disclose to a person that seeks to obtain records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with this section the identity of the person that has designated those records, reports, or information or any such part as containing trade secret information. The person to whom the director or the director's authorized representative discloses that identity may contact the person that designated the trade secret information.

(2) The record, report, or information may be disclosed to other officers, employees, or authorized representatives of the state, another state,

or the United States when necessary to sustain an action brought pursuant to this chapter or during an adjudication hearing or when otherwise necessary to fulfill any requirement of the Federal Water Pollution Control Act.

(E) No person to whom a permit has been issued shall refuse entry to any authorized representative of the director or willfully hinder or thwart the representative in the exercise of any authority granted by this section.

(F) The director or the director's authorized representative, or, where necessary to monitor compliance with pretreatment standards, the authorized representative of a publicly owned "treatment works," may apply for, and any judge of a court of common pleas may issue, a warrant necessary to achieve the purposes of this chapter.

(G) As used in this section:

(1) "Private water system" has the same meaning as in section 3701.344 of the Revised Code.

(2) "Public water system" has the same meaning as in section 6109.01 of the Revised Code.

(3) "Trade secret" has the same meaning as in section 1333.61 of the Revised Code."

In line 105953, after "1509.071," insert "1509.10,"

In line 106079, after "5923.05," insert "6109.34, "; after "6111.046," insert "6111.05,"

The question being, "Shall the amendment be agreed to?"

Senator Gardner moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator O'Brien moved to amend as follows:

In line 32 of the title, after "1509.071," insert "1509.33, 1509.99,"

In line 95 of the title, after "3713.04," insert "3714.073,"

In line 255 of the title, after "1501.08," insert "1509.051,"

In line 287 of the title, delete "and"; after "6301.21," insert ", and 6111.561,"

In line 523, after "1509.071," insert "1509.33, 1509.99,"

In line 569, after "3713.04," insert "3714.073,"

In line 664, after "1501.08," insert "1509.051,"

In line 682, delete "and"; after "6301.21" insert ", and 6111.561,"

Between lines 22351 and 22352, insert:

"Sec. 1509.051. In addition to any other penalties or enforcement actions provided for in this chapter for a violation of division (A) or (D) of section 1509.22 of the Revised Code, if a person who has been issued a permit under this chapter has been convicted of or pleaded guilty to a knowing violation of either division (A) or (D) of that section, the chief of the division of oil and gas resources management shall do both of the following:

(A) Permanently revoke each permit issued to the person;

(B) Deny any future application by the person for a permit."

Between lines 22731 and 22732, insert:

"Sec. 1509.33. (A) Whoever violates sections 1509.01 to 1509.31 of the Revised Code, or any rules adopted or orders or terms or conditions of a permit or registration certificate issued pursuant to these sections for which no specific penalty is provided in this section, shall pay a civil penalty of not more than ten thousand dollars for each offense.

(B) Whoever violates section 1509.221 of the Revised Code or any rules adopted or orders or terms or conditions of a permit issued thereunder shall pay a civil penalty of not more than ten thousand dollars for each violation.

(C) Whoever violates division (D) of section 1509.22 or division (A) (1) of section 1509.222 of the Revised Code shall pay a civil penalty of not less than two thousand five hundred dollars nor more than twenty thousand dollars for each violation.

(D) Whoever violates division (A) of section 1509.22 of the Revised Code shall pay a civil penalty of not less than two thousand five hundred dollars nor more than ten thousand dollars for each violation.

(E) Whoever violates division (A) of section 1509.223 of the Revised Code shall pay a civil penalty of not more than ten thousand dollars for each violation.

(F) Whoever violates section 1509.072 of the Revised Code or any rules adopted or orders issued to administer, implement, or enforce that section shall pay a civil penalty of not more than five thousand dollars for each violation.

(G) In addition to any other penalties provided in this chapter, whoever violates section 1509.05, section 1509.21, division (B) of section 1509.22, or division (A)(1) of section 1509.222 of the Revised Code or a term or condition of a permit or an order issued by the chief of the division of oil and gas resources management under this chapter or knowingly violates division (A) of section 1509.223 of the Revised Code is liable for any damage or injury caused by the violation and for the actual cost of rectifying the violation and conditions caused by the violation. If two or more persons knowingly violate one or more of those divisions in connection with the same event, activity, or transaction, they are jointly and severally liable under this division.

(H) The attorney general, upon the request of the chief of the division of oil and gas resources management, shall commence an action under this section against any person who violates sections 1509.01 to 1509.31 of the Revised Code, or any rules adopted or orders or terms or conditions of a permit or registration certificate issued pursuant to these sections. Any action under this section is a civil action, governed by the Rules of Civil Procedure and other rules of practice and procedure applicable to civil actions. The remedy provided in this division is cumulative and concurrent with any other remedy provided in this chapter, and the existence or exercise of one remedy does not prevent the exercise of any other, ~~except that no person shall be subject to both a civil penalty under division (A), (B), (C), or (D) of this section and a fine established in section 1509.99 of the Revised Code for the same offense.~~

(I) For purposes of this section, each day of violation constitutes a separate offense.

Sec. 1509.99. (A) Whoever violates sections 1509.01 to 1509.31 of the Revised Code or any rules adopted or orders or terms or conditions of a permit issued pursuant to these sections for which no specific penalty is provided in this section shall be fined not less than one hundred nor more than one thousand dollars for a first offense; for each subsequent offense the person shall be fined not less than two hundred nor more than two thousand dollars.

(B) Whoever violates section 1509.221 of the Revised Code or any rules adopted or orders or terms or conditions of a permit issued thereunder shall be fined not more than five thousand dollars for each violation.

(C)(1) Whoever knowingly violates section 1509.072, division (A), ~~(B), or (D)~~ of section 1509.22, division (A)(1) or (C) of section 1509.222, or

division (A) or (D) of section 1509.223 of the Revised Code or any rules adopted or orders issued under division (C) of section 1509.22 or rules adopted or orders or terms or conditions of a registration certificate issued under division (E) of section 1509.222 of the Revised Code shall be fined ten thousand dollars or imprisoned for six months, or both for a first offense; for each subsequent offense the person shall be fined twenty thousand dollars or imprisoned for two years, or both.

(2) Whoever knowingly violates division (A) or (D) of section 1509.22 of the Revised Code is guilty of a felony and shall be fined not less than ten thousand dollars nor more than fifty thousand dollars or imprisoned for three years, or both for a first offense; for each subsequent offense the person shall be fined not less than twenty thousand dollars nor more than one hundred thousand dollars or imprisoned for six years, or both.

(3) Whoever negligently violates ~~those~~ the divisions, sections, rules, orders, or terms or conditions of a registration certificate specified in division (C)(1) or (2) of this section shall be fined not more than five thousand dollars.

(D) Whoever violates division (C) of section 1509.223 of the Revised Code shall be fined not more than five hundred dollars for a first offense and not more than one thousand dollars for a subsequent offense.

(E) If a person is convicted of or pleads guilty to a knowing violation of division (A) or (D) of section 1509.22 of the Revised Code, in addition to the financial sanctions authorized by this chapter or section 2929.18 or 2929.28 or any other section of the Revised Code, the court imposing the sentence on the person may order the person to reimburse the state agency or a political subdivision for any response costs that it incurred in responding to the violation, including the cost of rectifying the violation and conditions caused by the violation.

(F) The prosecuting attorney of the county in which the offense was committed or the attorney general may prosecute an action under this section.

~~(F)~~(G) For purposes of this section, each day of violation constitutes a separate offense."

Between lines 51333 and 51334, insert:

"Sec. 3714.073. (A) In addition to the fee levied under division (A) (1) of section 3714.07 of the Revised Code, beginning July 1, 2005, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code and on the disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code the following fees:

(1) A fee of ~~twelve and one-half~~ twenty-five cents per cubic yard or ~~twenty-five~~ fifty cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code;

(2) A fee of thirty-seven and one-half cents per cubic yard or seventy-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the recycling and litter prevention fund created in section 3736.03 of the Revised Code.

(B) The owner or operator of a construction and demolition debris facility or a solid waste facility, as a trustee of the state, shall calculate the amount of money generated from the fees levied under this section and remit the money from the fees in the manner that is established in divisions (A)(2) and (3) of section 3714.07 of the Revised Code for the fee that is levied under division (A)(1) of that section and may enter into an agreement for the quarterly payment of money generated from the fees in the manner established in division (B) of that section for the quarterly payment of money generated from the fee that is levied under division (A)(1) of that section.

(C) The amount of money that is calculated by the owner or operator of a construction and demolition debris facility or a solid waste facility and remitted to a board of health or the director of environmental protection, as applicable, pursuant to this section shall be transmitted by the board or director to the treasurer of state not later than forty-five days after the receipt of the money to be credited to the soil and water conservation district assistance fund or the recycling and litter prevention fund, as applicable.

(D) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner or operator of the facility chooses to collect fees on the disposal of the construction and demolition debris and asbestos or asbestos-containing materials or products that are identical to the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.

(E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade."

In line 55163, strike through "fifty cents" and insert "one dollar"

Between lines 104374 and 104375, insert:

"(U) For each impaired water of the state, or segment thereof, establish total maximum daily loads (TMDL) and submit the TMDL to the United States environmental protection agency for approval."

Between lines 105230 and 105231, insert:

"Sec. 6111.561.(A) The director of environmental protection shall establish the total maximum daily load (TMDL) for pollutants for each impaired water of the state or segment thereof identified and listed under section 1313(d) of the Federal Water Pollution Control Act. The director shall establish each TMDL pursuant to a priority ranking established by the director. Further, 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.

The director shall establish each TMDL at a level necessary to implement applicable water quality standards that accounts for seasonal variations, a margin of safety, and lack of knowledge concerning the relationship between effluent limitations and water quality.

(B) 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, but may be revised in accordance with this section.

(C) The holder of a national pollutant discharge elimination system (NPDES) permit containing water quality based effluent limitations derived from a TMDL subject to division (B) of this section may appeal the lawfulness and reasonableness of those limitations by doing one of the following:

(1) Filing an appeal with the environmental review appeals commission not later than thirty days after the first eligible NPDES permit renewal date subsequent to the effective date of this section;

(2) Seeking a modification of the water quality based effluent limitations contained in the NPDES permit from the director. If the director denies the request for modification, the permit holder may appeal that denial to the environmental review appeals commission not later than thirty days

after the denial.

(D) The development, establishment, amendment, or modification of a TMDL after March 24, 2015, is not subject to Chapters 106., 119., or 121. of the Revised Code.

(E) The director shall provide opportunities for interested parties to provide input during the development of a TMDL. The opportunities to provide input may include comment on and meeting with interested parties on any of the following aspects of the TMDL process:

(1) The project assessment plan development process, including the process for determining the cause and source of water quality impairments or threats;

(2) The technical support document that identifies and analyzes water quality data and habitat assessments that will assist in determining TMDL target conditions;

(3) The preliminary draft TMDL that shall include development of modeling, management choices, restoration targets, load allocations, waste load allocations, and associated TMDL-derived permit limits necessary to establish and select a TMDL restoration scenario;

(4) The proposed TMDL implementation plan, under which specific actions, schedules, and monitoring necessary to implement a TMDL are established.

The proposed TMDL implementation plan also may include considerations of the cost and cost effectiveness of pollutant controls supplied by interested parties, sources of funding necessary to address pollutant load reductions, and the environmental benefit of incremental reductions in pollutant levels.

(F) Before establishing a final TMDL under this section, the director shall prepare an official draft TMDL. The official draft TMDL shall include, at a minimum, all of the following:

(1) An estimate of the total amount of each pollutant that causes the 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 or segment thereof while still achieving and maintaining applicable water quality standards;

(3) Draft allocations among point and nonpoint sources contributing to the impairment sufficient to meet applicable water quality standards.

The official draft TMDL implementation plan also may include, as the director determines appropriate, interim water quality target values and principles of adaptive management necessary to achieve applicable water quality standards.

(G)(1) The director shall provide all of the following:

(a) Public notice of the official draft TMDL;

(b) An opportunity for comment on the draft TMDL;

(c) An opportunity for a public hearing regarding the draft TMDL if there is significant public interest, as determined by the director.

(2) The director shall specify both of the following in the public notice:

(a) The water of the state or segment thereof to which the draft TMDL relates;

(b) The time, date, and place of the hearing, if applicable.

At a minimum, the director shall send the public notice to all interested parties that participated in the public input activities described in division (E) of this section.

(3) After the opportunity for public comment expires, the director shall prepare and make available a written responsiveness summary of the comments.

(H) After concluding the public comment process and completion of the responsiveness summary under division (G) of this section, the director may establish a final TMDL. The final TMDL is appealable to the environmental review appeals commission in accordance with division (B) of section 3745.04 of the Revised Code. However, submission of the final TMDL to the United States environmental protection agency under section 1313(d) of the Federal Water Pollution Control Act is a ministerial act and is not appealable under section 3745.04 of the Revised Code. Further, such submission is not affected by any appeal of the establishment of the final TMDL under this division.

(I) The director may revise an established TMDL to accommodate new information.

(J) Not later than December 31, 2018, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Allocate pollutant load between and among nonpoint sources and point sources in a TMDL report;

(2) Establish procedures and requirements for developing and issuing a new TMDL;

(3) Establish procedures and requirements for revising and updating a TMDL;

(4) Establish procedures and requirements for validation of existing TMDLs following implementation and additional assessment."

In line 105953, after "1509.071," insert "1509.33, 1509.99,"

In line 105999, after "3713.04," insert "3714.073,"

Between lines 144304 and 144305, insert:

"Section 761.10. It is the intent of the General Assembly that the amendment of section 6111.03 and enactment of section 6111.561 of the Revised Code by this act do all of the following:

(A) Supersede the effect of the holding of the Ohio Supreme Court in *Fairfield County Board of Commissioners v. Nally*, 2015-Ohio 991, 2015;

(B) Exclude from rulemaking under Chapter 119. of the Revised Code total maximum daily load (TMDL) drafts, established TMDLs, and the submission of a TMDL to the United States Environmental Protection Agency;

(C) Make the establishment of a final TMDL appealable to the Environmental Review Appeals Commission;

(D) Retain, in full force and effect, TMDLs submitted and approved by the United States Environmental Protection Agency prior to March 24, 2015."

The question being, "Shall the amendment be agreed to?"

Senator Manning moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Sykes moved to amend as follows:

Between lines 133676 and 133677, insert:

"Section 265. ____. The Department of Education shall set the promotion scores for the Northwest Evaluation Association Measures of Academic Progress (MAP) assessment used as an alternative standardized

reading assessment under division (A)(2)(c) of section 3313.608 of the Revised Code as a level of acceptable performance for purposes of promotion under the Third Grade Reading Guarantee as follows:

- (A) For the 2016-2017 school year, a score of 188 or higher;
- (B) For the 2017-2018 school year, a score of 192 or higher;
- (C) For the 2018-2019 school year, a score of 196 or higher."

In line 540, after "3313.603," insert "3313.608,"

Between lines 35460 and 35461, insert:

"Sec. 3313.608. (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is a limited English proficient student who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from

retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students in grades one to three, and by the first day of November for students in kindergarten. Each district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The assessment may be administered electronically using live, two-way video and

audio connections whereby the teacher administering the assessment may be in a separate location from the student.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

- (iii) More frequent progress monitoring;
- (iv) Tutoring or mentoring;
- (v) Transition classes containing third and fourth grade students;
- (vi) Extended school day, week, or year;
- (vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

- (1) Identification of the student's specific reading deficiencies;
- (2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;
- (3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;
- (4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

- (a) Assists students to read at grade level;
- (b) Provides scientifically based and reliable assessment;
- (c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.

(3) The parents of participating students are involved in programming decisions.

(F) Any intervention or remediation services required by this section

shall include intensive, explicit, and systematic instruction.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative

credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the board of speech-language pathology and audiology under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under

this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

Until June 30, 2015, the department annually shall review all staffing plans and report to the state board not later than the thirtieth day of June of each year the progress of school districts and community schools in meeting the requirements of this section.

(K) The department of education shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

(L) Not later than the thirty-first day of May of each year, the department of education shall publish all of the following:

(1) The scores used to determine the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade;

(2) The promotion scores the department sets on alternative standardized reading assessments selected by the department under division (A)(2)(c) of this section that demonstrate an acceptable level of performance;

(3) The results of all relevant studies on the equivalence or translation of scores among various assessments that the department used to determine the scores under divisions (L)(1) and (2) of this section."

In line 105970, after "3313.603," insert "3313.608,"

In line 258 of the title, delete "3323.022,"

In line 666, delete "3323.022,"

Delete lines 45058 through 45069

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon

Balderson

Beagle

Burke

Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Sykes moved to amend as follows:

In line 463 of the title, delete "to repeal"

Delete lines 464 and 465

In line 466 of the title, delete "October 1, 2017;"

Delete lines 106616 through 106618

Between lines 135072 and 135073, insert:

"Section 311. ____.JEO JOINT EDUCATION OVERSIGHT

COMMITTEE

General Revenue Fund

		Operating		
RF	47321	Expenses	50,000	50,000
TOTAL GRF General Revenue Fund			50,000	50,000
TOTAL ALL BUDGET FUND GROUPS			50,000	50000

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."

Delete lines 141280 through 141289

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Manning
Oelslager	Peterson	Terhar	Uecker
Wilson			Obhof-22

Those who voted in the negative were: Senators

Brown	Hite	Lehner	O'Brien
Schiavoni	Skindell	Sykes	Tavares
Thomas	Williams		Yuko-11

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Schiavoni moved to amend as follows:

In line 131405, delete "\$4,000,000 \$4,000,000" and insert "\$10,000,000 \$10,000,000"

In line 131407, add \$6,000,000 to each fiscal year

In line 131434, add \$6,000,000 to each fiscal year

In line 257 of the title, after "3314.29," insert "3314.52,"

In line 665, after "3314.29," insert "3314.52,"

Between lines 38197 and 38198, insert:

"Sec. 3314.52. If the auditor of state issues a finding for recovery pursuant to an audit of a community school conducted in accordance with section 117.10 of the Revised Code, the department of education shall ensure that any public moneys returned to the state as a result of that finding for recovery are distributed as follows:

(A) If the finding for recovery resulted from an audit of the enrollment records of the school, the funds shall be credited to the state education aid of the school district or districts from which the funding was deducted under section 3314.08 of the Revised Code in an amount equal to the amount that was deducted.

(B) If the finding for recovery resulted from an audit that is not described in division (A) of this section, the funds shall be redistributed to the school districts in which the students who were enrolled in the school at the time the finding for recovery is issued were entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount distributed to each school district under division (B) of this section shall be proportional to the district's share of the total enrollment in the school at the time the finding

for recovery is issued."

Delete lines 37107 through 37113

Delete lines 37177 through 37186

In line 257 of the title, after "3313.904," insert "3314.241,"

In line 665, after "3313.904," insert "3314.241,"

Between lines 38107 and 38108, insert:

"Sec. 3314.241. All public meetings of the governing authority of an internet- or computer-based community school not sponsored by a school district shall be made available online to the public in a format that is viewable as a live event through the internet. Notice of each meeting shall be given at least two weeks prior to the meeting by publication in at least one newspaper of general circulation within each city or county from which the school currently enrolls a student."

In line 60 of the title, after "3314.26," insert "3314.27,"

In line 543, after "3314.26," insert "3314.27,"

Between lines 38135 and 38136, insert:

"Sec. 3314.27. (A) No student enrolled in an internet- or computer-based community school may participate in more than ten hours of learning opportunities in any period of twenty-four consecutive hours. Any time such a student participates in learning opportunities beyond the limit prescribed in this section shall not count toward the annual minimum number of hours required to be provided to that student as prescribed in division (A)(11)(a) of section 3314.03 of the Revised Code. If any internet- or computer-based community school requires its students to participate in learning opportunities on the basis of days rather than hours, one day shall consist of a minimum of five hours of such participation.

(B) Each internet- or computer-based community school shall keep an accurate record of each individual student's participation in learning opportunities each day. The record shall be kept in such a manner that the information contained within it easily can be submitted to the department of education, upon request by the department or the auditor of state.

(C) If a student enrolled in an internet- or computer-based community school not sponsored by a school district fails to participate in learning opportunities for ten consecutive days following the date the student begins instruction for the school year but prior to completing the student's academic program for that school year, the school shall notify the department, the student's parent, guardian, or custodian, and the student's resident school district of the student's failure to participate in those learning opportunities.

(D) As used in this section, a student's "resident school district" is the school district in which the student is entitled to attend school under section

3313.64 or 3313.65 of the Revised Code and from which district the payments to the community school for the student are deducted under section 3314.08 of the Revised Code."

In line 105973, after "3314.26," insert "3314.27,"

In line 60 of the title, after "3314.26," insert "3314.271,"

In line 543, after "3314.26," insert "3314.271,"

Between lines 38135 and 38136, insert:

"Sec. 3314.271. (A) Each internet- or computer-based community school shall offer a student orientation course and shall notify each student who enrolls in that school of that student's opportunity to participate in the student orientation course.

(B) The department of education shall provide guidance to internet- or computer-based community schools for developing and delivering the orientation course.

(C) Each internet- or computer-based community school may, at the time of a particular student's enrollment in that school, ask the student's parent or guardian to estimate the length of time the student will attend the school. Any information collected pursuant to this division shall be included in an aggregated format in the school's annual report required by division (A)(11) (g) of section 3314.03 of the Revised Code.

(D)(1) Each internet- or computer-based community school, on a periodic basis throughout each school year, shall communicate with each student's parent, guardian, or custodian regarding the performance and progress of that student. Each internet- or computer-based community school also shall provide opportunities for parent-teacher conferences, shall document the school's requests for such conferences, and may permit students to participate in the conferences. ~~Parent-teacher~~

(2) In addition to the conferences described in division (D)(1) of this section, in the case of an internet- or computer-based community school not sponsored by a school district, if the academic performance of a student declines while the student is enrolled in the school, the student's parents, the student's teachers, and the principal or lead teacher of the community school shall confer to evaluate the student's continued enrollment in the school.

Parent-teacher conferences conducted pursuant to division (D)(1) or (2) of this section may be conducted through electronic means."

In line 105973, after "3314.26," insert "3314.271,"

Between lines 142909 and 142910, insert:

"Section 733. ____. (A) Notwithstanding anything in the Revised Code to the contrary, this section shall apply only to students who are enrolled in a school district, community school, or STEM school and who entered ninth

grade for the first time on or after July 1, 2014, but prior to July 1, 2015. This section does not apply to any student who entered ninth grade for the first time prior to July 1, 2014, or to any student who entered ninth grade for the first time on or after July 1, 2015.

For a student whose score on an end-of-course examination did not contribute to a cumulative passing score prescribed by the Department of Education and required for high school graduation, a student may substitute a passing grade in a corresponding subject area course, for which an end-of-course examination prescribed under section 3301.0712 of the Revised Code was prescribed, as a proficient score on the test or examination.

(B) The Department of Education shall submit to the State Board of Education a plan for standards prescribing equivalency levels for a passing score in a subject area course and the corresponding score on the end-of-course examinations. The State Board shall review the plan and adopt standards for the equivalency levels so that they are in place not later than December 1, 2017.

(C) As used in this section, "community school" means any community school established under Chapter 3314. of the Revised Code, and "STEM school" means any science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code."

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Tavares moved to amend as follows:

In line 280 of the title, delete "5166.37,"

In line 677, delete "5166.37,"

Delete lines 88163 through 88176

In line 11 of the title, delete "131.35,"

In line 507, delete "131.35,"

Delete lines 8808 through 8881

In line 105938, delete "131.35,"

In line 135586, delete "\$3,763,967,966 \$3,917,695,014" and insert "\$3,821,853,734 \$3,986,356,718"

In line 135588, delete "\$13,665,447,507 \$14,152,035,717" and insert "\$13,723,333,275 \$14,220,697,421"

In line 135591, add \$57,885,768 to fiscal year 2018 and \$68,661,704 to fiscal year 2019

In line 135593, add \$57,885,768 to fiscal year 2018 and \$68,661,704 to fiscal year 2019

In line 135598, delete "\$774,381,570 \$722,709,203" and insert "\$800,691,438 \$757,376,871"

In line 135605, delete "\$593,195,389 \$660,893,005" and insert "\$789,421,685 \$887,734,374"

In line 135608, add \$222,536,164 to fiscal year 2018 and \$261,509,037 to fiscal year 2019

In line 135619, add \$280,421,932 to fiscal year 2018 and \$330,170,741 to fiscal year 2019

Delete lines 135667 through 135702+

Delete lines 136247 through 136252

Between lines 136056 and 136057, insert:

"Section 333. ____ . MAJOR MEDICAID HOSPITAL PROVIDERS

If a hospital with a Medicaid provider agreement serves at least the number of Medicaid recipients the Medicaid Director shall specify for this purpose, the Director shall designate the hospital a major Medicaid hospital provider. The Director shall specify different numbers for each hospital peer group established in rules adopted under section 5164.02 of the Revised Code. For the purpose of protecting the needs of hospitals designated as major Medicaid hospital providers, the Director shall take into account a hospital's designation as such a hospital when setting the fiscal year 2018 and fiscal year 2019 Medicaid payment rates for hospital services."

In line 203 of the title, delete "5163.01,"

In line 210 of the title, delete "5166.405,"

In line 279 of the title, delete "5163.15,"

In line 625, delete "5163.01,"

In line 631, delete "5166.405,"

In line 676, delete "5163.15,"

Delete lines 84900 through 84945

Delete lines 84967 through 84984

Delete lines 87931 and 87932

In line 88164, delete "eligible,"

Delete line 88165

In line 88166 delete "the basis of being"; delete "expansion"; after "group" insert "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 88168, delete "expansion"

In line 88250, reinsert "On"; delete "Subject to section 5163.15 of the Revised Code, on"

In line 88251, delete "expansion"

Reinsert line 88252

In line 88253, reinsert "Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)
(VIII)"

Delete lines 88258 through 88293

In line 106055, delete "5163.01,"

In line 106061, delete "5166.405,"

In line 263 of the title, after "3901.90," insert "3902.30,"

In line 669, after "3901.90," insert "3902.30,"

Between lines 58410 and 58411, insert:

Sec. 3902.30. (A) As used in this section:

(1) "Health benefit plan" and "health plan issuer" have the same meanings as under section 3922.01 of the Revised Code.

(2) "In-person services" means a medical service delivered by a physician through the use of any communication method where the physician and patient are simultaneously present in the same geographic location.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code.

(4) "Telemedicine service" means a medical service delivered by a physician through the use of any communication method where the physician

and patient are not simultaneously present in the same location, including oral, written, or electronic communication.

(B)(1) A health benefit plan shall provide coverage for the cost of telemedicine services on the same basis and to the same extent that the plan provides coverage for the provision of in-person health services.

(2) A health benefit plan shall not exclude coverage for a service solely because it is provided as a telemedicine service.

(C) A health benefit plan shall not impose any annual or lifetime benefit maximum in relation to telemedicine services other than such a benefit maximum imposed on all benefits offered under the plan.

(D) This section shall not be construed as prohibiting a health benefit plan from assessing cost-sharing requirements to a covered individual for telemedicine services, provided that such cost sharing requirements for telemedicine services are not greater than those for comparable in-person services.

(E) This section shall not be construed as requiring a health plan issuer to reimburse a physician for any costs or fees associated with the provision of telemedicine services that would be in addition to or greater than the standard reimbursement for a comparable in-person service.

(F) This section shall apply to all health benefit plans issued, offered, or renewed on or after January 1, 2018."

In line 304 of the title, after "3742.48," insert "3901.052,"

In line 106095, after "3742.48," insert "3901.052,"

Delete lines 134624 through 134630

In line 251 of the title, delete "190.01, 190.02,"

In line 661, delete "190.01, 190.02,"

Delete lines 13871 through 14061

The question being, "Shall the amendment be agreed to?"

Senator Gardner moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Manning	Oelslager	Peterson	Terhar
Uecker	Wilson		Obhof-23

Those who voted in the negative were: Senators

Brown
Skindell
Williams

Lehner
Sykes

O'Brien
Tavares

Schiavoni
Thomas
Yuko-10

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Yuko moved to amend as follows:

In line 162 of the title, delete "4736.01, 4736.02,"

Delete lines 163 and 164 of the title

In line 165 of the title, delete "4736.14, 4736.15, 4736.17, 4736.18,"

In line 176 of the title, delete "4759.02, 4759.05, 4759.06,"

Delete line 177 of the title

In line 178 of the title, delete "4759.11, 4759.12,"

In line 272 of the title, delete "4759.011,"

In line 273 of the title, delete "4759.051,"

In line 309 of the title, delete "4736.04, 4736.16,"

In line 310 of the title, delete "4759.03, 4759.04,"

In line 610, delete "4736.01, 4736.02, 4736.03, 4736.05,"

Delete line 611

In line 612, delete "4736.13, 4736.14, 4736.15, 4736.17, 4736.18,"

In line 2365, after "(31)" insert "The Ohio board of dietetics;
(32)"

In line 8261, after "~~(10)~~" insert "(8)"; reinsert "State board of
sanitarian registration;"

In line 8262, delete "(8)" and insert "(9)"

In line 8263, delete "(9)" and insert "(10)"

In line 8266, delete "(10)" and insert "(11)"

In line 8268, delete "(11)" and insert "(12)"

In line 8269, after "~~(17)~~" insert "(13)"; reinsert "Ohio board of
dietetics;"

In line 8270, delete "(12)" and insert "(14)"

In line 8272, delete "(13)" and insert "(15)"

In line 8273, delete "(14)" and insert "(16)"

In line 8274, delete "(15)" and insert "(17)"

In line 8275, delete "(16)" and insert "(18)"

In line 49016, delete "4736.06,"

Delete lines 76632 through 76970

In line 106040, delete "4736.01, 4736.02, 4736.03,"

Delete line 106041

In line 106042, delete "4736.12, 4736.13, 4736.14, 4736.15, 4736.17, 4736.18,"

In line 106098, delete "4736.04, 4736.16,"

In line 106636, delete "4759.02, 4759.05,"

Delete line 106637

In line 106638, delete "4759.12,"

In line 106649, delete "4759.011, 4759.051,"

In line 109649, delete "4759."

In line 109666, delete "4759."

In line 109685, delete "4759."

In line 109728, delete "4759."

In line 109850, delete "4759."

In line 109856, delete "4759."

In line 109870, delete "division"

In line 109871, delete "(A)(4) of section 4759.07 of the Revised Code,"

In line 109932, reinsert "4759.,"

In line 110214, after "~~(n)~~" insert "(k)"; reinsert "The Ohio board of dietetics established under Chapter"

Reinsert line 110215

In line 110218, delete "(k)" and insert "(l)"

In line 110222, delete "(l)" and insert "(m)"

In line 110224, delete "(m)" and insert "(n)"

Delete lines 111580 through 112046

In line 113750, delete "4759.02,"

Delete line 113751

In line 113752, delete "4759.11, 4759.12,"

In line 113761, delete "4759.03,"

In line 113762, delete "4759.04,"

In line 113779, delete "4759.011,"

Delete line 113780

In line 113781, delete "4759.09, 4759.10, 4759.11, 4759.12,"

In line 113791, delete "4759.03, 4759.04,"

In line 131351, delete "\$234,381 \$0" and insert "\$396,554 \$396,554"

In line 131352, add \$162,173 to fiscal year 2018 and \$396,554 to fiscal year 2019

In line 131353, add \$162,173 to fiscal year 2018 and \$396,554 to fiscal year 2019

In line 134225, delete "\$26,630,900 \$26,678,120" and insert "\$26,500,000 \$26,500,000"

In line 134251, subtract \$130,900 from fiscal year 2018 and \$178,120 from fiscal year 2019

In line 134269, subtract \$130,900 from fiscal year 2018 and \$178,120 from fiscal year 2019

In line 136416, delete "\$10,163,504 \$11,064,757" and insert "\$10,017,025 \$10,822,685"

In line 136417, subtract \$146,479 from fiscal year 2018 and \$242,072 from fiscal year 2019

In line 136418, subtract \$146,479 from fiscal year 2018 and \$242,072 from fiscal year 2019

In line 139517, delete "\$43,633 \$0" and insert "\$174,533 \$178,120"

In line 139519, add \$130,900 to fiscal year 2018 and \$178,120 to fiscal year 2019

In line 139520, add \$130,900 to fiscal year 2018 and \$178,120 to fiscal year 2019

Delete lines 140666 through 140723

Delete lines 140822 through 140896

In line 141189, delete "to" and insert ", 515.32, 515.33, and"

In line 141192, delete "to" and insert ", 515.32, 515.33, and"

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose

Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Tavares moved to amend as follows:

In line 48923, strike through "and any"

Strike through line 48924

In line 48925, strike through "section"

In line 48927, strike through "(1)"

In line 48928, strike through "private, nonprofit"

In line 48929, strike through all after "is"

Strike through lines 48930 through 48999

In line 49000, strike through "(F)" and insert "receiving grants related to infant mortality reduction or infant vitality initiatives from the department of health or the department of medicaid.

(C)"

In line 49007, delete "(G)" and insert "(D)"

In line 49009, delete "may" and insert "shall"; delete "in"

In line 49010, delete "accordance with this section" and insert "to the children services fund of that county as established under section 5101.144 of the Revised Code"

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams

Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Thomas moved to amend as follows:

In line 96 of the title, after "3721.031," insert "3721.13,"

In line 262 of the title, after "3715.08," insert "3721.033, 3721.081,"

In line 570, after "3721.031," insert "3721.13,"

In line 669, after "3715.08," insert "3721.033, 3721.081,"

Between lines 51850 and 51851, insert:

"Sec. 3721.033.(A) As used in this section, "real and present danger" means imminent danger of serious physical or life-threatening harm to one or more occupants of a residential care facility.

(B) If the director of health finds that a residential care facility violated a provision of this chapter or a rule adopted under it, all of the following apply:

(1) The director may require the facility to submit to the department of health for its approval a plan of correction that includes all of the following:

(a) Detailed descriptions of the actions the facility will take to correct the violation;

(b) The date by which the violation will be corrected;

(c) A detailed description of an ongoing monitoring process to be used at the facility that is focused on preventing any recurrence of the violation.

(2) If the violation has not resulted in actual harm and has the potential to cause more than minimal harm that does not constitute a real and present danger and the director has found that the facility has committed another violation in the preceding fifteen months, the director may impose a civil penalty of not less than one thousand dollars and not more than two thousand dollars.

(3) If the violation has resulted in actual harm that does not constitute a real and present danger, the director may impose a civil penalty of not less than two thousand dollars and not more than six thousand dollars.

(4) If the violation constitutes a real and present danger, the director may impose a civil penalty of not less than six thousand dollars and not more than ten thousand dollars.

(C) Enforcement actions taken by the director under division (B) of this section shall be taken pursuant to an adjudication conducted under

Chapter 119. of the Revised Code.

(D) The enforcement actions authorized by this section are in addition to those that may be taken under section 3721.03 of the Revised Code.

(E) All amounts collected from the imposition of civil penalties under this section shall be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code for use in the administration and enforcement of this chapter and the rules adopted under it.

Sec. 3721.081.(A) If the director of health determines that immediate action is necessary to protect the health or safety of one or more occupants of a home and the home has failed to act with sufficient promptness or efficiency to protect occupant health or safety, the director may issue an order requiring the home to immediately address the issue. The order may specify the measures that the home must take to protect occupant health or safety.

(B)(1) If the director determines that a home has failed to comply with an order issued under division (A) of this section, the director may do any of the following:

(a) Take any action and incur necessary expenses to protect the health or safety of the home's occupants;

(b) Transfer one or more occupants to other homes or other appropriate care settings until the conditions giving rise to the director's order are corrected;

(c) Appoint a temporary manager of the home.

(2) Any costs the director incurs pursuant to division (C)(1) of this section shall be the obligation of the home. The director shall issue an order requiring a home to reimburse the department of health for any expenses incurred in taking any such action.

(C) If a home fails to comply with an order issued by the director pursuant to division (A) of this section, the director shall impose a civil penalty of not more than two hundred fifty thousand dollars. The department shall collect interest on the fine, at the rate per annum prescribed by section 5703.47 of the Revised Code, accruing beginning on the day the order is issued.

(D) Any order issued or civil penalty imposed pursuant to this section shall be done pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order pursuant to this section prior to affording the home an opportunity for a hearing. If the director does so, the director shall issue the

order in writing and cause it to be delivered in accordance with section 119.07 of the Revised Code. The home may request a hearing within thirty days after receiving the written order. If the home requests a hearing, the date set for the hearing shall be within thirty days but not earlier than fifteen days after the home makes the request, unless another date is agreed to by both the home and the director. The order shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The director shall issue a final adjudication order not later than ninety days after completion of the hearing.

A final adjudication order issued under this section shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending.

(E) The actions described in this section are in addition to any that may be taken under sections 3721.03, 3721.033, and 3721.08 of the Revised Code.

(F) All amounts collected under this section shall be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code.

Sec. 3721.13. (A) The rights of residents of a home shall include, but are not limited to, the following:

(1) The right to a safe and clean living environment pursuant to the medicare and medicaid programs and applicable state laws and rules adopted by the director of health;

(2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

(3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. This care shall be provided without regard to considerations such as race, color, religion, national origin, age, or source of payment for care.

(4) The right to have all reasonable requests and inquiries responded to promptly;

(5) The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

(6) The right to obtain from the home, upon request, the name and any specialty of any physician or other person responsible for the resident's care or for the coordination of care;

(7) The right, upon request, to be assigned, within the capacity of the home to make the assignment, to the staff physician of the resident's choice, and the right, in accordance with the rules and written policies and procedures of the home, to select as the attending physician a physician who is not on the staff of the home. If the cost of a physician's services is to be met under a federally supported program, the physician shall meet the federal laws and regulations governing such services.

(8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can reasonably be expected to understand; the right of access to all information in the resident's medical record; and the right to give or withhold informed consent for treatment after the consequences of that choice have been carefully explained. When the attending physician finds that it is not medically advisable to give the information to the resident, the information shall be made available to the resident's sponsor on the resident's behalf, if the sponsor has a legal interest or is authorized by the resident to receive the information. The home is not liable for a violation of this division if the violation is found to be the result of an act or omission on the part of a physician selected by the resident who is not otherwise affiliated with the home.

(9) The right to withhold payment for physician visitation if the physician did not visit the resident;

(10) The right to confidential treatment of personal and medical records, and the right to approve or refuse the release of these records to any individual outside the home, except in case of transfer to another home, hospital, or health care system, as required by law or rule, or as required by a third-party payment contract;

(11) The right to privacy during medical examination or treatment and in the care of personal or bodily needs;

(12) The right to refuse, without jeopardizing access to appropriate medical care, to serve as a medical research subject;

(13) The right to be free from physical or chemical restraints or prolonged isolation except to the minimum extent necessary to protect the resident from injury to self, others, or to property and except as authorized in writing by the attending physician for a specified and limited period of time and documented in the resident's medical record. Prior to authorizing the use of a physical or chemical restraint on any resident, the attending physician shall make a personal examination of the resident and an individualized determination of the need to use the restraint on that resident.

Physical or chemical restraints or isolation may be used in an emergency situation without authorization of the attending physician only to protect the resident from injury to self or others. Use of the physical or chemical restraints or isolation shall not be continued for more than twelve hours after the onset of the emergency without personal examination and authorization by the attending physician. The attending physician or a staff physician may authorize continued use of physical or chemical restraints for a period not to exceed thirty days, and at the end of this period and any subsequent period may extend the authorization for an additional period of not more than thirty days. The use of physical or chemical restraints shall not be continued without a personal examination of the resident and the written authorization of the attending physician stating the reasons for continuing the restraint.

If physical or chemical restraints are used under this division, the home shall ensure that the restrained resident receives a proper diet. In no event shall physical or chemical restraints or isolation be used for punishment, incentive, or convenience.

(14) The right to the pharmacist of the resident's choice and the right to receive pharmaceutical supplies and services at reasonable prices not exceeding applicable and normally accepted prices for comparably packaged pharmaceutical supplies and services within the community;

(15) The right to exercise all civil rights, unless the resident has been adjudicated incompetent pursuant to Chapter 2111. of the Revised Code and has not been restored to legal capacity, as well as the right to the cooperation of the home's administrator in making arrangements for the exercise of the right to vote;

(16) The right of access to opportunities that enable the resident, at the resident's own expense or at the expense of a third-party payer, to achieve the resident's fullest potential, including educational, vocational, social, recreational, and habilitation programs;

(17) The right to consume a reasonable amount of alcoholic beverages at the resident's own expense, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies;

(18) The right to use tobacco at the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies;

(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless

not medically advisable as documented by the attending physician;

(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative;

(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or with the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to:

- (a) Receive, send, and mail sealed, unopened correspondence;
- (b) Reasonable access to a telephone for private communications;
- (c) Private visits at any reasonable hour.

(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in the resident's medical record by the attending physician;

(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in the resident's medical record by the attending physician;

(24) The right to retain and use personal clothing and a reasonable amount of possessions, in a reasonably secure manner, unless to do so would infringe on the rights of other residents or would not be medically advisable as documented in the resident's medical record by the attending physician;

(25) The right to be fully informed, prior to or at the time of admission and during the resident's stay, in writing, of the basic rate charged by the home, of services available in the home, and of any additional charges related to such services, including charges for services not covered under the medicare or medicaid program. The basic rate shall not be changed unless thirty days' notice is given to the resident or, if the resident is unable to understand this information, to the resident's sponsor.

(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's care from the home that itemizes charges not included in the basic rates;

(27)(a) The right to be free from financial exploitation;

(b) The right to manage the resident's own personal financial affairs, or, if the resident has delegated this responsibility in writing to the home, to

receive upon written request at least a quarterly accounting statement of financial transactions made on the resident's behalf. The statement shall include:

(i) A complete record of all funds, personal property, or possessions of a resident from any source whatsoever, that have been deposited for safekeeping with the home for use by the resident or the resident's sponsor;

(ii) A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts which shall be available for inspection and copying by the resident or sponsor.

(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;

(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.

(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:

(a) The welfare and needs of the resident cannot be met in the home.

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.

(c) The safety of individuals in the home is endangered.

(d) The health of individuals in the home would otherwise be endangered.

(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:

(i) The resident's application, or a substantially similar previous application, has been denied.

(ii) If the resident appealed the denial, the denial was upheld.

(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate.

(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied.

(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or

denied.

(31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the operation of the home, of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal. This right includes access to a residents' rights advocate, and the right to be a member of, to be active in, and to associate with persons who are active in organizations of relatives and friends of nursing home residents and other organizations engaged in assisting residents.

(32) The right to have any significant change in the resident's health status reported to the resident's sponsor. As soon as such a change is known to the home's staff, the home shall make a reasonable effort to notify the sponsor within twelve hours.

(33) The right to install and use, at the resident's own expense or at the expense of the resident's sponsor, and with the consent of each of the resident's roommates, an electronic monitoring device in the resident's room.

(B) A sponsor may act on a resident's behalf to assure that the home does not deny the residents' rights under sections 3721.10 to 3721.17 of the Revised Code.

(C) Any attempted waiver of the rights listed in division (A) of this section is void."

In line 106000, after "3721.031," insert "3721.13,"

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Yuko moved to amend as follows:

In line 12 of the title, after "133.061," insert "135.01, 135.03, 135.032, 135.06, 135.08, 135.10, 135.13,;" after "135.143," insert "135.18,"

In line 40 of the title, after "1733.24," insert "1733.30, 1733.31,"

In line 508, after "133.061," insert "135.01, 135.03, 135.032, 135.06, 135.08, 135.10, 135.13,;" after "135.143," insert "135.18,"

In line 529, after "1733.24," insert "1733.30, 1733.31,"

Between lines 9433 and 9434, insert:

"Sec. 135.01. Except as otherwise provided in sections 135.14, 135.143, 135.181, and 135.182 of the Revised Code, as used in sections 135.01 to 135.21 of the Revised Code:

(A) "Active deposit" means a public deposit necessary to meet current demands on the treasury, and that is deposited in any of the following:

(1) A commercial account that is payable or withdrawable, in whole or in part, on demand;

(2) A negotiable order of withdrawal account as authorized in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 12 U.S.C.A. 1832(a);

(3) A money market deposit account as authorized in the "Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 1501, 12 U.S.C. 3503.

(B) "Auditor" includes the auditor of state and the auditor, or officer exercising the functions of an auditor, of any subdivision.

(C) "Capital funds" means the sum of the following: the par value of the outstanding common capital stock, the par value of the outstanding preferred capital stock, the aggregate par value of all outstanding capital notes and debentures, and the surplus. In the case of an institution having offices in more than one county, the capital funds of such institution, for the purposes of sections 135.01 to 135.21 of the Revised Code, relative to the deposit of the public moneys of the subdivisions in one such county, shall be considered to be that proportion of the capital funds of the institution that is represented by the ratio that the deposit liabilities of such institution originating at the office located in the county bears to the total deposit liabilities of the institution.

(D) "Governing board" means, in the case of the state, the state board of deposit; in the case of all school districts and educational service centers except as otherwise provided in this section, the board of education or governing board of a service center, and when the case so requires, the board of commissioners of the sinking fund; in the case of a municipal corporation, the legislative authority, and when the case so requires, the board of trustees of the sinking fund; in the case of a township, the board of township trustees; in the case of a union or joint institution or enterprise of two or more subdivisions not having a treasurer, the board of directors or trustees thereof;

and in the case of any other subdivision electing or appointing a treasurer, the directors, trustees, or other similar officers of such subdivision. The governing board of a subdivision electing or appointing a treasurer shall be the governing board of all other subdivisions for which such treasurer is authorized by law to act. In the case of a county school financing district that levies a tax pursuant to section 5705.215 of the Revised Code, the county board of education that serves as its taxing authority shall operate as a governing board. Any other county board of education shall operate as a governing board unless it adopts a resolution designating the board of county commissioners as the governing board for the county school district.

(E) "Inactive deposit" means a public deposit other than an interim deposit or an active deposit.

(F) "Interim deposit" means a deposit of interim moneys. "Interim moneys" means public moneys in the treasury of the state or any subdivision after the award of inactive deposits has been made in accordance with section 135.07 of the Revised Code, which moneys are in excess of the aggregate amount of the inactive deposits as estimated by the governing board prior to the period of designation and which the treasurer or governing board finds should not be deposited as active or inactive deposits for the reason that such moneys will not be needed for immediate use but will be needed before the end of the period of designation.

(G) "Permissible rate of interest" means a rate of interest that all eligible institutions mentioned in section 135.03 of the Revised Code are permitted to pay by law or valid regulations.

(H) "Warrant clearance account" means an account established by the treasurer of state for the deposit of active state moneys outside the city of Columbus, such account being for the exclusive purpose of clearing state warrants through the banking system to the treasurer.

(I) "Public deposit" means public moneys deposited in a public depository pursuant to sections 135.01 to 135.21 of the Revised Code.

(J) "Public depository" means an institution which receives or holds any public deposits.

(K) "Public moneys" means all moneys in the treasury of the state or any subdivision of the state, or moneys coming lawfully into the possession or custody of the treasurer of state or of the treasurer of any subdivision. "Public moneys of the state" includes all such moneys coming lawfully into the possession of the treasurer of state; and "public moneys of a subdivision" includes all such moneys coming lawfully into the possession of the treasurer of the subdivision.

(L) "Subdivision" means any municipal corporation, except one which has adopted a charter under Article XVIII, Ohio Constitution, and the

charter or ordinances of the chartered municipal corporation set forth special provisions respecting the deposit or investment of its public moneys, or any school district or educational service center, a county school financing district, township, municipal or school district sinking fund, special taxing or assessment district, or other district or local authority electing or appointing a treasurer, except a county. In the case of a school district or educational service center, special taxing or assessment district, or other local authority for which a treasurer, elected or appointed primarily as the treasurer of a subdivision, is authorized or required by law to act as ex officio treasurer, the subdivision for which such a treasurer has been primarily elected or appointed shall be considered to be the "subdivision." The term also includes a union or joint institution or enterprise of two or more subdivisions, that is not authorized to elect or appoint a treasurer, and for which no ex officio treasurer is provided by law.

(M) "Treasurer" means, in the case of the state, the treasurer of state and in the case of any subdivision, the treasurer, or officer exercising the functions of a treasurer, of such subdivision. In the case of a board of trustees of the sinking fund of a municipal corporation, the board of commissioners of the sinking fund of a school district, or a board of directors or trustees of any union or joint institution or enterprise of two or more subdivisions not having a treasurer, such term means such board of trustees of the sinking fund, board of commissioners of the sinking fund, or board of directors or trustees.

(N) "Treasury investment board" of a municipal corporation means the mayor or other chief executive officer, the village solicitor or city director of law, and the auditor or other chief fiscal officer.

(O) "No-load money market mutual fund" means a no-load money market mutual fund to which all of the following apply:

(1) The fund is registered as an investment company under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 to 80a-64;

(2) The fund has the highest letter or numerical rating provided by at least one nationally recognized standard rating service;

(3) The fund does not include any investment in a derivative. As used in division (O)(3) of this section, "derivative" means a financial instrument or contract or obligation whose value or return is based upon or linked to another asset or index, or both, separate from the financial instrument, contract, or obligation itself. Any security, obligation, trust account, or other instrument that is created from an issue of the United States treasury or is created from an obligation of a federal agency or instrumentality or is created from both is considered a derivative instrument. An eligible investment described in section 135.14 or 135.35 of the Revised Code with a variable interest rate payment, based upon a single interest payment or single

index comprised of other investments provided for in division (B)(1) or (2) of section 135.14 of the Revised Code, is not a derivative, provided that such variable rate investment has a maximum maturity of two years.

(P) "Public depositor" means the state or a subdivision, as applicable, that deposits public moneys in a public depository pursuant to sections 135.01 to 135.21 of the Revised Code.

(Q) "Uninsured public deposit" means the portion of a public deposit that is not insured by the federal deposit insurance corporation, the national credit union administration, or by any other agency or instrumentality of the federal government or by a private deposit insurance fund.

(R) "Credit union" means a financial institution organized under sections 1733.01 to 1733.45 of the Revised Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 U.S.C. 1751, as amended, or licensed pursuant to section 1733.39 of the Revised Code.

(S) "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.

(T) "Treasurer 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.

Sec. 135.03. (A) Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state, is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the comptroller of the currency, the superintendent of financial institutions, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

(B) Any federal savings association, any savings and loan association or savings bank doing business under authority granted by the superintendent of financial institutions, or any savings and loan association or savings bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state, and authorized to accept deposits is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No savings association, savings and loan association, or savings bank shall receive or have on deposit at any one time

public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the office of thrift supervision, the superintendent of financial institutions, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

(C) Any credit union is eligible to become a public depository subject to sections 135.01 to 135.21 of the Revised Code. No credit union shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the national credit union administration or the deputy superintendent for credit unions. Credit unions holding deposits awarded by the treasurer of state shall 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.

Sec. 135.032. No bank or savings and loan association, or credit union is eligible to become a public depository or to receive any new public deposits pursuant to sections 135.01 to 135.21 of the Revised Code, if:

(A) In the case of a bank, the bank or any of its directors, officers, employees, or controlling shareholders is currently a party to an active final or temporary cease-and-desist order issued under section 1121.32 of the Revised Code;

(B) In the case of an association, the association or any of its directors, officers, employees, or controlling persons is currently a party to an active final or summary cease-and-desist order issued under section 1155.02 of the Revised Code.

(C) In the case of a credit union, the credit union or any of its directors, officers, employees, or controlling persons is currently a party to an active final or summary cease-and-desist order issued under section 1733.324 of the Revised Code.

Sec. 135.06. Each eligible institution desiring to be a public depository of the inactive deposits of the public moneys of the state or of the inactive deposits of the public moneys of the subdivision shall, not more than thirty days prior to the date fixed by section 135.12 of the Revised Code for the designation of such public depositories, make application therefor in writing to the proper governing board. Such application shall specify the maximum amount of such public moneys which the applicant desires to receive and have on deposit as an inactive deposit at any one time during the period covered by the designation, provided that it shall not apply for more than thirty per cent of its total assets as revealed by its latest report to the superintendent of financial institutions, the comptroller of the currency, the office of thrift supervision, the federal deposit insurance corporation, or the board of governors of the federal reserve system, or the national credit union

administration, and the rate of interest which the applicant will pay thereon, subject to the limitations of sections 135.01 to 135.21 of the Revised Code. Each application shall be accompanied by a financial statement of the applicant, under oath of its cashier, treasurer, or other officer, in such detail as to show the capital funds of the applicant, as of the date of its latest report to the superintendent of financial institutions, the comptroller of the currency, the office of thrift supervision, the federal deposit insurance corporation, ~~or~~ the board of governors of the federal reserve system, or the national credit union administration, and adjusted to show any changes therein made prior to the date of the application. Such application may be combined with an application for designation as a public depository of active deposits, interim deposits, or both.

Sec. 135.08. Each eligible institution desiring to be a public depository of interim deposits of the public moneys of the state or of the interim deposits of the public moneys of the subdivision shall, not more than thirty days prior to the date fixed by section 135.12 of the Revised Code for the designation of public depositories, make application therefor in writing to the proper governing board. Such application shall specify the maximum amount of such public moneys which the applicant desires to receive and have on deposit as interim deposits at any one time during the period covered by the designation, provided that it shall not apply for more than thirty per cent of its total assets as revealed by its latest report to the superintendent of financial institutions, the deputy superintendent for credit unions, the comptroller of the currency, the office of thrift supervision, the federal deposit insurance corporation, or the board of governors of the federal reserve system, or the national credit union administration, and the rate of interest which the applicant will pay thereon, subject to the limitations of sections 135.01 to 135.21 of the Revised Code.

Each application shall be accompanied by a financial statement of the applicant, under oath of its cashier, treasurer, or other officer, in such detail as to show the capital funds of the applicant, as of the date of its latest report to the superintendent of financial institutions, the deputy superintendent for credit unions, the comptroller of the currency, the office of thrift supervision, the federal deposit insurance corporation, ~~or~~ the board of governors of the federal reserve system, or the national credit union administrations, and adjusted to show any changes therein made prior to the date of the application. Such application may be combined with an application for designation as a public depository of inactive deposits, active deposits, or both.

Sec. 135.10. Each eligible institution desiring to be a public depository of the active deposits of the public moneys of the state or of a subdivision shall, not more than thirty days prior to the date fixed by section 135.12 of the Revised Code for the designation of such public depositories,

make application therefor in writing to the proper governing board. If desired, such application may specify the maximum amount of such public moneys which the applicant desires to receive and have on deposit at any one time during the period covered by the designation. Each application shall be accompanied by a financial statement of the applicant, under oath of its cashier, treasurer, or other officer, in such detail as to show the capital funds of the applicant, as of the date of its latest report to the superintendent of banks or comptroller of the currency, or the national credit union administration, and adjusted to show any changes therein prior to the date of the application. Such application may be combined with an application for designation as a public depository of inactive deposits, interim deposits, or both.

Sec. 135.13. Inactive deposits shall be evidenced by time certificates of deposit, each of which shall mature not later than the end of the period of designation, and may provide on its face that the amount of such deposit is payable upon written notice to be given a specified period before the date of repayment or by savings or deposit accounts, including, but not limited to, passbook accounts.

Interim deposits shall be evidenced by time certificates of deposit or by savings or deposit accounts, including, but not limited to, passbook accounts. If the treasurer of state places an interim deposit with a credit union, such deposit shall be evidenced by a share certificate."

In line 9557, after "section" insert ";

(13) Share certificates issued by eligible credit unions applying for interim moneys as provided in section 135.08 of the Revised Code"

Between lines 9629 and 9630, insert:

"Sec. 135.18. (A) Each institution designated as a public depository and awarded public deposits under sections 135.01 to 135.21 of the Revised Code, except as provided in section 135.144 or 135.145 of the Revised Code, shall provide security for the repayment of all public deposits by selecting one of the following methods:

(1) Securing all uninsured public deposits of each public depositor separately as set forth in divisions (B) to (J) of this section;

(2) Securing all uninsured public deposits of every public depositor pursuant to section 135.181 or 135.182 of the Revised Code, as applicable, by establishing and pledging to the treasurer of state a single pool of collateral for the benefit of every public depositor at the public depository.

(B) If a public depository elects to provide security pursuant to division (A)(1) of this section, the public depository shall pledge to the public depositor, as security for the repayment of all public moneys deposited in the public depository during the period of designation pursuant to an award made

under sections 135.01 to 135.21 of the Revised Code, eligible securities of aggregate market value at all times equal to at least one hundred five per cent of the total amount of the public depositor's uninsured public deposits.

(C) In order for a public depository to receive public moneys under this section, the public depository and the public depositor shall first execute an agreement that sets forth the entire arrangement among the parties and that meets the requirements described in 12 U.S.C. 1823(e). However, any such agreement between the treasurer of state and a credit union designated to receive public moneys shall instead meet the requirements described in 12 U.S.C. 1788(a) and 12 C.F.R. 709.11. In addition, ~~the agreement all agreements executed under this section~~ shall authorize the public depositor to obtain control of the collateral pursuant to division (D) of section 1308.24 of the Revised Code.

(D) The following securities or other obligations shall be eligible for the purposes of this section:

(1) Bonds, notes, or other obligations of the United States; or bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by language appearing in the instrument specifically providing such guarantee or pledge and not merely by interpretation or otherwise;

(2) Bonds, notes, debentures, letters of credit, or other obligations or securities issued by any federal government agency or instrumentality, or the export-import bank of Washington; bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by interpretation or otherwise and not by language appearing in the instrument specifically providing such guarantee or pledge;

(3) Obligations of or fully insured or fully guaranteed by the United States or any federal government agency or instrumentality;

(4) Obligations partially insured or partially guaranteed by any federal agency or instrumentality;

(5) Obligations of or fully guaranteed by the federal national mortgage association, federal home loan mortgage corporation, federal farm credit bank, or student loan marketing association;

(6) Bonds and other obligations of this state;

(7) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;

(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;

(9) Shares of no-load money market mutual funds consisting exclusively of obligations described in division (D)(1) or (2) of this section and repurchase agreements secured by such obligations;

(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304;

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized statistical rating organization.

(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the public depositor's security interest in the securities. The trustee shall report to the public depositor information relating to the securities pledged to secure the public deposits in the manner and frequency required by the public depositor.

(F) The qualified trustee shall enter into a custodial agreement with the public depositor and public depository in which the trustee agrees to comply with entitlement orders originated by the public depositor without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made by the public depositor therein as provided by law, the public depositor shall give written notice of this failure to the qualified trustee holding the securities pledged against its public deposits and, at the same time, shall send a copy of this notice to the public depository. Upon receipt of this notice, the trustee shall transfer to the public depositor for sale, the securities that are necessary to produce an amount equal to the public deposits made by the public depositor and not paid over, less the portion of the deposits covered by any federal or private deposit insurance, plus any accrued interest due on the deposits. The public depositor shall sell any of the bonds or other securities so transferred. When a sale of bonds or other securities has

been so made and upon payment to the public depositor of the purchase money, the public depositor shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus after deducting the amount due the public depositor and expenses of sale shall be paid to the public depository.

(G) When the public depository has placed eligible securities described in division (D)(1) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities described in division (D)(1) of this section having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged, without specific authorization from any public depositor's governing board, boards, or treasurer of any such substitution or exchange.

(H) When the public depository has placed eligible securities described in divisions (D)(2) to (9) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization of any public depositor's governing board, boards, or treasurer of any such substitution or exchange only if one of the following applies:

(1) The public depositor has authorized the public depository to make such substitution or exchange on a continuing basis during a specified period without prior approval of each substitution or exchange. The authorization may be effected by the public depositor sending to the trustee a written notice stating that substitution may be effected on a continuing basis during a specified period which shall not extend beyond the end of the period of designation during which the notice is given. The trustee may rely upon this notice and upon the period of authorization stated therein and upon the period of designation stated therein.

(2) The public depository notifies the public depositor and the trustee of an intended substitution or exchange, and the public depositor does not object to the trustee as to the eligibility or market value of the securities being substituted within three business days after the date appearing on the notice of proposed substitution. The notice to the public depositor and to the trustee shall be given in writing and delivered electronically. The trustee may assume in any case that the notice has been delivered to the public depositor. In order for objections of the public depositor to be effective, receipt of the objections must be acknowledged in writing by the trustee.

(3) The public depositor gives written authorization for a substitution or exchange of specific securities.

(I) The public depository shall notify any public depositor of any

substitution or exchange under division (H)(1) or (2) of this section.

(J) Any federal reserve bank or branch thereof located in this state or federal home loan bank, without compliance with Chapter 1111. of the Revised Code and without becoming subject to any other law of this state relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities, under this section. Any institution mentioned in section 135.03 or 135.32 of the Revised Code that holds a certificate of qualification issued by the superintendent of financial institutions or any institution complying with sections 1111.04, 1111.05, and 1111.06 of the Revised Code, is qualified to act as trustee for the safekeeping of securities under this section, other than those belonging to itself or to an affiliate as defined in section 1101.01 of the Revised Code.

Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure deposits of public moneys, a trustee has no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, without limitation, a substitution or exchange of securities.

Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the state or the subdivision or to any officer of the state or subdivision. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the public depositor. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the public depositor or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section."

In line 9694, after the period insert "However, any such agreement between the treasurer of state and a credit union designated to receive state interim funds shall instead meet the requirements described in 12 U.S.C. 1788(a) and 12 C.F.R. 709.11."; strike through "the agreement" and insert "all agreements executed under this division"

In line 10268, delete everything after "(3)"

In line 10269, delete "Code, is" and insert "Is"

Between lines 26030 and 26031, insert:

"(9) Act as a public depository, for purposes of and in accordance with, Chapter 135. of the Revised Code."

In line 26102, after "Code" insert ", and if acting as a public depository, for purposes of, and in accordance with, Chapter 135. of the Revised Code"

Between lines 26185 and 26186, insert:

"Sec. 1733.30. (A) A credit union may make any investment of any funds not required for the purpose of loans or not required to meet the pledging requirements of Chapter 135. of the Revised Code, in state or national banks or state or federally chartered savings and loan associations, savings banks, or credit unions, doing business in this state; in accounts, deposits, or shares of federally insured savings and loan associations or savings banks or insured credit unions, doing business outside this state; in deposits or accounts of federally insured banks, trust companies, and mutual savings banks doing business outside this state; in the shares of a corporate credit union subject to the regulations of that corporate credit union; in shares, stocks, or obligations of any other organization providing services that are associated with the routine operations of credit unions; or in United States government securities or municipal bonds issued by municipalities of this state; and, with the approval of the superintendent of credit unions, in securities other than those specified in this division. All investments under this division shall be made in United States dollars.

(B) In accordance with rules adopted by, and subject to the approval of, the superintendent, notes or loans made by or to individual members of a credit union may be purchased by another credit union at such prices as may be agreed upon between the credit unions.

(C) A corporate credit union may make investments provided the investments are in accordance with rules adopted by the superintendent, are consistent with the safety and soundness of the credit union, and are made with due regard to the investment requirements established by the applicable insurer recognized under section 1733.041 of the Revised Code.

Sec. 1733.31. For purposes of this section, "gross income" means all income, before expenses, earned on risk assets. "Risk assets" shall be defined by rule adopted by the superintendent of credit unions.

Each credit union shall establish and maintain reserves as required by Chapter 1733. of the Revised Code, by Chapter 135. of the Revised Code, if applicable, or by rules adopted by the superintendent, including the following:

(A) Valuation allowances for delinquent loans, investments, other risk assets, and contingencies, which shall be established and maintained pursuant to rules adopted ~~adopted~~ by the superintendent.

(B) A regular reserve as follows:

(1) A credit union in operation for more than four years and having assets of five hundred thousand dollars or more shall reserve ten per cent of its gross income until its regular reserve equals four per cent of its total risk assets. Once the credit union has regular reserves equal to four per cent of its total risk assets, it shall reserve five per cent of its gross income until its regular reserve equals six per cent of its total risk assets.

(2) A credit union in operation for less than four years or having assets of less than five hundred thousand dollars shall reserve ten per cent of its gross income until its regular reserve equals seven and one-half per cent of its total risk assets. Once the credit union has regular reserves equal to seven and one-half per cent of its total risk assets, it shall reserve five per cent of its gross income until its regular reserve equals ten per cent of its total risk assets.

(3) The provision for loan losses, or other such provisions related to the valuation allowances described in division (A) of this section, recorded on the credit union's statement of income for the year shall be deducted from the appropriate regular reserve calculated under division (B)(1) or (2) of this section.

(4) Once the credit union has closed out its net income or loss to undivided earnings, it may allocate any extraordinary loss for the year, as defined by AICPA APB Opinion No. 30 or by rules as promulgated by the superintendent, to the regular reserve.

(5) If the regular reserve account becomes less than the percentage required by division (B)(1) or (2) of this section, then the schedule of allocation shall apply until the required percentages are achieved.

(6) The superintendent may decrease the reserve requirements under division (B)(1) or (2) of this section when, in the superintendent's opinion, a decrease is necessary or desirable and is consistent with the purposes of this section.

(7) Nothing herein shall prevent the superintendent from requiring a particular credit union or all credit unions to establish a regular reserve in excess of the percentages required by division (B)(1) or (2) of this section if, in the opinion of the superintendent, economic conditions or other appropriate circumstances so warrant.

(C) Except as otherwise provided in this division, each credit union shall maintain a liquidity fund equal to five per cent of its shares. The assets included in the liquidity fund shall be defined by rule adopted by the superintendent. The superintendent may require a particular credit union or all credit unions to establish a liquidity fund greater than or less than five per cent of total shares, if, in the opinion of the superintendent, economic conditions or other appropriate circumstances so warrant.

(D)(1) Reserves for corporate credit unions shall be established by the superintendent with due regard for the reserving requirements for corporate credit unions set by the applicable insurer recognized under section 1733.041 of the Revised Code. Specific reserving requirements shall be established by rule of the superintendent, but shall substantially parallel the reserving formula set by the applicable insurer recognized under section

1733.041 of the Revised Code.

(2) Nothing in division (D)(1) of this section shall prevent the superintendent from requiring a particular corporate credit union or all corporate credit unions to establish a regular reserve in excess of those reserves established pursuant to division (D)(1) of this section if, in the opinion of the superintendent, economic conditions or other appropriate circumstances so warrant."

In line 105938, after "133.061," insert "135.01, 135.03, 135.032, 135.06, 135.08, 135.10, 135.13,"; after "135.143," insert "135.18,"

In line 105959, after "1733.24," insert "1733.30, 1733.31,"

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Tavares moved to amend as follows:

In line 137024, delete "\$654,939 \$654,939" and insert "\$709,967 \$747,358"

In line 137025, delete "\$852,606 \$852,606" and insert "\$830,698 \$830,698"

In line 137026, delete "\$93,120 \$93,120" and insert "\$70,000 \$70,000"

In line 137027, delete "\$985,000 \$985,000" and insert "\$975,000 \$937,609"

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Schiavoni moved to amend as follows:

In line 129971, delete "\$ 1,696,358 \$ 1,696,358" and insert "\$ 4,946,358 \$ 4,946,358"

In line 129973, delete "\$ 824,500 \$ 1,067,000" and insert "\$ 5,824,500 \$ 6,067,000"

Between lines 129978a and 129979, insert:

"GRF 195504 Sector Partnership Grants \$ 10,000,000 \$ 10,000,000"

In line 129983, add \$18,250,000 to each fiscal year

In line 129989, delete "\$ 4,000,000 \$ 4,000,000" and insert "\$ 10,500,000 \$ 10,500,000"

In line 130004, add \$6,500,000 to each fiscal year

In line 130043, add \$24,750,000 to each fiscal year

Between lines 130057 and 130058, insert:

"Of the foregoing appropriation item 195405, Minority Business Development, \$3,250,000 in each fiscal year shall be distributed in equal amounts in each fiscal year to the seven minority business assistance centers across the state."

Between lines 130067 and 130068, insert:

"Of the foregoing appropriation item 195426, Redevelopment Assistance, \$5,000,000 in each fiscal year shall be used to support the Ohio Brownfield Fund."

Between lines 130110 and 103111, insert:

"SECTOR PARTNERSHIP GRANTS

The foregoing appropriation item 195504, Sector Partnership Grants, shall be used for the Sector Partnership Grant Program as described in Section

7 of this bill."

Between lines 130174 and 130175, insert:

"On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$6,500,000 cash from the GRF to the Minority Business Enterprise Loan Fund (Fund 4W10).

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for the Minority Business Direct Loan Program."

In line 131376, delete "\$10,437,366 \$9,500,892" and insert "\$22,937,366 \$22,000,892"

In line 131384, add \$12,500,000 to each fiscal year

In line 131434, add \$12,500,000 to each fiscal year

Between lines 132269 and 132270, insert:

"Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$12,500,000 in each fiscal year shall be used to provide grants to city, local, exempted village, and joint vocational school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code to improve access to workforce training opportunities for students. The Superintendent of Public Instruction shall develop guidelines for and administer the grants. The grants shall be used by recipients to do any of the following:

(A) Assist students with shop fees associated with career-technical education courses;

(B) Assist students with industry credential testing fees;

(C) Purchase or upgrade equipment for career-technical education programs;

(D) Expand existing work readiness programs;

(E) Carry out any other purposes that the Superintendent deems appropriate to improve access to workforce training opportunities for students."

Between lines 137722a and 137723, insert:

"GRF 235570 Public-Private Partnership Grant Program
\$12,500,000 \$12,500,000"

In line 137727, add \$12,500,000 to each fiscal year

In line 137754, add \$12,500,000 to each fiscal year

Between lines 138873 and 138874, insert:

"PUBLIC-PRIVATE PARTNERSHIP GRANT PROGRAM

The foregoing appropriation item 235570, Public-Private Partnership Grant Program, shall be used to distribute grants awarded pursuant to Section 733. ___ of this act."

Between lines 142711 and 142712, insert:

"Section 701. ___.(A) As used in this section:

(1) "In-demand job" means a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code, has a significant presence in an industry cluster, and pays or leads to payment of a family-sustaining wage.

(2) "Industry cluster" means a group of employers that meet all of the following criteria, as determined by the nonprofit corporation formed under section 187.01 of the Revised Code:

(a) The employers are closely linked by a common product or service, workforce needs, similar technologies, supply chains, or other economic ties.

(b) The employers have a statewide economic impact.

(c) The employers have immediate workforce development needs.

(d) The employers provide emerging or competitive career opportunities for workers.

(3) "Industry partnership" means a collaborative relationship between multiple employers and workers or worker representatives in an industry cluster to address common workforce needs.

(4) "Labor organization" has the same meaning as in section 3517.01 of the Revised Code.

(5) "Local board" has the same meaning as in section 6301.01 of the Revised Code.

(6) "One-stop system" means the system for workforce development activities established under section 6301.08 of the Revised Code.

(B) The Sector Partnership Grant Program is hereby created within the Development Services Agency for fiscal years 2018 and 2019 to identify and provide grants to industry partnerships. An industry partnership may use a grant awarded under this section to do any of the following:

(1) Organize businesses, employers, workers, labor organizations, and industry associations in an industry cluster into a collaborative structure that shares information, ideas, and challenges common to the industry cluster;

(2) Identify training needs of businesses in an industry cluster, including skill gaps critical to competitiveness and innovation;

(3) Aggregate training and education needs of multiple employers to facilitate economies of scale;

(4) Assist educational and training institutions in aligning curricula and programs to industry demand, particularly for in-demand jobs;

(5) Collaborate with the one-stop system of the area being served by the industry partnership, youth councils, business-education partnerships, intermediate units, secondary and post-secondary educational institutions, parents, and career counselors to address the challenges of connecting disadvantaged youth and adults to careers;

(6) Assist companies in identifying and addressing common organizational and human resources challenges;

(7) Assist in developing and strengthening career advancement within and across companies to enable entry-level workers to advance to higher-wage jobs;

(8) Assist companies in attracting a diverse work force, including individuals with barriers to employment;

(9) Assist in fostering cooperation among businesses in an industry cluster on issues that would improve competitiveness and job quality.

(C)(1) Each industry partnership wishing to receive a grant shall submit a grant application to the Director of Development Services that includes all of the following information:

(a) Evidence of involvement of a local board;

(b) Evidence of participation of workers or labor representatives in the industry partnership;

(c) Evidence that private sector matching funds will be provided in an amount that equals at least twenty-five per cent of the amount of the grant for which the industry partnership is applying;

(d) Evidence of commitment to participate in the evaluation and performance improvement system established by division (F) of this section.

(2) The Director shall award a grant to an industry partnership that submits a complete application if funding is available. A grant awarded under this section shall be for a period of not less than twelve months and not more than twenty-four months. A grantee may apply to renew a grant by submitting a new application containing the information described in division (C)(1) of this section.

(D) The Director of Development Services shall do all of the following regarding the operation of the grant program:

(1) Establish grant guidelines and create a grant application;

(2) Develop forms and institute procedures to award grants under this section;

(3) Establish a system for reviewing grant applications;

(4) Establish a procedure to provide applicants with additional information regarding eligibility requirements and assistance in preparing applications;

(5) Provide technical assistance to grant applicants and grantees;

(6) Apply for grants and seek other sources of revenue to fund administrative and training activities.

(E) Unless otherwise prohibited by state or federal law, every state agency, board, or commission shall provide the Director of Development Services with any assistance and information requested by the Director in furtherance of the operation of the grant program.

(F) The Director of Development Services shall develop and implement an evaluation and performance improvement system for the grant program that does all of the following:

(1) Collects critical industry partnership information beginning one year after the effective date of this section, and each year thereafter, or more frequently, as the Director determines necessary, including all of the following:

(a) What the industry partnership has learned;

(b) The human resources challenges that were the most common within the industry partnership;

(c) The influence and use of technology by the industry partnership;

(d) The challenges that are foreseen by the industry partnership.

(2) Defines the benefits of the industry partnership and its activities to employers, workers, and communities;

(3) Provides annual performance information to the General Assembly, the public, and workforce stakeholders."

Between lines 142909 and 142910, insert:

"Section 733. __.(A) As used in this section, "eligible partnership" means a partnership consisting of any community college, state community college, technical college, university branch, or regional campus that offers associate degree programs and industry-recognized credential programs, and at least one business located in the same region as the partnering institution of higher education.

(B) The Public-Private Partnership Grant Program is hereby created for fiscal years 2018 and 2019 to provide grants to eligible partnerships to develop, enhance, and promote associate degree programs and industry-recognized credential programs that align with in-demand jobs to address the region's workforce needs.

(C)(1) Grants shall be awarded by a nine-member governing board

consisting of the Chancellor of Higher Education, or the Chancellor's designee; the Director of the Governor's Office of Workforce Transformation, or the Director's designee; three members appointed by the Governor, two representing the interests of labor and one representing the interests of business; the chairperson and ranking minority leader of the House of Representatives committee that primarily deals with higher education and workforce development; and the chairperson and ranking minority leader of the Senate committee that primarily deals with education.

(2) The board shall select grant advisors with fiscal expertise and higher education and workforce development expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall create a grant application and publish on the Department of Higher Education's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(D) Each grant applicant shall submit a proposal that includes all of the following:

(1) The name of all businesses included in the partnership;

(2) A description of the project for which the applicant is seeking a grant, including a description of how the project will help to create and fill in-demand jobs in the region;

(3) An explanation of how the project will be self-sustaining.

The lead applicant for a grant under this section shall be the institution of higher education.

(E)(1) With the approval of the governing board, the Chancellor shall establish a system for evaluating and scoring the grant applications received under this section. When awarding grants, the board shall give preference to eligible partnerships with institutions of higher education that currently offer associate degree programs and industry-recognized credential programs that align with in-demand jobs in the region.

(2) Not later than seventy-five days after receipt of an application under this section, the board shall issue a decision of "yes," "no," "hold," or "edit" for the application. In making its decision, the board shall consider whether the project has the potential to align associate degree and credential programs with in-demand jobs to address the region's workforce needs and the capability of being replicated in other regions of the state. If the board issues a "hold" or "edit" decision for an application, it shall, upon returning the application to the applicant, specify the process for reconsideration of the application.

(F) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the

following:

(1) The content of the applicant's proposal as outlined under division (D) of this section;

(2) The project's deliverables and a timetable for their completion;

(3) Conditions for receiving grant funding;

(4) Conditions for receiving funding in future years if the contract is a multi-year contract;

(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement, as determined by the Auditor of State;

(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.

(G) The Chancellor shall determine the amount for each grant awarded under this section. When distributing the grant funding, the Chancellor shall allocate one-half of the amount of the grant to the institution of higher education and one-half to the businesses in the partnership.

(H) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement."

The question being, "Shall the amendment be agreed to?"

Senator Peterson moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Schiavoni moved to amend as follows:

In line 6765, after "amounts" insert ", subject to the limitation in division (C)(4) of this section"

In line 6793, after the period insert "Not more than ten million dollars"

of tax credit shall be allowed for any tax credit-eligible production."

The question being, "Shall the amendment be agreed to?"

Senator Coley moved that the amendment be laid on the table.

The question being, "Shall the motion be agreed to?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Kunze	LaRose	Lehner
Manning	Oelslager	Peterson	Terhar
Uecker	Wilson		Obhof-23

Those who voted in the negative were: Senators

Brown	Jordan	O'Brien	Schiavoni
Skindell	Sykes	Tavares	Thomas
Williams			Yuko-10

The amendment to the amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Williams moved to amend as follows:

Between lines 129978a and 129979, insert:

"GRF 195503 Local Development Projects \$150,000 \$150,000"

In line 129983, add \$150,000 to each fiscal year

In line 130043, add \$150,000 to each fiscal year

Between lines 130110 and 130111, insert:

"LOCAL DEVELOPMENT PROJECTS

The foregoing appropriation item 195503, Local Development Projects, shall be allocated to Cleveland Neighborhood Progress to support the Community Financial Centers Pilot Program."

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 49**, pass?"

Senator Sykes moved that he be excused from voting under Senate Rule No. 58.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 49**, pass?"

The yeas and nays were taken and resulted – yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Kunze	LaRose	Lehner
Manning	Oelslager	Peterson	Terhar
Uecker	Williams	Wilson	Obhof-24

Senators Brown, Jordan, O'Brien, Schiavoni, Skindell, Tavares, Thomas, and Yuko voted in the negative-8.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Oelslager moved to amend the title as follows:

Add the names: "Senators Eklund, Hite, Hoagland, Obhof, Oelslager, Peterson, Terhar, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Sub. H. B. No. 124-Representatives Brenner, Carfagna.

Cosponsors: Representatives Hambley, Goodman, Green, Hughes, Ingram, Johnson, Rogers, Schaffer, Scherer, Sprague, Strahorn, Sweeney, West Senator Beagle.

To enact section 5705.233 of the Revised Code to allow a county to propose as a single ballot question property taxes and a bond issue for the acquisition of, or permanent improvements to, criminal justice-related facilities and the operating expenses associated with such facilities and other criminal justice services, to authorize a joint vocational school district to submit the question of a renewal tax levy to voters who did not have an opportunity to vote on the levy at an election held in November of 2015 because the levy was only placed on the ballot in one of several counties in which the district has territory, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Dolan	Eklund
Gardner	Hackett	Hite	Hoagland
Hottinger	Huffman	Jordan	Kunze
LaRose	Lehner	Manning	O'Brien
Oelslager	Peterson	Schiavoni	Skindell
Sykes	Tavares	Terhar	Thomas
Uecker	Williams	Wilson	Yuko
			Obhof-33

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Dolan	Eklund
Gardner	Hackett	Hite	Hoagland
Hottinger	Huffman	Jordan	Kunze
LaRose	Lehner	Manning	O'Brien
Oelslager	Peterson	Schiavoni	Skindell
Sykes	Tavares	Terhar	Thomas
Uecker	Williams	Wilson	Yuko
			Obhof-33

So the bill having received the required constitutional majority passed as an emergency measure.

The question being, "Shall the title be agreed to?"

Senator Eklund moved to amend the title as follows:

Add the names: "Senators Burke, Eklund, Hackett, Hoagland, Huffman, LaRose, Terhar, Uecker."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

S. B. No. 117-Senator Hite.

Cosponsors: Senators Eklund, Schiavoni, Thomas, Yuko, Tavares, LaRose, Brown, Beagle.

To enact section 5.292 of the Revised Code to designate May as "Drive Ohio Byways Month", was considered the third time.

The question being, "Shall the bill, **S. B. No. 117**, pass?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Dolan	Eklund
Gardner	Hackett	Hite	Hoagland
Hottinger	Huffman	Jordan	Kunze
LaRose	Lehner	Manning	O'Brien
Oelslager	Peterson	Schiavoni	Skindell
Sykes	Tavares	Terhar	Thomas
Uecker	Williams	Wilson	Yuko
			Obhof-33

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Hite moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Burke, Coley, Dolan,

Gardner, Hackett, Hoagland, Hottinger, Kunze, Manning, Obhof, O'Brien, Peterson, Skindell, Uecker, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 7 -Senators Bacon, Manning

Cosponsors: Senators Obhof, Beagle, Gardner, Uecker, Eklund, LaRose, Skindell, Huffman, Hite, Brown, Schiavoni, Hoagland, Wilson, Balderson, Burke, Coley, Dolan, Hackett, Hottinger, Jordan, Kunze, Lehner, Oelslager, Peterson, Sykes, Tavares, Terhar, Thomas, Williams, Yuko Representatives Manning, Rezabek, Celebrezze, Butler, Conditt, Cupp, Kent, Rogers, Anielski, Antonio, Arndt, Ashford, Barnes, Blessing, Boggs, Boyd, Carfagna, Clyde, Craig, Duffey, Fedor, Galonski, Gavarone, Holmes, Householder, Howse, Hughes, Ingram, Lanese, Leland, Lepore-Hagan, Miller, O'Brien, Patterson, Patton, Perales, Ramos, Reineke, Retherford, Seitz, Smith, K., Sweeney, Sykes, West

To amend section 2919.27 of the Revised Code to provide the circumstances when service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Bradley J. Young,
Clerk.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Dolan	Eklund
Gardner	Hackett	Hite	Hoagland
Hottinger	Huffman	Jordan	Kunze
LaRose	Lehner	Manning	O'Brien
Oelslager	Peterson	Schiavoni	Skindell
Sykes	Tavares	Terhar	Thomas
Uecker	Williams	Wilson	Yuko
			Obhof-33

So the Senate concurred in the amendments of the House of Representatives.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered for the first time:

S. B. No. 166 - Senator Schiavoni.

Cosponsors: Senators Thomas, Obhof, Brown, O'Brien, Williams, Lehner, Eklund.

To enact section 5534.412 of the Revised Code to designate a portion of S.R. 170 in Mahoning County as the "Poland Township Police Officer Richard E. Becker Memorial Highway."

S. B. No. 167 - Senator Schiavoni.

Cosponsors: Senators Thomas, Obhof, Brown, O'Brien, Williams, Lehner, Eklund.

To enact section 5534.411 of the Revised Code to designate a portion of U.S. Route 224 in Mahoning County as the "Poland Township Police Officer Charles K. Yates Memorial Highway."

S. B. No. 168 - Senator Jordan.

To amend sections 5166.40 and 5166.405 and to enact section 5163.11 of the Revised Code to prohibit the Medicaid program from covering the expansion eligibility group and to require aggregate General Revenue Fund appropriations for state agencies to be reduced by specified amounts for the biennium beginning July 1, 2017, and ending on June 30, 2019.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 193 - Senator Hottinger.

Honoring the Lakewood High School softball team as the 2017 Division II State Champion.

S. R. No. 194 - Senator Thomas.

Honoring the Withrow University High School girls track and field team for winning the 2017 Division I State Championship.

S. R. No. 195 - Senator Uecker.

Honoring the Williamsburg High School softball team on winning the 2017 Division IV State Championship.

The question being, "Shall the resolutions listed under the President's

prerogative be adopted?"

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

H. B. No. 28 - Representative Brinkman – et al.

Attest:

Bradley J. Young,
Clerk.

On the motion of Senator Peterson, the Senate recessed until 8:37 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has refused to concur in the Senate amendments to:

Am. Sub. H. B. No. 49 -Representative Smith, R. – et al.

Attest:

Bradley J. Young,
Clerk.

Senator Oelslager moved that the Senate insist on the Senate amendments to **Am. Sub. H. B. No. 49**, and ask for a committee of conference.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a committee of conference on matters of difference between the two Houses on:

Am. Sub. H. B. No. 49 -Representative Smith, R. – et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Smith, R., Ryan, and Cera.

Attest:

Bradley J. Young,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee for Am. Sub. H.B. 49:

Senator Scott Oelslager
Senator Gayle Manning
Senator Michael Skindell

On the motion of Senator Oelslager, the Senate adjourned until Thursday, June 22, 2017 at 11:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.