

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, DECEMBER 8, 2021

ONE HUNDRED NINTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, December 8, 2021, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Tom Ellis of the The Calvary Church in Springdale, Ohio, followed by the Pledge of Allegiance to the Flag.

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

Education First High School Exchange Group, guests of Representative Lanese- 23rd district.

Classical Conversations of West Chester home school group and students, guests of Representative Gross- 52nd district.

Lonnie and Kayla Bowling, guests of representative Miranda- 28th district.

Winton Woods High School football team, guests of Representative Miranda- 28th district.

F. Joe Ellis, RoseMarie Ellis, Kristen Ellis, Emma Ellis, Audrey Ellis, and Ava Ellis; guests of Representative Miranda- 28th district.

Gabe Powers and Jayden Combs, guests of Representative Richardson- 86th district.

Autumn Peterson, a guest of Representative Powell- 80th district.

Letanya, Salem, Sidney, Lincoln, Tammy, and Robert Adams; guests of Representative Stewart- 78th district.

Tech Corps Hackathon Winner, guests of Representatives Roemer- 38th district, Boyd- 9th district, Sykes- 34th district, and Lightbody- 19th district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 507 - Representative Koehler.

Cosponsors: Representatives Stoltzfus, Lipps, Fowler Arthur, Manning.

To amend section 925.62 of the Revised Code to revise the number of poultry chicks that may be sold in lots.

H. B. No. 508 - Representatives West, Creech.

Cosponsors: Representatives Bird, LaRe, Hall, Carruthers, Jordan, Stoltzfus, Boggs, Miller, K., Johnson, Wiggam, Young, T., Click, Jones, Galonski, Miller, J., Ingram, Weinstein, Plummer, John, McClain, Lampton, Young, B.,

Stephens, Cross, Riedel, Baldrige, Abrams, Upchurch, Lipps, Stewart, Ray, Cutrona, Ghanbari, Pavliga, Brinkman, Kick, Fraizer, Hillyer, Swearingen, Loychik, Blackshear, Dean, Koehler, Holmes, Stein, Schmidt, Skindell, Denson, Troy, Howse, Brent, Jarrells, Ginter, Ferguson, White, Gross, Sobecki, Kelly, Seitz.

To amend sections 2151.23, 2317.02, 2705.031, 2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 3109.04, 3109.042, 3109.043, 3109.05, 3109.052, 3109.06, 3109.061, 3109.09, 3109.11, 3109.12, 3109.41, 3109.53, 3109.55, 3109.56, 3109.65, 3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 3310.51, 3313.98, 3319.321, 3333.26, 3796.24, 5104.039, 5120.653, and 5153.16; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3109.043 (3109.0436), 3109.052 (3109.0470), and 3109.053 (3109.0480); to enact sections 3109.044, 3109.045, 3109.046, 3109.047, 3109.0410, 3109.0411, 3109.0412, 3109.0413, 3109.0414, 3109.0415, 3109.0420, 3109.0421, 3109.0422, 3109.0423, 3109.0424, 3109.0425, 3109.0426, 3109.0430, 3109.0431, 3109.0432, 3109.0435, 3109.0438, 3109.0439, 3109.0440, 3109.0441, 3109.0442, 3109.0443, 3109.0445, 3109.0450, 3109.0451, 3109.0452, 3109.0453, 3109.0454, 3109.0455, 3109.0456, 3109.0457, 3109.0460, 3109.0461, 3109.0462, 3109.0463, 3109.0466, 3109.0467, 3109.0468, 3109.0475, 3109.0476, 3109.0477, 3109.0482, and 3109.0485; and to repeal sections 3109.041 and 3109.051 of the Revised Code regarding the allocation of parental rights and responsibilities to grant equal time and responsibility for a child.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Brent submitted the following report:

The standing committee on Agriculture and Conservation to which was referred **S. B. No. 83**-Senators Williams, Rulli, et al., having had the same under consideration, reports it back as a substitute bill and recommends its re-referral to the committee on Rules and Reference.

RE: REQUIRE EPA CONDUCT A STUDY TO DETERMINE BROWNFIELD LOCATIONS

Representative Creech moved to amend the title as follows:

Add the names: "Koehler, Jones, Miller, J., O'Brien"

J. KYLE KOEHLER
BRIAN BALDRIDGE
SARAH FOWLER ARTHUR
DON JONES

JUANITA O. BRENT
ADAM C. BIRD
PAULA HICKS-HUDSON
JOSEPH A. MILLER III

MICHAEL J. O'BRIEN

MICHAEL SHEEHY

The report was agreed to.

The bill was ordered to be engrossed and re-referred to the committee on Rules and Reference.

Representative Brent submitted the following report:

The standing committee on Agriculture and Conservation to which was referred **H. B. No. 397**-Representatives Stewart, Kick, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: REVISE THE AGRICULTURAL LEASE LAW

Representative Creech moved to amend the title as follows:

Add the names: "Koehler, Jones, O'Brien"

Representative Kick moved to amend as follows:

In line 1 of the title, after "To" insert "amend section 940.05 and to"

In line 2 of the title, after "leases" insert "and soil and water conservation districts"

In line 3, after "That" insert "section 940.05 be amended and"

After line 4, insert:

"Sec. 940.05. (A) The board of supervisors of a soil and water conservation district shall consist of five supervisors, as provided for in section 940.04 of the Revised Code.

(B) The board shall organize annually by selecting a chairperson, a secretary, and a treasurer. It shall designate one of its members as fiscal agent. A majority of the board shall constitute a quorum. The concurrence of a majority of the board in any matter shall be required for its determination. A supervisor shall receive no compensation for the supervisor's services, except when both of the following occur:

(A)(1) A district board of supervisors designates one or more of its supervisors to represent the district on a joint district board or if an agency or instrumentality of the United States, of this state, or of a political subdivision of this state requires or requests district board representation;

(B)(2) Such compensation is provided for by public moneys other than moneys in the special fund of the local district created pursuant to section 940.12 of the Revised Code.

(C) A supervisor is entitled to be reimbursed for the necessary expenses incurred in the discharge of official duties.

(D) The board of supervisors shall furnish to the Ohio soil and water

conservation commission, upon its request, copies of rules, orders, contracts, forms, and other documents it adopts or employs and other information concerning its activities as it requires in the performance of its duties under this chapter.

(E) At least once each year, a district shall submit to the commission a report of progress and operations, including a summary of receipts and disbursements during the period covered by the report. A district shall submit additional financial reports as requested by the commission.

~~The board shall provide for the execution of surety bonds for~~ (F) For all employees and officers who are entrusted with funds and, the board shall either:

(1) Provide for the execution of surety bonds;

(2) By resolution, adopt a policy to allow for use of an employee dishonesty and faithful performance of duty insurance policy to cover financial or property loss caused by the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law for, an officer, employee, or appointee that is otherwise required by law to give an individual surety bond before entering upon the discharge of official duties.

(G) The board shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted.

(H) Any supervisor may be removed by the commission upon notice and hearing for neglect of duty or malfeasance in office."

After line 42, insert:

"**Section 2.** That existing section 940.05 of the Revised Code is hereby repealed."

The motion was agreed to and the bill so amended.

J. KYLE KOEHLER	RODNEY CREECH
BRIAN BALDRIDGE	ADAM C. BIRD
SARAH FOWLER ARTHUR	PAULA HICKS-HUDSON
DON JONES	DARRELL KICK
JOSEPH A. MILLER III	MICHAEL J. O'BRIEN
MICHAEL SHEEHY	

The following member voted "NO"

JENA POWELL

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Sheehy submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 394**-Representative Carruthers, having had the same under consideration, reports it back and recommends its passage.

RE: CREATE STEPHEN T. BADIN HIGH SCHOOL LICENSE PLATE

Representative Ghanbari moved to amend the title as follows:

Add the names: "Ghanbari, Hall, Miller, K., O'Brien"

BRIAN BALDRIDGE
MICHAEL SHEEHY
RODNEY CREECH
THOMAS HALL
KEVIN D. MILLER

RIORDAN T. MCCLAIN
JUANITA O. BRENT
HARAZ N. GHANBARI
MICHELE LEPORE-HAGAN
MICHAEL J. O'BRIEN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Sheehy submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 392**-Representatives Ferguson, Miller, K., et al., having had the same under consideration, reports it back and recommends its passage.

RE: AUTHORIZE AMBULANCE TRANSPORT-POLICE DOG
INJURED IN LINE OF DUTY

Representative Ghanbari moved to amend the title as follows:

Add the name: "Lepore-Hagan"

BRIAN BALDRIDGE
MICHAEL SHEEHY
RODNEY CREECH
THOMAS HALL
KEVIN D. MILLER

RIORDAN T. MCCLAIN
JUANITA O. BRENT
HARAZ N. GHANBARI
MICHELE LEPORE-HAGAN
MICHAEL J. O'BRIEN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Sheehy submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 473**-Representative White, et al., having had the same under consideration, reports it back and recommends its passage.

RE: DESIGNATE SGT. KEVIN J. LANNON, SGT. CAMERON H. THOMAS MEM. WAYS

Representative Ghanbari moved to amend the title as follows:

Add the names: "Baldrige, McClain, Ghanbari, Hall, Miller, K., O'Brien"

BRIAN BALDRIDGE
MICHAEL SHEEHY
RODNEY CREECH
THOMAS HALL
KEVIN D. MILLER

RIORDAN T. MCCLAIN
JUANITA O. BRENT
HARAZ N. GHANBARI
MICHELE LEPORE-HAGAN
MICHAEL J. O'BRIEN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Kelly submitted the following report:

The standing committee on State and Local Government to which was referred **H. B. No. 449**-Representatives Carfagna, Lanese, et al., having had the same under consideration, reports it back and recommends its passage.

RE: DESIGNATE ITALIAN HERITAGE DAY

Representative Wiggam moved to amend the title as follows:

Add the name: "John"

SCOTT WIGGAM
BRIGID KELLY
RODNEY CREECH
TAVIA GALONSKI
DIANE V. GRENDALL
MICHAEL J. SKINDELL
SHANE WILKIN

MARILYN S. JOHN
JAMIE CALLENDER
BILL DEAN
TIMOTHY E. GINTER
LATYNA M. HUMPHREY
BRIAN STEWART

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Kelly submitted the following report:

The standing committee on State and Local Government to which was referred **H. B. No. 442**-Representatives Stephens, Ray, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REGARDS CERTAIN ADOPTION AND FOSTER CARE STAFF QUALIFICATIONS

SCOTT WIGGAM
BRIGID KELLY
RODNEY CREECH
SARAH FOWLER ARTHUR
TIMOTHY E. GINTER
LATYNA M. HUMPHREY
SHANE WILKIN

MARILYN S. JOHN
JAMIE CALLENDER
BILL DEAN
TAVIA GALONSKI
DIANE V. GRENDALL
MICHAEL J. SKINDELL

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Lepore-Hagan submitted the following report:

The standing committee on Commerce and Labor to which was referred **S. B. No. 102**-Senator Roegner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: EXEMPT HOMEBREWERS AND HOME FERMENTERS FROM LIQUOR LAW

Representative Johnson moved to amend the title as follows:

Add the name: "Roemer"

DICK STEIN
MICHELE LEPORE-HAGAN
JANINE R. BOYD
AL CUTRONA
JAMES M. HOOPS
GAYLE MANNING
MONIQUE SMITH

MARK JOHNSON
WILLIS E. BLACKSHEAR, JR.
JUANITA O. BRENT
MARK FRAIZER
DON JONES
BILL ROEMER

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Lepore-Hagan submitted the following report:

The standing committee on Commerce and Labor to which was referred **H. B. No. 272**-Representatives Plummer, Ghanbari, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REGARDS TRANSPARENCY BY CERTAIN ONLINE SELLERS

DICK STEIN
AL CUTRONA
JAMES M. HOOPS
BILL ROEMER

MARK JOHNSON
MARK FRAIZER
GAYLE MANNING

The following members voted "NO"

MICHELE LEPORE-HAGAN
JANINE R. BOYD
MONIQUE SMITH

WILLIS E. BLACKSHEAR, JR.
JUANITA O. BRENT

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Liston submitted the following report:

The standing committee on Families, Aging, and Human Services to which was referred **Sub. S. B. No. 157**-Senators Johnson, Huffman, S., et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REGARDS CHILD BORN ALIVE AFTER ATTEMPTED ABORTION

Representative Cutrona moved to amend the title as follows:

Add the names: "Abrams, Click, John, Schmidt"

SUSAN MANCHESTER
CINDY ABRAMS
GARY CLICK
TIMOTHY E. GINTER
MARILYN S. JOHN

AL CUTRONA
SARA P. CARRUTHERS
JAY EDWARDS
DIANE V. GRENDALL
JEAN SCHMIDT

The following members voted "NO"

BETH LISTON
C. ALLISON RUSSO

STEPHANIE D. HOWSE
DANIEL P. TROY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Sobecki submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 186**-Representatives Swearingen, Wilkin, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ENACT FIRST-TIME HOME BUYER SAVINGS ACT

Representative Merrin moved to amend the title as follows:

Add the name: "Sobecki"

DEREK MERRIN
LISA A. SOBECKI
MARK FRAIZER
DONTAVIUS L. JARRELLS
BETH LISTON
JENA POWELL
BILL ROEMER
DANIEL P. TROY

CRAIG S. RIEDEL
JEFFREY A. CROSSMAN
THOMAS HALL
KRIS JORDAN
RIORDAN T. MCCLAIN
PHILLIP M. ROBINSON, JR.
REGGIE STOLTZFUS
TOM YOUNG

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Sobecki submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 223**-Representative Hillyer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ALLOW VENDORS DEDUCT SALES TAX REMITTED FOR CERTAIN BAD DEBTS

DEREK MERRIN
MARK FRAIZER
KRIS JORDAN
JENA POWELL
REGGIE STOLTZFUS

CRAIG S. RIEDEL
THOMAS HALL
RIORDAN T. MCCLAIN
BILL ROEMER
TOM YOUNG

The following members voted "NO"

LISA A. SOBECKI
DONTAVIUS L. JARRELLS
DANIEL P. TROY

JEFFREY A. CROSSMAN
BETH LISTON

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Sobecki submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 458**-Representative Hall, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ELIMINATE AUGUST SPECIAL ELECTIONS EXCEPT FOR US HOUSE NOMINATION

DEREK MERRIN
MARK FRAIZER
KRIS JORDAN

CRAIG S. RIEDEL
THOMAS HALL
RIORDAN T. MCCLAIN

JENA POWELL
REGGIE STOLTZFUS
TOM YOUNG

BILL ROEMER
DANIEL P. TROY

The following members voted "NO"

LISA A. SOBECKI
DONTAVIUS L. JARRELLS
PHILLIP M. ROBINSON, JR.

JEFFREY A. CROSSMAN
BETH LISTON

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Crossman submitted the following report:

The standing committee on Financial Institutions to which was referred **H. B. No. 440**-Representatives Swearingen, White, et al., having had the same under consideration, reports it back and recommends its passage.

RE: EXPAND AGRICULTURAL LINKED DEPOSIT PROGRAM,
TREASURER'S AUTHORITY

Representative Ferguson moved to amend the title as follows:

Add the name: "Roemer"

KRIS JORDAN
JEFFREY A. CROSSMAN
BRETT HUDSON HILLYER
BRIAN E. LAMPTON
DEREK MERRIN
BILL ROEMER

RON FERGUSON
SEDRICK DENSON
LATYNA M. HUMPHREY
DAVID LELAND
JENA POWELL
BRIDE ROSE SWEENEY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Crossman submitted the following report:

The standing committee on Financial Institutions to which was referred **H. B. No. 348**-Representative Merrin, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: REVISE THE UNCLAIMED FUNDS LAW

Representative Ferguson moved to amend the title as follows:

Add the names: "Hillyer, Roemer"

Representative Merrin moved to amend as follows:

In line 270, delete "or a discount on goods"

In line 271, delete "or services"; after "a" insert "reward card or a"

In line 923, after "payment" insert "or delivery"

In line 924, strike through "under section 169.05 of the Revised"

In line 925, strike through "Code" and insert "in good faith and in compliance with this chapter"

In line 928, after "state" insert "to the extent of the value of the property paid or delivered determined as of the time of its payment or delivery to the director"

In line 933, strike through "and" and insert "within fourteen days after service of process. Failure to give such notice absolves the state from any and all liability that it may have with regard to such funds beyond the value of the property paid or delivered to the director."

Upon proper notice, the director may take such action as the director considers necessary or expedient to protect the interests of the state. If"

In line 934, strike through "shall" and insert "elects to"; strike through " "

Strike through lines 935 and 936 and insert "and if"

In line 945, after "Code." insert "If the director elects not to intervene and assume the defense of such proceedings, and judgment is entered against such holder for any amount paid to the director pursuant to this chapter, the director shall upon proof of satisfaction of such judgment, immediately reimburse such organization for the amount so paid to the extent of the value of the property paid or delivered."

(C) No person has any claim against the state, the holder, or any transfer agent, registrar, or other person acting for or on behalf of a holder for any change in market value of the property occurring after delivery by the holder to the division, or after sale of the property by the division."

The motion was agreed to and the bill so amended.

KRIS JORDAN

JEFFREY A. CROSSMAN

BRETT HUDSON HILLYER

BRIAN E. LAMPTON

DEREK MERRIN

BILL ROEMER

RON FERGUSON

SEDRICK DENSON

LATYNA M. HUMPHREY

DAVID LELAND

JENA POWELL

BRIDE ROSE SWEENEY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Sykes reported for the Rules and Reference committee recommending that the following House Bills be considered for the second time and referred to the following committees for consideration:

H. B. No. 501 - Representative Hall

TO AUTHORIZE PROPERTY TAXES FOR SCHOOL RESOURCE OFFICER SERVICES AND TO MAKE VARIOUS TOWNSHIP LAW CHANGES.

To the committee on Ways and Means

H. B. No. 502 - Representative Hall

TO CREATE THE "P.A.W.S." LICENSE PLATE.

To the committee on Transportation and Public Safety

H. B. No. 503 - Representative Jones

TO DESIGNATE A PORTION OF STATE ROUTE 800 IN BELMONT COUNTY AS THE "BYERS BROTHERS MEMORIAL HIGHWAY."

To the committee on Transportation and Public Safety

H. B. No. 504 - Representatives Carfagna and Johnson

TO INCREASE THE PENALTY FOR "DISTURBING A LAWFUL MEETING" WHEN COMMITTED WITH THE INTENT TO DISTURB OR DISQUIET AN ASSEMBLAGE FOR RELIGIOUS WORSHIP OR TO PREVENT, DISRUPT, OR INTERFERE WITH A VIRTUAL MEETING OR GATHERING FOR RELIGIOUS WORSHIP.

To the committee on Criminal Justice

H. B. No. 505 - Representatives Grendell and Gross

TO RENAME A CONCEALED HANDGUN LICENSE A CONCEALED WEAPONS LICENSE, TO ALLOW A CONCEALED WEAPONS LICENSEE TO CARRY A CONCEALED DEADLY WEAPON, AND TO ALLOW A PERSON WHO IS AGE 21 OR OLDER TO CARRY CONCEALED DEADLY WEAPONS WITHOUT A LICENSE.

To the committee on Government Oversight

H. B. No. 506 - Representatives LaRe and Bird

TO CODIFY THE OFFICE OF THE SOLICITOR GENERAL WITHIN THE OFFICE OF THE ATTORNEY GENERAL AND TO CREATE THE TENTH AMENDMENT CENTER WITHIN THE OFFICE OF THE ATTORNEY GENERAL.

To the committee on Government Oversight

ROBERT R. CUPP
EMILIA STRONG SYKES
KRISTIN BOGGS
RICK CARFAGNA
DON JONES

TIMOTHY E. GINTER
CINDY ABRAMS
RICHARD D. BROWN
PAULA HICKS-HUDSON
SCOTT OELSLAGER

PHIL PLUMMER

BILL SEITZ

Representative Ginter moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Sykes reported for the Rules and Reference committee recommending that the following House Resolution be read and approved:

H. R. No. 154 - Speaker Cupp, Representatives Sykes, Fraizer, Abrams, Baldrige, Bird, Blackshear, Boggs, Boyd, Brent, Brinkman, Brown, Callender, Carfagna, Carruthers, Click, Creech, Cross, Crossman, Cutrona, Dean, Denson, Edwards, Ferguson, Fowler Arthur, Galonski, Ghanbari, Ginter, Grendell, Gross, Hall, Hicks-Hudson, Hillyer, Holmes, Hoops, Howse, Humphrey, Ingram, Jarrells, John, Johnson, Jones, Jordan, Kelly, Kick, Koehler, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Lipps, Liston, Loychik, Manchester, Manning, McClain, Merrin, Miller, A., Miller, J., Miller, K., Miranda, O'Brien, Oelslager, Patton, Pavliga, Plummer, Powell, Ray, Richardson, Riedel, Robinson, Roemer, Russo, Schmidt, Seitz, Sheehy, Skindell, Smith, K., Smith, M., Sobecki, Stein, Stephens, Stewart, Stoltzfus, Swearingen, Sweeney, Troy, Upchurch, Vitale, Weinstein, West, White, Wiggam, Wilkin, Young, B., Young, T., Zeltwanger

In memory of David Rees Evans, Jr.

/s/ROBERT R. CUPP

Robert R. Cupp, Chair

Representative Ginter moved that the Rules and Reference committee report on resolutions be agreed to and that the resolution contained therein be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to without objection.

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

H. R. No. 154-Speaker Cupp, Representatives Sykes, Fraizer, Abrams, Baldridge, Bird, Blackshear, Boggs, Boyd, Brent, Brinkman, Brown, Callender, Carfagna, Carruthers, Click, Creech, Cross, Crossman, Cutrona, Dean, Denson, Edwards, Ferguson, Fowler Arthur, Galonski, Ghanbari, Ginter, Grendell, Gross, Hall, Hicks-Hudson, Hillyer, Holmes, Hoops, Howse, Humphrey, Ingram, Jarrells, John, Johnson, Jones, Jordan, Kelly, Kick, Koehler, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Lipps, Liston, Loychik, Manchester, Manning, McClain, Merrin, Miller, A., Miller, J., Miller, K., Miranda, O'Brien, Oelslager, Patton, Pavliga, Plummer, Powell, Ray, Richardson, Riedel, Robinson, Roemer, Russo, Schmidt, Seitz, Sheehy, Skindell, Smith, K., Smith, M., Sobecki, Stein, Stephens, Stewart, Stoltzfus, Swearingen, Sweeney, Troy, Upchurch, Vitale, Weinstein, West, White, Wiggam, Wilkin, Young, B., Young, T., Zeltwanger.

In memory of David Rees Evans, Jr.

WHEREAS, The members of the House of Representatives of the 134th General Assembly of Ohio were deeply saddened to learn of the death of David Rees Evans, Jr., and extend our heartfelt condolences to his family and friends; and

WHEREAS, David Evans left an indelible impression on the people whose lives he touched, and he will be remembered as a dedicated and driven individual who contributed immeasurably to the world around him. A veteran of the Ohio National Guard and a retired employee of State Farm Insurance, he was elected to the Ohio House of Representatives as the legislator for District 71, and he was devoted to his hometown of Newark, where he served on the city council and participated in Benevolent and Protective Order of the Elks Lodge 391, the Masonic Lodge, Newark Maennerchor, AMVETS, the Aladdin Shrine, the Loyal Order of Moose, and the Rotary Club. His love for Ohio, as well as his community, was evident in his civic work, and he was truly a concerned and responsible public servant; and

WHEREAS, David Evans improved the quality of life in our society through his actions, and his regard for his family, friends, and community was exemplified in his personal sacrifices of time and effort. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, David Evans was a loving husband, a devoted father to his children, Audrey, Betsy, and David, and his stepchildren, Sherry, Scot, and Shawn, and a supportive grandfather to his two grandchildren, seven stepgrandchildren, and one great-grandchild, and he always used his talents

to the benefit of others. Indeed, the laurels of his life stand as a tribute not only to him but also to those he left behind, and although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 134th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of David Rees Evans, Jr.; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of David Rees Evans, Jr.

The resolution was adopted.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 102-Senator Roegner.

Cosponsors: Senators Huffman, S., Schaffer, Fedor, Antonio, Blessing, Brenner, Cirino, Hackett, Hoagland, Manning, McColley, O'Brien, Reineke, Romanchuk, Thomas, Wilson, Yuko Representative Roemer.

To amend sections 4301.01, 4301.03, 4301.22, 4301.24, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 4301.365, 4301.366, 4301.403, 4301.404, 4301.58, 4301.62, 4301.82, 4303.14, 4303.18, 4303.181, 4303.182, 4303.19, and 4303.2010 and to enact sections 4301.172, 4301.201, 4301.245, and 4303.191 of the Revised Code and to amend Section 3 of H.B. 669 of the 133rd General Assembly to revise specified provisions of the liquor control law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 88, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Blackshear	Boggs
Boyd	Brent	Brown	Callender
Carfagna	Carruthers	Creech	Cross
Crossman	Cutrona	Denson	Edwards
Ferguson	Fowler Arthur	Fraizer	Galonski
Ghanbari	Grendell	Gross	Hall
Hicks-Hudson	Hillyer	Holmes	Hoops
Howse	Humphrey	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Leland	Lepore-Hagan	Lightbody	Lipps
Liston	Loychik	Manchester	Manning
McClain	Miller, A.	Miller, J.	Miller, K.
Miranda	O'Brien	Oelslager	Patton

Pavliga	Plummer	Ray	Richardson
Riedel	Robinson	Roemer	Russo
Schmidt	Seitz	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Stein
Stephens	Stewart	Swearingen	Sweeney
Sykes	Troy	Upchurch	Weinstein
West	White	Wiggam	Wilkin
Young, B.	Young, T.	Zeltwanger	Cupp-88

Representatives Click, Dean, Ginter, Merrin, Powell, Stoltzfus, and Vitale voted in the negative-7.

The bill passed.

Representative Stein moved to amend the title as follows:

Add the names: "Abrams, Brown, Carfagna, Carruthers, Cross, Crossman, Grendell, Hillyer, Hoops, Jones, Lampton, Leland, Lepore-Hagan, Liston, Manning, Miller, J., Miller, K., O'Brien, Patton, Plummer, Richardson, Riedel, Russo, Sheehy, Sobecki, Stein, Swearingen, Upchurch, Weinstein, West, Wilkin."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 157-Senators Johnson, Huffman, S.

Cosponsors: Senators Cirino, Brenner, Lang, Hottinger, Antani, Romanchuk, Hoagland, Wilson, O'Brien, Schaffer, Roegner, Blessing, Gavarone, Hackett, McColley, Peterson, Reineke Representatives Abrams, Click, John, Schmidt.

To amend sections 2919.13, 3701.79, 3701.99, 3702.3010, and 4731.22; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3702.305 (3702.3011); and to enact new section 3702.305 and sections 3701.792 and 4731.911 of the Revised Code to require reports to be made after a child is born alive following an abortion or attempted abortion, to establish certain civil or criminal penalties for failing to preserve the health or life of such a child, and to make changes regarding variances from written transfer agreements, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Liston moved to amend, amendment 2439, as follows:

In line 1 of the title, delete ", 3701.99"

In line 11 of the title, delete "health or"

In line 14, delete ", 3701.99"

In line 26, delete "health or"

Delete lines 281 through 294

In line 1137, delete the second ", "

In line 1138, delete "3701.99"

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

Representative Carfagna moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 59, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Callender
Carfagna	Carruthers	Click	Creech
Cross	Cutrona	Dean	Edwards
Ferguson	Fowler Arthur	Fraizer	Ghanbari
Ginter	Grendell	Hall	Hillyer
Holmes	Hoops	John	Johnson
Jones	Jordan	Kick	Koehler
Lampton	Lipps	Loychik	Manchester
McClain	Merrin	Miller, K.	Oelslager
Patton	Pavliga	Plummer	Powell
Ray	Richardson	Riedel	Roemer
Schmidt	Seitz	Stein	Stephens
Stewart	Stoltzfus	Swearingen	Vitale
White	Wiggam	Wilkin	Young, B.
Young, T.	Zeltwanger		Cupp-59

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Crossman	Denson	Galonski
Gross	Hicks-Hudson	Howse	Humphrey
Ingram	Jarrells	Kelly	Leland
Lepore-Hagan	Lightbody	Liston	Manning
Miller, J.	Miranda	O'Brien	Robinson
Russo	Sheehy	Skindell	Smith, K.
Smith, M.	Sobecki	Sweeney	Sykes
Troy	Upchurch	Weinstein	West-36

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Russo moved to amend, amendment 2438, as follows:

In line 2 of the title, delete "; to amend, for the"

Delete lines 3 and 4 of the title

In line 5 of the title, delete "(3702.3011);"; delete "new section 3702.305"

In line 6 of the title, delete the first "and"

In line 9 of the title, delete ", " and insert "and"

In line 11 of the title, delete ", and to make"

Delete line 12 of the title

In line 13 of the title, delete "transfer agreements"

In line 15, delete "be amended; section 3702.305 (3702.3011)"

In line 16, delete "for the purpose of adopting a new section number as"

In line 17, delete "indicated in parentheses; and new section 3702.305"

Delete lines 295 through 323

Delete lines 332 through 339

In line 1138, delete ", 3702.305"

Delete lines 1140 through 1150

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

Representative Carfagna moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 60, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Callender
Carfagna	Carruthers	Click	Creech
Cross	Cutrona	Dean	Edwards
Ferguson	Fowler Arthur	Fraizer	Ghanbari
Ginter	Grendell	Gross	Hall
Hillyer	Holmes	Hoops	John
Johnson	Jones	Jordan	Kick
Koehler	Lampton	Lipps	Loychik
Manchester	Manning	McClain	Merrin
Miller, K.	Oelslager	Patton	Pavliga
Plummer	Powell	Ray	Richardson
Riedel	Roemer	Schmidt	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Vitale	White	Wiggam	Wilkin
Young, B.	Young, T.	Zeltwanger	Cupp-60

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Crossman	Denson	Galonski
Hicks-Hudson	Howse	Humphrey	Ingram
Jarrells	Kelly	Leland	Lepore-Hagan
Lightbody	Liston	Miller, J.	Miranda
O'Brien	Robinson	Russo	Seitz
Sheehy	Skindell	Smith, K.	Smith, M.
Sobecki	Sweeney	Sykes	Troy
Upchurch	Weinstein		West-35

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Howse moved to amend, amendment 2424, as follows:

In line 2 of the title, after "3702.3010" insert ", 4112.01, 4112.052, 4112.07, 4113.71"

In line 6 of the title, after "3701.792" insert ", 4112.025,"

In line 11 of the title, delete "and"

In line 13 of the title, after "agreements" insert ", to generally require employers to make reasonable accommodations for employees who are pregnant or breastfeeding, and to name certain provisions of this act the Ohio Pregnant Workers Fairness Act"

After line 1137, insert:

"Section 4. That sections 4112.01, 4112.052, 4112.07, and 4113.71 be amended and section 4112.025 of the Revised Code be enacted to read as follows:

Sec. 4112.01. (A) As used in this chapter:

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. "Person" also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesperson, appraiser, agent, employee, lending institution, and the state and all political subdivisions, authorities, agencies, boards, and commissions of the state.

(2) "Employer" means the state, any political subdivision of the state, or a person employing four or more persons within the state, and any agent of the state, political subdivision, or person.

(3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person.

(4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.

(5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees.

(6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code.

(7) "Discriminate" includes segregate or separate.

(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, ~~or~~ 4112.022, or 4112.025 of the Revised Code.

(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.

(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other; and any vacant land offered for sale or lease. "Housing accommodations" also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, by any other person pursuant to authorization of the owner, by the owner, or by the owner's legal representative.

(11) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, sex, military status, familial status, national origin, disability, or ancestry as a condition of affiliation or approval.

(12) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including, but not limited to, cemeteries owned and operated by municipal corporations, townships, or companies or associations incorporated for cemetery purposes.

(13) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means an individual aged forty years or older.

(15) "Familial status" means either of the following:

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.

(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder, including, but not limited to, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, intellectual disability, emotional illness, drug addiction, and alcoholism.

(b) "Physical or mental impairment" does not include any of the following:

(i) Homosexuality and bisexuality;

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(iii) Compulsive gambling, kleptomania, or pyromania;

(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.

(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.

(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.

(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.

(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.

(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.

(23) "Aggrieved person" includes both of the following:

(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;

(b) Any person who believes that the person will be injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.

(24) "Unlawful discriminatory practice relating to employment" means both of the following:

(a) An unlawful discriminatory practice that is prohibited by division (A), (B), (C), (D), (E), or (F) of section 4112.02 or by section 4112.025 of the Revised Code;

(b) An unlawful discriminatory practice that is prohibited by division (I) or (J) of section 4112.02 of the Revised Code that is related to employment.

(25) "Notice of right to sue" means a notice sent by the commission to a person who files a charge under section 4112.051 of the Revised Code that states that the person who filed the charge may bring a civil action related to the charge pursuant to section 4112.052 or 4112.14 of the Revised Code, in accordance with section 4112.052 of the Revised Code.

(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in division (B) of section 4111.17 of the Revised Code shall be interpreted to permit otherwise. This division shall not be construed to require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term or except where medical complications have arisen from the abortion, provided that nothing in this division precludes an employer from providing abortion benefits or otherwise affects bargaining agreements in regard to abortion.

Sec. 4112.025. (A) As used in this section:

(1) "Reasonable accommodation" means a request for a change or modification in work duties.

(2) "Undue hardship" means any requirement that would require an employer to take an action with significant difficulty or expense when considered in light of factors, including all of the following:

(a) The nature and cost of the accommodation needed under this section;

(b) The overall financial resources of the facility involved in providing the reasonable accommodation;

(c) The number of persons employed at the facility;

(d) The effect on expenses and resources or the impact otherwise of the accommodation on the operation of the facility;

(e) The overall financial resources of the employer and the overall size of the business of the employer with respect to the number of its employees;

(f) The type of operation of the employer, including the composition, structure, and functions of the workforce of the employer;

(g) The geographic separateness, administrative, or fiscal relationship of the facility in question to the employer.

(3) "Pregnancy" has the same meaning as described in division (B) of section 4112.01 of the Revised Code, except that it also includes lactation or the need to express breast milk for a nursing infant.

(B) It shall be an unlawful discriminatory practice for any employer to do any of the following:

(1) Fail or refuse to make a reasonable accommodation to the known conditions related to an employee's pregnancy, unless the employer can demonstrate that such an accommodation would impose an undue hardship on the operation of the employer's business;

(2) Deny employment opportunities to an employee, on the basis of pregnancy, if the denial is based on the employer's need to make a reasonable accommodation to the known conditions related to the employee's pregnancy;

(3) Require an employee to take leave under any law providing for leave from employment or under the employer's leave policy if the employer can make another reasonable accommodation to the known conditions related to the employee's pregnancy;

(4) Take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known conditions related to the employee's pregnancy.

(C) No employer shall be required by this section to do either of the following:

(1) Create additional employment that the employer would not otherwise have created, unless the employer does so or would do so to make reasonable accommodations for other employees;

(2) Discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the duties of the position, unless the employer does so or would do so to make reasonable accommodations for other employees.

(D) An employer shall engage in a timely, good faith, and interactive process with an employee to determine an effective reasonable accommodation to the known conditions related to the employee's pregnancy.

(E) Nothing in this section pertaining to refusing to make a reasonable accommodation to the known conditions related to an employee's pregnancy shall be construed to preempt, limit, diminish, or otherwise affect any other provision of law relating to discrimination on the basis of sex, or in any way diminish or invalidate the remedies, rights, and procedures that provide greater or equal protection for employees affected by pregnancy under any other provision of law.

Sec. 4112.052. (A) Subject to division (B) of this section, and except as provided in division (D)(2) of section 4112.14 of the Revised Code, a person alleging an unlawful discriminatory practice relating to employment ~~in violation of section 4112.02 of the Revised Code~~ may bring a civil action in a court of competent jurisdiction.

(B)(1) Except as otherwise provided in division (B)(2) of this section, a person may file a civil action under this section alleging an unlawful discriminatory practice relating to employment or a violation of division (A) of section 4112.14 of the Revised Code only if the person satisfies both of the following conditions:

(a) The person has first filed a charge with the Ohio civil rights commission under section 4112.051 of the Revised Code with respect to the practice complained of in the complaint for the civil action within the time period required under that section.

(b) One of the following occurs:

(i) The person receives a notice of right to sue from the Ohio civil rights commission pursuant to section 4112.051 of the Revised Code.

(ii) The person has requested a notice of right to sue from the Ohio civil rights commission, and the commission fails to issue the notice of right to sue within forty-five days after the date the commission is permitted to grant the request under division (N) of section 4112.051 of the Revised Code.

(iii) The Ohio civil rights commission, after a preliminary investigation conducted pursuant to a charge filed under section 4112.051 of the Revised Code, determines that it is probable that an unlawful discriminatory practice relating to employment has occurred or is occurring and the complainant, after being informed by the commission of the right to file a civil action under this chapter, elects to file a civil action and notifies

the commission of that fact.

(2) A person may file a civil action under this section alleging an unlawful discriminatory practice relating to employment or a violation of division (A) of section 4112.14 of the Revised Code without satisfying the conditions of division (B)(1) of this section if either of the following apply:

(a) The person seeks only injunctive relief.

(b) All of the following occur:

(i) The person has filed a charge with the Ohio civil rights commission under section 4112.051 of the Revised Code with respect to the practice complained of in the complaint for the civil action within the time period required under that section.

(ii) The person has filed a charge with the equal employment opportunity commission or its successor organization with respect to the practice complained of in the complaint for the civil action within the time period required under federal law.

(iii) The person has received a notice from the equal employment opportunity commission or its successor organization that states that the person may bring a civil action against the employer and the notice was sent in connection with the charge filed with the equal employment opportunity commission or its successor organization.

(3) With respect to an action described in division (B)(2)(a) of this section, the person may amend the complaint to include damages, but the amendment will relate back to the original filing date of the complaint in the action only after one of the following occurs:

(a) The person receives a notice of right to sue from the Ohio civil rights commission pursuant to section 4112.051 of the Revised Code.

(b) The person has requested a notice of right to sue from the Ohio civil rights commission, and the commission fails to issue the notice of right to sue within forty-five days after the date the commission is permitted to grant the request under division (N) of section 4112.051 of the Revised Code.

(c) The Ohio civil rights commission, after a preliminary investigation conducted pursuant to a charge filed under section 4112.051 of the Revised Code, determines that it is probable that an unlawful discriminatory practice relating to employment has occurred or is occurring and the complainant, after being informed by the commission of the right to file a civil action under this chapter, elects to file a civil action and notifies the commission of that fact.

(4) With respect to an unlawful discriminatory practice relating to employment described in division (A)(24)(b) of section 4112.01 of the Revised Code, a charge filed with the Ohio civil rights commission or the equal employment opportunity commission satisfies division (B)(1)(a) or

divisions (B)(2)(b)(i) and (ii) of this section if both of the following apply:

(a) The charge is related to the conduct alleged in the complaint for the civil action;

(b) The charge is filed against the person who committed the unlawful discriminatory practice, the employer of the person who committed the unlawful discriminatory practice, or both the person who committed the unlawful discriminatory practice and the person's employer.

(C)(1) Except as provided in division (C)(2) of this section, a civil action brought under this section shall be filed within two years after the alleged unlawful discriminatory practice was committed.

(2) The time period to file a civil action shall be tolled for one of the following periods, as applicable:

(a) If a charge that is based, in whole or in part, on the same allegations and practices was filed under section 4112.051 of the Revised Code less than sixty days before the time period specified under that section expires, the time period to file a civil action is tolled for the period beginning on the date the charge was filed and ending on the date that is sixty days after the charge is no longer pending with the commission.

(b) If a charge that is based, in whole or in part, on the same allegations and practices was filed under section 4112.051 of the Revised Code sixty or more days before the time period specified under that section expires, the time period to file a civil action is tolled for the period beginning on the date the charge was filed and ending on the date the charge is no longer pending with the commission.

(D) A civil action based on 42 U.S.C. 1981a, 42 U.S.C. 1983, and 42 U.S.C. 1985 shall be brought within two years after the cause of action accrues. The period of limitations set forth in this division does not apply to causes of action based on 42 U.S.C. 1981 as amended by the "Civil Rights Act of 1991," Pub. L. No. 102-166.

(E) The Ohio civil rights commission may intervene in a civil action if the commission determines that the case is of public importance.

Sec. 4112.07. Every person subject to division (A), (B), (C), (D), or (E) of section 4112.02 or to section 4112.025 of the Revised Code shall post in a conspicuous place or places on ~~his~~ the person's premises a notice to be prepared or approved by the commission that shall set forth excerpts of this chapter and other relevant information that the commission deems necessary to explain this chapter.

Sec. 4113.71. (A) As used in this section:

(1) "Employee" means an individual currently or formerly employed by an employer.

(2) "Employer" means the state, any political subdivision of the state, any person employing one or more individuals in this state, and any person directly or indirectly acting in the interest of the state, political subdivision, or such person.

(3) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(B) An employer who is requested by an employee or a prospective employer of an employee to disclose to a prospective employer of that employee information pertaining to the job performance of that employee for the employer and who discloses the requested information to the prospective employer is not liable in damages in a civil action to that employee, the prospective employer, or any other person for any harm sustained as a proximate result of making the disclosure or of any information disclosed, unless the plaintiff in a civil action establishes, either or both of the following:

(1) By a preponderance of the evidence that the employer disclosed particular information with the knowledge that it was false, with the deliberate intent to mislead the prospective employer or another person, in bad faith, or with malicious purpose;

(2) By a preponderance of the evidence that the disclosure of particular information by the employer constitutes an unlawful discriminatory practice described in section 4112.02, 4112.021, ~~or 4112.022,~~ or 4112.025 of the Revised Code.

(C) If the court finds that the verdict of the jury was in favor of the defendant, the court shall determine whether the lawsuit brought under division (B) of this section constituted frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, ~~if~~ If the court finds by a preponderance of the evidence that the lawsuit constituted frivolous conduct, it may order the plaintiff to pay reasonable attorney's fees and court costs of the defendant.

(D)(1) This section does not create a new cause of action or substantive legal right against an employer.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an employer may be entitled under circumstances not covered by this section.

Section 5. That existing sections 4112.01, 4112.052, 4112.07, and 4113.71 of the Revised Code are hereby repealed.

Section 6. Sections 4112.01, 4112.025, 4112.052, 4112.07, and 4113.71 of the Revised Code as amended by this act shall be referred to as the Ohio Pregnant Workers Fairness Act."

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

Representative Carfagna moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 61, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Callender
Carfagna	Carruthers	Click	Creech
Cross	Cutrona	Dean	Edwards
Ferguson	Fowler Arthur	Fraizer	Ghanbari
Ginter	Grendell	Gross	Hall
Hillyer	Holmes	Hoops	John
Johnson	Jones	Jordan	Kick
Koehler	Lampton	Lipps	Loychik
Manchester	Manning	McClain	Merrin
Miller, K.	Oelslager	Patton	Pavliga
Plummer	Powell	Ray	Richardson
Riedel	Roemer	Schmidt	Seitz
Stein	Stephens	Stewart	Stoltzfus
Swearingen	Vitale	White	Wiggam
Wilkin	Young, B.	Young, T.	Zeltwanger
			Cupp-61

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Crossman	Denson	Galonski
Hicks-Hudson	Howse	Humphrey	Ingram
Jarrells	Kelly	Leland	Lepore-Hagan
Lightbody	Liston	Miller, J.	Miranda
O'Brien	Robinson	Russo	Sheehy
Skindell	Smith, K.	Smith, M.	Sobecki
Sweeney	Sykes	Troy	Upchurch
Weinstein			West-34

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Boggs moved to amend, amendment 2436, as follows:

In line 2 of the title, after "3702.3010" insert ", 4112.02"

In line 11 of the title, delete "and"

In line 13 of the title, after "agreements" insert ", and to require an employer to provide unpaid time off to give birth under certain circumstances"

In line 15, after "3702.3010" insert ", 4112.02"

After line 339, insert:

"**Sec. 4112.02.** It shall be an unlawful discriminatory practice:

(A) For any employer, ~~because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any person, to~~

~~discharge~~ to do either of the following:

(1) Fail to provide an employee with adequate unpaid time off to give birth if the employee commenced employment for the employer at least twelve weeks before the birth;

(2) Discharge without just cause, to refuse to hire, or otherwise to discriminate against ~~that any~~ person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of any of the following:

(a) The race, color, religion, sex, military status, national origin, disability, age, or ancestry of the person;

(b) The person's use of, or potential to use, unpaid time off under division (A)(1) of this section.

(B) For an employment agency or personnel placement service, because of race, color, religion, sex, military status, national origin, disability, age, or ancestry, to do any of the following:

(1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person;

(2) Comply with a request from an employer for referral of applicants for employment if the request directly or indirectly indicates that the employer fails to comply with the provisions of sections 4112.01 to 4112.07 of the Revised Code.

(C) For any labor organization to do any of the following:

(1) Limit or classify its membership on the basis of race, color, religion, sex, military status, national origin, disability, age, or ancestry;

(2) Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of race, color, religion, sex, military status, national origin, disability, age, or ancestry.

(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, military status, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training.

(E) Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following:

(1) Elicit or attempt to elicit any information concerning the race, color, religion, sex, military status, national origin, disability, age, or ancestry of an applicant for employment or membership;

(2) Make or keep a record of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any applicant for employment or membership;

(3) Use any form of application for employment, or personnel or membership blank, seeking to elicit information regarding race, color, religion, sex, military status, national origin, disability, age, or ancestry; but an employer holding a contract containing a nondiscrimination clause with the government of the United States, or any department or agency of that government, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain that proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes;

(4) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination, based upon race, color, religion, sex, military status, national origin, disability, age, or ancestry;

(5) Announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of that group;

(6) Utilize in the recruitment or hiring of persons any employment agency, personnel placement service, training school or center, labor organization, or any other employee-referring source known to discriminate against persons because of their race, color, religion, sex, military status, national origin, disability, age, or ancestry.

(F) For any person seeking employment to publish or cause to be published any advertisement that specifies or in any manner indicates that person's race, color, religion, sex, military status, national origin, disability, age, or ancestry, or expresses a limitation or preference as to the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any prospective employer.

(G) For any proprietor or any employee, keeper, or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, sex, military status, national origin, disability, age, or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges of the place of public accommodation.

(H) Subject to section 4112.024 of the Revised Code, for any person to do any of the following:

(1) Refuse to sell, transfer, assign, rent, lease, sublease, or finance

housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(2) Represent to any person that housing accommodations are not available for inspection, sale, or rental, when in fact they are available, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(3) Discriminate against any person in the making or purchasing of loans or the provision of other financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations, or any person in the making or purchasing of loans or the provision of other financial assistance that is secured by residential real estate, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to the person's principal business and not only as a part of the purchase price of an owner-occupied residence the person is selling nor merely casually or occasionally to a relative or friend;

(4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located;

(5) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located;

(6) Refuse to consider without prejudice the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member of a married couple;

(7) Print, publish, or circulate any statement or advertisement, or make or cause to be made any statement or advertisement, relating to the

sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations, or relating to the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations, that indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, military status, familial status, ancestry, disability, or national origin, or an intention to make any such preference, limitation, specification, or discrimination;

(8) Except as otherwise provided in division (H)(8) or (17) of this section, make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, sex, military status, familial status, ancestry, disability, or national origin in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations. Any person may make inquiries, and make and keep records, concerning race, color, religion, sex, military status, familial status, ancestry, disability, or national origin for the purpose of monitoring compliance with this chapter.

(9) Include in any transfer, rental, or lease of housing accommodations any restrictive covenant, or honor or exercise, or attempt to honor or exercise, any restrictive covenant;

(10) Induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, military status, familial status, or ethnic composition of the block, neighborhood, or other area in which the housing accommodations are located, or induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that the presence or anticipated presence of persons of any race, color, religion, sex, military status, familial status, ancestry, disability, or national origin, in the block, neighborhood, or other area will or may have results including, but not limited to, the following:

- (a) The lowering of property values;
- (b) A change in the racial, religious, sexual, military status, familial status, or ethnic composition of the block, neighborhood, or other area;
- (c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;
- (d) A decline in the quality of the schools serving the block, neighborhood, or other area.

(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service,

organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry;

(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;

(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;

(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;

(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:

(a) The buyer or renter;

(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

(c) Any individual associated with the person described in division (H)(15)(b) of this section.

(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:

(a) That person;

(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

(c) Any individual associated with the person described in division (H)(16)(b) of this section.

(17) Except as otherwise provided in division (H)(17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an

inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:

(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;

(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;

(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;

(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;

(e) An inquiry to determine whether an applicant at any time has been convicted of or pleaded guilty to any offense, an element of which is the illegal sale, offer to sell, cultivation, manufacture, other production, shipment, transportation, delivery, or other distribution of a controlled substance.

(18)(a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing accommodations. This division does not preclude a landlord of housing accommodations that are rented or to be rented to a disabled tenant from conditioning permission for a proposed modification upon the disabled tenant's doing one or more of the following:

(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification;

(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement;

(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition

they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the account reasonably necessary to ensure the availability of funds for the restoration work. The interest earned in connection with an escrow account described in this division shall accrue to the benefit of the disabled tenant who makes payments into the account.

(b) A landlord shall not condition permission for a proposed modification upon a disabled tenant's payment of a security deposit that exceeds the customarily required security deposit of all tenants of the particular housing accommodations.

(19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;

(20) Fail to comply with the standards and rules adopted under division (A) of section 3781.111 of the Revised Code;

(21) Discriminate against any person in the selling, brokering, or appraising of real property because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(22) Fail to design and construct covered multifamily dwellings for first occupancy on or after June 30, 1992, in accordance with the following conditions:

(a) The dwellings shall have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.

(b) With respect to dwellings that have a building entrance on an accessible route, all of the following apply:

(i) The public use areas and common use areas of the dwellings shall be readily accessible to and usable by persons with a disability.

(ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.

(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.

For purposes of division (H)(22) of this section, "covered multifamily

dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from complying with this chapter or any order issued under it, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

(K) Nothing in divisions (A) to (E) of this section shall be construed to require a person with a disability to be employed or trained under circumstances that would significantly increase the occupational hazards affecting either the person with a disability, other employees, the general public, or the facilities in which the work is to be performed, or to require the employment or training of a person with a disability in a job that requires the person with a disability routinely to undertake any task, the performance of which is substantially and inherently impaired by the person's disability.

(L) With regard to age, it shall not be an unlawful discriminatory practice and it shall not constitute a violation of division (A) of section 4112.14 of the Revised Code for any employer, employment agency, joint labor-management committee controlling apprenticeship training programs, or labor organization to do any of the following:

(1) Establish bona fide employment qualifications reasonably related to the particular business or occupation that may include standards for skill, aptitude, physical capability, intelligence, education, maturation, and experience;

(2) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

(3) Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before retirement, is employed in a bona

fide executive or a high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equals, in the aggregate, at least forty-four thousand dollars, in accordance with the conditions of the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 631, as amended;

(4) Observe the terms of any bona fide apprenticeship program if the program is registered with the Ohio apprenticeship council pursuant to sections 4139.01 to 4139.06 of the Revised Code and is approved by the federal committee on apprenticeship of the United States department of labor.

(M) Nothing in this chapter prohibiting age discrimination and nothing in division (A) of section 4112.14 of the Revised Code shall be construed to prohibit the following:

(1) The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code;

(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;

(3) The maximum age requirements for appointment as a patrol officer in the state highway patrol established by section 5503.01 of the Revised Code;

(4) The maximum age requirements established for original appointment to a police department or fire department in sections 124.41 and 124.42 of the Revised Code;

(5) Any maximum age not in conflict with federal law that may be established by a municipal charter, municipal ordinance, or resolution of a board of township trustees for original appointment as a police officer or firefighter;

(6) Any mandatory retirement provision not in conflict with federal law of a municipal charter, municipal ordinance, or resolution of a board of township trustees pertaining to police officers and firefighters;

(7) Until January 1, 1994, the mandatory retirement of any employee who has attained seventy years of age and who is serving under a contract of unlimited tenure, or similar arrangement providing for unlimited tenure, at an institution of higher education as defined in the "Education Amendments of 1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a).

(N)(1)(a) Except as provided in division (N)(1)(b) of this section, for

purposes of divisions (A) to (E) of this section, a disability does not include any physiological disorder or condition, mental or psychological disorder, or disease or condition caused by an illegal use of any controlled substance by an employee, applicant, or other person, if an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee acts on the basis of that illegal use.

(b) Division (N)(1)(a) of this section does not apply to an employee, applicant, or other person who satisfies any of the following:

(i) The employee, applicant, or other person has successfully completed a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance, or the employee, applicant, or other person otherwise successfully has been rehabilitated and no longer is engaging in that illegal use.

(ii) The employee, applicant, or other person is participating in a supervised drug rehabilitation program and no longer is engaging in the illegal use of any controlled substance.

(iii) The employee, applicant, or other person is erroneously regarded as engaging in the illegal use of any controlled substance, but the employee, applicant, or other person is not engaging in that illegal use.

(2) Divisions (A) to (E) of this section do not prohibit an employer, employment agency, personnel placement service, labor organization, or joint labor-management committee from doing any of the following:

(a) Adopting or administering reasonable policies or procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual described in division (N)(1)(b)(i) or (ii) of this section no longer is engaging in the illegal use of any controlled substance;

(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees;

(c) Requiring that employees not be under the influence of alcohol or not be engaged in the illegal use of any controlled substance at the workplace;

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;

(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an

employee's illegal use of a controlled substance or alcoholism;

(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards.

(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination.

(4) Division (N) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing.

(O) This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.

The unlawful discriminatory practices defined in this section do not make it unlawful for a person or an appointing authority administering an examination under section 124.23 of the Revised Code to obtain information about an applicant's military status for the purpose of determining if the applicant is eligible for the additional credit that is available under that section."

In line 1138, after "3702.3010" insert ", 4112.02"

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

Representative Carfagna moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 58, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Callender
Carfagna	Carruthers	Click	Creech
Cross	Cutrona	Dean	Edwards
Fowler Arthur	Fraizer	Ghanbari	Ginter
Grendell	Hall	Hillyer	Holmes
Hoops	John	Johnson	Jones
Jordan	Kick	Koehler	Lampton
Lipps	Loychik	Manchester	Manning
McClain	Merrin	Miller, K.	Oelslager
Patton	Pavliga	Plummer	Powell
Ray	Riedel	Roemer	Schmidt
Seitz	Stein	Stephens	Stewart
Stoltzfus	Swearingen	Vitale	White
Wiggam	Wilkin	Young, B.	Young, T.

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Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Crossman	Denson	Ferguson
Galonski	Gross	Hicks-Hudson	Howse
Humphrey	Ingram	Jarrells	Kelly
Leland	Lepore-Hagan	Lightbody	Liston
Miller, J.	Miranda	O'Brien	Robinson
Russo	Sheehy	Skindell	Smith, K.
Smith, M.	Sobecki	Sweeney	Sykes
Troy	Upchurch	Weinstein	West-36

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Boyd moved to amend, amendment 2437, as follows:

In line 1 of the title, after "sections" insert "124.387,"

In line 2 of the title, delete "and" and insert "4117.10,"; after "4731.22" insert ", and 5747.01"

In line 6 of the title, after "3701.792" insert ", 4113.86, 4143.01, 4143.02, 4143.03, 4143.04, 4143.05, 4143.06, 4143.07, 4143.08, 4143.09, 4143.10, 4143.11, 4143.12, 4143.13, 4143.14, 4143.15, 4143.99,"

In line 11 of the title, delete "and"

In line 13 of the title, after "agreements" insert ", to establish family and medical leave insurance benefits, and to require employers to provide an employee with paid bereavement leave on a stillbirth or death of a child"

After line 1150, insert:

Section 4. That sections 124.387, 4117.10, and 5747.01 be amended and sections 4113.86, 4143.01, 4143.02, 4143.03, 4143.04, 4143.05, 4143.06, 4143.07, 4143.08, 4143.09, 4143.10, 4143.11, 4143.12, 4143.13, 4143.14, 4143.15, and 4143.99 of the Revised Code be enacted to read as follows:

Sec. 124.387. (A) As used in this section, "stillbirth" has the same meaning as in section 4143.01 of the Revised Code.

(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be granted three days of bereavement leave with pay upon the death of a member of the employee's immediate family. Compensation for bereavement leave shall be equal to the employee's base rate of pay.

(C) An employee may receive an additional ten days of bereavement leave with pay on the stillbirth of a child or death of a child who is less than twenty-one years of age. The employee must notify the employee's employer in writing of the employee's intent to take bereavement leave within sixty

days after the stillbirth or death. An employer shall comply with a collective bargaining agreement that provides employees with greater leave than that provided by this division.

Sec. 4113.86. (A) As used in this section, "stillbirth" has the same meaning as in section 4143.01 of the Revised Code.

(B) Notwithstanding section 4113.85 of the Revised Code, an employer shall grant an employee ten days of bereavement leave with pay on the stillbirth of a child or the death of a child who is less than twenty-one years of age. The employee must notify the employee's employer in writing of the employee's intent to take bereavement leave within sixty days after the stillbirth or death.

(C) An employer shall comply with a collective bargaining agreement that provides employees with greater leave than that provided by this section.

Sec. 4117.10. (A) An agreement between a public employer and an exclusive representative entered into pursuant to this chapter governs the wages, hours, and terms and conditions of public employment covered by the agreement. If the agreement provides for a final and binding arbitration of grievances, public employers, employees, and employee organizations are subject solely to that grievance procedure and the state personnel board of review or civil service commissions have no jurisdiction to receive and determine any appeals relating to matters that were the subject of a final and binding grievance procedure. Where no agreement exists or where an agreement makes no specification about a matter, the public employer and public employees are subject to all applicable state or local laws or ordinances pertaining to the wages, hours, and terms and conditions of employment for public employees. All of the following prevail over conflicting provisions of agreements between employee organizations and public employers:

(1) Laws pertaining to any of the following subjects:

(a) Civil rights;

(b) Affirmative action;

(c) Unemployment compensation;

(d) Workers' compensation;

(e) The retirement of public employees;

(f) Residency requirements;

(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;

(h) The provisions of division (A) of section 124.34 of the Revised

Code governing the disciplining of officers and employees who have been convicted of a felony;

(i) The minimum standards promulgated by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;

(3) The law pertaining to the leave established under section 5906.02 of the Revised Code, if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code;

(4) The law pertaining to excess benefits prohibited under section 3345.311 of the Revised Code with respect to an agreement between an employee organization and a public employer entered into on or after the effective date of this amendment September 29, 2015;

(5) The law pertaining to family and medical leave insurance benefits provided under Chapter 4143. of the Revised Code, if the terms of the agreement contain benefits less than those contained in that chapter.

Except for sections 306.08, 306.12, 306.35, and 4981.22 of the Revised Code and arrangements entered into thereunder, and section 4981.21 of the Revised Code as necessary to comply with section 13(c) of the "Urban Mass Transportation Act of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements entered into thereunder, this chapter prevails over any and all other conflicting laws, resolutions, provisions, present or future, except as otherwise specified in this chapter or as otherwise specified by the general assembly. Nothing in this section prohibits or shall be construed to invalidate the provisions of an agreement establishing supplemental workers' compensation ~~or~~, unemployment compensation, or family and medical leave insurance benefits or exceeding minimum requirements contained in the Revised Code pertaining to public education or the minimum standards promulgated by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(B) The public employer shall submit a request for funds necessary to implement an agreement and for approval of any other matter requiring the approval of the appropriate legislative body to the legislative body within fourteen days of the date on which the parties finalize the agreement, unless otherwise specified, but if the appropriate legislative body is not in session at the time, then within fourteen days after it convenes. The legislative body

must approve or reject the submission as a whole, and the submission is deemed approved if the legislative body fails to act within thirty days after the public employer submits the agreement. The parties may specify that those provisions of the agreement not requiring action by a legislative body are effective and operative in accordance with the terms of the agreement, provided there has been compliance with division (C) of this section. If the legislative body rejects the submission of the public employer, either party may reopen all or part of the entire agreement.

As used in this section, "legislative body" includes the governing board of a municipal corporation, school district, college or university, village, township, or board of county commissioners or any other body that has authority to approve the budget of their public jurisdiction and, with regard to the state, "legislative body" means the controlling board.

(C) The chief executive officer, or the chief executive officer's representative, of each municipal corporation, the designated representative of the board of education of each school district, college or university, or any other body that has authority to approve the budget of their public jurisdiction, the designated representative of the board of county commissioners and of each elected officeholder of the county whose employees are covered by the collective negotiations, and the designated representative of the village or the board of township trustees of each township is responsible for negotiations in the collective bargaining process; except that the legislative body may accept or reject a proposed collective bargaining agreement. When the matters about which there is agreement are reduced to writing and approved by the employee organization and the legislative body, the agreement is binding upon the legislative body, the employer, and the employee organization and employees covered by the agreement.

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the bureau of workers' compensation and the industrial commission from the preceding sentence. This office shall not negotiate on behalf of other statewide elected officials or boards of trustees of state institutions of higher education who shall be considered as separate public employers for the purposes of this chapter; however, the office may negotiate on behalf of these officials or trustees where authorized by the officials or trustees. The staff of the office of collective bargaining are in the unclassified service. The director of administrative services shall fix the

compensation of the staff.

The office of collective bargaining shall:

(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;

(2) Conduct negotiations with the exclusive representatives of each employee organization;

(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;

(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;

(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;

(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.

Sec. 4143.01. As used in this chapter:

(A) "Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, space force, coast guard, or any reserve components of those forces.

(B) "Average weekly wage" means the amount obtained by dividing an employee's total wages for all qualifying weeks during the employee's base period by the number of qualifying weeks in the employee's base period.

(C)(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's twelve-month period, except as provided in division (C)(2) of this section.

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to be eligible for family and medical leave insurance benefits, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's twelve-month period. Such base period shall be known as the "alternate base period." No calendar quarter in a base period or alternate base period shall be used to establish a subsequent benefit year.

(3) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

(D) "Child" means any of the following:

(1) A biological, adopted, or foster child, a stepchild, or a legal ward of an employee;

(2) A child of an employee's domestic partner;

(3) A minor child to whom an employee stands in loco parentis;

(4) An individual to whom the employee stood in loco parentis when the individual was a minor child.

(E) "Contributions" means the money payments to the family and medical leave insurance fund made by employers under section 4143.11 of the Revised Code.

(F) "Covered active duty" means both of the following:

(1) For a regular member of the armed forces, duty during deployment to a foreign country;

(2) For a member of a reserve component of the armed forces, duty during deployment to a foreign country under a call or order to active duty in support of a contingency operation during a war or national emergency declared by the president of the United States or congress of the United States.

(G) "Covered service member" means a current member of the armed forces or the national guard of any state who is undergoing medical treatment, recuperation, or therapy or is on the temporary disability retired list for a serious injury or illness that the member incurred in the line of duty on active duty or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty and that may render the member medically unfit to perform the member's duties.

(H) "Covered veteran" means a veteran to whom both of the following apply:

(1) The veteran is undergoing medical treatment, recuperation, or therapy for a serious injury or illness that the veteran incurred in the line of duty on active duty or that existed before the beginning of the veteran's active duty and was aggravated by service in the line of duty on active duty, regardless of when the injury or illness manifested itself.

(2) The veteran was a member of the armed forces or the national guard of any state at any time during the five-year period before the date on which the veteran begins receiving medical treatment, recuperation, or therapy under division (H)(1) of this section.

(I) "Domestic partner" means an individual, regardless of sex, who is in a committed personal relationship for six months or longer with one other individual to whom the first individual is not related by blood or marriage and to whom the individual can demonstrate financial interdependence and shares a regular and permanent residence.

(J) "Eligible individual" means an individual who satisfies the requirements of section 4143.03 of the Revised Code to receive family and medical leave insurance benefits.

(K) "Employee" means any person who performs a service for wages or other remuneration for an employer.

(L) "Employer" means any person who has one or more employees, and includes an agent of an employer, the state or any agency or instrumentality of the state, and any municipal corporation, county, township, school district, or other political subdivision or any agency or instrumentality thereof.

(M) "Family and medical leave insurance benefits" means money payments payable to an individual who has established benefit rights under this chapter.

(N) "Family member" means a person for whom an employee may take leave under this chapter, and includes all of the following:

(1) A child;

(2) A parent;

(3) A spouse or domestic partner;

(4) A grandparent of the employee or the employee's spouse or domestic partner, including a grandparent with the prefix "great," "great-great," or "great-great-great";

(5) A grandchild of the employee or the employee's spouse or domestic partner, including a grandchild with the prefix "great," "great-great," or "great-great-great";

(6) A biological, foster, or adoptive sibling or a stepsibling of the employee or the employee's spouse or domestic partner;

(7) Any other person, regardless of blood or legal relationship, with whom the employee has a significant personal bond that is or is like a family relationship.

(O) "Family and Medical Leave Act" means the "Family and Medical Leave Act of 1993," 29 U.S.C. 2601 et seq.

(P) "Health care professional" means any of the following:

(1) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;

(2) A registered nurse, clinical nurse specialist, certified nurse-midwife, or licensed practical nurse licensed or certified under Chapter 4723. of the Revised Code;

(3) A person licensed under Chapter 4729. of the Revised Code to practice as a pharmacist;

(4) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;

(5) A person authorized under Chapter 4731. of the Revised Code to

practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

(6) A psychologist licensed under Chapter 4732. of the Revised Code;

(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;

(8) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;

(9) A professional clinical counselor, professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;

(10) A dietician licensed under Chapter 4759. of the Revised Code.

(Q) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.

(R) "Miscarriage" means the natural or accidental termination of a pregnancy and the expulsion of the fetus.

(S) "Parent" means both of the following:

(1) A biological, foster, or adoptive parent, a stepparent, or a legal guardian of an employee or the employee's spouse or domestic partner;

(2) A person who stood in loco parentis to an employee or the employee's spouse or domestic partner when the employee, spouse, or domestic partner was a minor child.

(T) "Qualifying exigency" means a financial, legal, logistical, or other issue that arises when an individual's family member is on covered active duty or has been notified of an impending call or order to covered active duty.

(U) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid wages. A calendar week with respect to which an individual earns wages but for which payment was not made within the base period, when necessary to qualify for family and medical leave insurance benefits, may be considered to be a qualifying week. The number of qualifying weeks that may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter.

(V) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or continuing supervision by a health care professional.

(W) "Serious injury or illness" means both of the following:

(1) An injury or illness that was incurred by a member of the armed forces or the national guard of any state in the line of duty while the member was on active duty or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces and that may render the member medically unfit to perform the member's duties;

(2) An injury or illness that was incurred by a veteran in the line of duty on active duty while the veteran was a member of the armed forces or the national guard of any state or that existed before the beginning of the veteran's active duty and was aggravated by service in the line of duty on active duty in the armed forces, regardless of whether the injury or illness manifested before or after the member became a veteran.

(X) "Statewide average weekly wage" means the amount calculated by the director of job and family services in accordance with division (B)(3) of section 4141.30 of the Revised Code.

(Y) "Stillbirth" means death before the complete expulsion or extraction from its mother of a product of human conception of at least twenty weeks of gestation, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(Z) "Twelve-month period" with respect to any individual, means the three hundred sixty-five consecutive days that begin with the first day an individual establishes a claim for family and medical leave insurance benefits.

(AA) "Veteran" has the same meaning as in section 5903.01 of the Revised Code.

(BB) "Wages" means all remuneration payable to an employee for personal services performed for an employer, including commissions and bonuses, and the reasonable cash value of all remuneration payable to an employee in any medium other than cash.

(CC) "Weekly benefit amount" means the amount provided in section 4143.06 of the Revised Code.

(DD) "Yearly earnings" means the total wages an individual earns for the calendar year.

Sec. 4143.02. (A) The family and medical leave insurance program is created. The director of job and family services shall administer and enforce the program in accordance with this chapter and shall adopt rules in accordance with Chapter 119. of the Revised Code to establish all of the following with respect to the program:

(1) Procedures for an individual to follow to allow the individual to file a claim for family and medical leave insurance benefits under section

4143.03 of the Revised Code:

(2) The form an individual shall use to apply for family and medical leave insurance benefits;

(3) A sliding scale for determining the amount of the premium each employee shall contribute to the program based on the employee's yearly earnings;

(4) The manner and schedule by which an employer shall remit premiums to the director as prescribed by section 4143.11 of the Revised Code;

(5) A maximum annual premium an employee shall contribute to the family and medical leave insurance fund created in section 4143.11 of the Revised Code;

(6) Procedures to adjust the amounts of the premiums each year to ensure the actuarial soundness of the fund created in section 4143.11 of the Revised Code;

(7) Procedures for an employer to follow to allow the employer to make contributions on behalf of an employee to the family and medical leave insurance fund under section 4143.11 of the Revised Code;

(8) Procedures for an individual to follow to allow the individual to elect to opt out of participating in the program under section 4143.07 of the Revised Code;

(9) The form an individual shall use to elect to opt out of participating in the program;

(10) Procedures to recover a payment of benefits made to an individual in excess of the benefits the individual is entitled to receive under section 4143.10 of the Revised Code;

(11) The time periods during which an independent contractor who has elected coverage under section 4143.09 of the Revised Code may withdraw from coverage.

(B) The director may adopt additional rules the director considers necessary to administer and enforce the program and this chapter.

Sec. 4143.03. (A) An individual may receive family and medical leave insurance benefits for any of the following reasons:

(1) The individual has a serious health condition that makes the individual unable to perform the functions of one or more of the individual's jobs.

(2) The individual is caring for a new child during the first year after the birth or adoption of the child or the placement of the child through foster care.

(3) The individual is caring for a family member who has a serious health condition.

(4) The individual or the individual's spouse or domestic partner has experienced a miscarriage during the third trimester of pregnancy or the stillbirth of a child;

(5) The individual is addressing a qualifying exigency described in section 4143.04 of the Revised Code;

(6) The individual is caring for a family member who is a covered service member or veteran;

(7) The individual is taking any other leave from work authorized by the Family and Medical Leave Act.

(B)(1) To be eligible to receive benefits, an individual shall do all of the following:

(a) File a claim for benefits in accordance with rules adopted by the director of job and family services under section 4143.02 of the Revised Code;

(b) Consent to the release of information that is considered confidential under section 4143.13 of the Revised Code;

(c) Demonstrate that the individual has been employed by and worked for one or more employers for at least six hundred eighty hours during the individual's base period;

(d) Demonstrate that the individual's employer has withheld and remitted premiums or made contributions to the family and medical leave insurance program for at least one year;

(e) Attest in the claim for benefits that the individual notified the individual's employer in writing of the individual's intent to take leave for one of the reasons listed in division (A) of this section.

(2) The director shall require an individual filing a claim for benefits under this section to provide all of the following, as applicable:

(a) An attestation that the individual is not receiving benefits under Chapter 4121., 4123., 4127., 4131., or 4141. of the Revised Code in an amount that would exceed the individual's wages, as determined by the director, when combined with the benefits available to the individual under this chapter;

(b) A certification from a health care professional supporting the individual's claim that the individual or a family member of the individual has a serious health condition or serious injury or illness;

(c) A certification from the applicable branch of the armed forces supporting the individual's claim that a family member of the individual is on covered active duty or has been called or ordered to covered active duty

status.

(C)(1) The director shall notify an employer within five business days after an individual files a claim for benefits under this section that the claim has been filed.

(2) The director shall notify an individual within five business days after the individual files a claim for benefits under this section that the premiums or contributions due under section 4143.11 of the Revised Code have not been paid as described in division (B) of that section.

(D) An individual who meets the requirements of division (B) of this section may receive family and medical leave insurance benefits regardless of whether the individual is currently employed or is working at a different job while taking leave.

(E) No claim for benefits or an individual's eligibility to receive benefits under this section shall be invalidated for any of the following reasons:

(1) A failure to file a claim for benefits;

(2) A failure to furnish notice of the intent to take leave to an employer;

(3) A failure to submit an attestation or certification required by division (B)(2) of this section.

(F) An individual whose claim for benefits is denied by the director may appeal the decision to the director within twenty-one calendar days after the written determination was sent to the individual. Within twenty-one days after the receipt of the appeal, the director shall issue a determination. A determination made under this division is final and may be appealed pursuant to section 119.12 of the Revised Code.

Sec. 4143.04. An individual who has filed a claim for family and medical leave insurance benefits under section 4143.03 of the Revised Code to address a qualifying exigency may take leave for any of the following reasons:

(A) If the family member receives an impending call or order to covered active duty seven or fewer days before the date of deployment, to address an issue arising from the family member's deployment during that period;

(B) To attend any official ceremony, program, or event sponsored by the military that is related to the family member's covered active duty or call to covered active duty status;

(C) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or American red cross that are related to the family

member's covered active duty or call to covered active duty status;

(D) To provide or arrange for child care for the family member's child or the child of the family member's domestic partner, including enrolling or transferring the child to a new school or daycare facility and attending meetings with staff at the school or daycare facility, if the family member's covered active duty or call to covered active duty status requires a change in the child's care arrangement;

(E) To provide or arrange for care for the family member's parent who is incapable of self-care, including admitting or transferring the parent to a new care facility and attending meetings with staff at the care facility, if the family member's covered active duty or call to covered active duty status requires a change in the parent's care arrangement;

(F) To make or update financial and legal arrangements to address the family member's absence while on covered active duty or call to covered active duty status;

(G) To act as the family member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the family member is on covered active duty or call to covered active duty status, and for a period of ninety days following the termination of the family member's covered active duty status;

(H) To attend counseling provided by someone other than a health care professional, for the individual, family member, family member's child, or the child of the family member's domestic partner, if the need for counseling arises from the family member's covered active duty or call to covered active duty status;

(I) To spend up to fifteen days with the family member while the family member is on short-term, temporary, rest and recuperation leave during the family member's deployment;

(J) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety days following the termination of the family member's covered active duty status;

(K) To address issues that arise from the death of the family member while on covered active duty status;

(L) To address any other issue arising out of the family member's covered active duty or call to covered active duty status that the individual and the individual's employer agree is a qualifying exigency.

Sec. 4143.05. (A)(1) An eligible individual shall serve a five-day waiting period before family and medical leave insurance benefits become payable. The waiting period applies only once in a twelve-month period, regardless of how often the individual takes leave during the twelve-month

period.

(2) An eligible individual who takes ten or more days of leave in a twelve-month period shall receive benefits for the waiting period described in division (A)(1) of this section. The amount of benefits an individual receives shall be reduced by the amount of any compensation the individual received from the individual's employer during the waiting period.

(B)(1) An eligible individual may receive benefits for a maximum of two weeks before the date on which the individual files a claim for benefits, notifies the individual's employer of the intent to take leave, or provides the director of job and family services with the attestation and certification required in division (B) of section 4143.03 of the Revised Code.

(2) The director may grant an eligible individual benefits beyond those in division (B)(1) of this section on the individual's demonstrating that the individual filed a claim, notified the individual's employer, or provided an attestation and certification as soon as was practicable.

Sec. 4143.06. (A)(1) The director of job and family services shall determine the weekly benefit amount an eligible individual may receive, subject to division (B) of this section, as follows:

(a) For an eligible individual whose yearly earnings are twenty per cent or less of the statewide average weekly wage, the weekly benefit amount shall be equal to ninety-five per cent of the individual's average weekly wage.

(b) For an eligible individual whose yearly earnings are more than twenty per cent but not more than thirty per cent of the statewide average weekly wage, the weekly benefit amount shall be equal to ninety per cent of the individual's average weekly wage.

(c) For an eligible individual whose yearly earnings are more than thirty per cent but not more than fifty per cent of the statewide average weekly wage, the weekly benefit amount shall be equal to eighty-five per cent of the individual's average weekly wage.

(d) For an eligible individual whose yearly earnings are more than fifty per cent of the statewide average weekly wage, the weekly benefit amount shall be equal to sixty-six per cent of the individual's average weekly wage.

(2) The maximum weekly benefit amount an eligible individual may receive under this section is one thousand dollars per week.

(3) Beginning on July 1, 2024, and every year thereafter, the director shall adjust the maximum weekly benefit amount to reflect changes in the consumer price index or its successor index for all urban consumers in the midwest region for all items as calculated by the federal government for the previous calendar year.

(B) The director shall calculate an eligible individual's weekly benefit amount under division (A) of this section based on the individual's average weekly wage earned from the job from which the individual is taking leave. If the individual is able to continue working at a different job while taking leave, the director shall not consider the individual's average weekly wage from the other job when calculating the individual's weekly benefit amount.

(C)(1) The director shall make the first payment of family and medical leave insurance benefits to an eligible individual within fourteen calendar days after the individual files a claim for benefits under section 4143.03 of the Revised Code.

(2) The director shall make subsequent payments to an eligible individual biweekly after the first payment under division (C)(1) of this section.

(D)(1) Except as provided in division (D)(2) of this section, an eligible individual may receive a maximum of twelve weeks of benefits payable during a twelve-month period. If the individual is taking leave to care for a family member who is a covered service member or veteran, the individual may only receive benefits for that family member during a single twelve-month period but may take leave in a different twelve-month period to care for a different family member or if the same family member suffers a subsequent serious injury or illness.

(2) An eligible individual may receive an additional two weeks of benefits payable during a twelve-month period for the individual's serious health condition related to the individual's pregnancy, stillbirth, or miscarriage, for a maximum of fourteen weeks of benefits payable during a twelve-month period.

(E) Benefits under division (D) of this section are not payable for a period of less than eight consecutive hours of leave taken during one work week.

Sec. 4143.07. (A)(1) A period of leave taken by an eligible individual under this chapter runs concurrently with any leave taken under the Family and Medical Leave Act.

(2) An employer may require that any leave taken under this chapter be taken concurrently with leave allowed under the terms of disability or family care leave under a collective bargaining agreement or employer policy. The employer shall provide employees with a written notice of this requirement.

(B)(1) An employer shall comply with a collective bargaining agreement or employer policy that provides employees with greater leave than that provided by the Family and Medical Leave Act.

(2) An employee who is covered by an employer policy described in

division (B)(1) of this section may elect not to participate in the family and medical leave insurance program by filing an election to opt out in accordance with rules adopted by the director of job and family services under section 4143.02 of the Revised Code.

(C) No collective bargaining agreement or employer policy shall diminish an individual's rights to benefits under this chapter.

(D) Any agreement by an individual to waive the individual's rights under this chapter is void as against public policy. This division does not apply to an individual who elects to opt out of participating in the program under division (B)(2) of this section.

Sec. 4143.08. (A) An eligible individual who serves a waiting period described in section 4143.05 of the Revised Code or takes a period of leave under this chapter shall be restored to the individual's position of employment with the individual's employer before taking leave, or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

(B) No employer shall discharge, demote, discriminate, or take an adverse employment action against an employee at any time for any of the following reasons:

(1) The employee filed a claim or received benefits under this chapter.

(2) The employee communicated to the employer the employee's intent to file a claim for benefits, a complaint, or an appeal under this chapter.

(3) The employee testified, agreed to testify, or otherwise assisted in a proceeding under this chapter.

(C) No employer shall consider a period of leave an eligible individual takes under this chapter as an absence for which the employer may discipline, discharge, demote, suspend, or take an adverse employment action against the employee under the employer's attendance policy.

(D) The director of job and family services, after a notice and hearing conducted under Chapter 119. of the Revised Code, may assess a civil penalty against an employer who violates this section of up to three thousand dollars per violation. If the employer fails to pay the civil penalty assessed by the director under this division, the director shall forward to the attorney general the name of the employer and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed under this division, the employer shall pay any fee assessed by the attorney general for collection of the civil penalty. Any civil penalty collected for a violation shall be deposited into the family and medical leave insurance fund created in section 4143.11 of the Revised Code.

(E)(1) An aggrieved employee may bring a civil action in a court of competent jurisdiction against an employer who the employee believes violated this section. If the court finds that a violation has occurred, the employer shall be liable to the aggrieved employee for any of the following:

(a) Damages in the amount of lost wages, salary, benefits, or other compensation;

(b) Damages for any actual monetary losses sustained by the employee;

(c) Interest on damages calculated at the prevailing rate;

(d) Equitable relief as may be appropriate.

(2) An employer may be liable for liquidated damages in an amount equal to those described in division (E)(1)(a) or (b) of this section if the employer cannot prove that a violation of this section was unintentional and made in good faith.

Sec. 4143.09. (A) An independent contractor may elect coverage under this chapter for an initial period of a minimum of three years. An independent contractor shall file a notice of election of coverage in writing with the director of job and family services. The election is effective on the date the notice is filed.

(B) An independent contractor may elect continuing coverage under this chapter for a period of a minimum of one year immediately following another period of coverage by filing a notice for election of coverage as described in division (A) of this section at least thirty days before the prior election period expires.

(C) An independent contractor may withdraw from coverage by filing a written notice with the director within thirty days before the end of a period of coverage or during a period the director has designated by rule under section 4143.02 of the Revised Code. The withdrawal is effective thirty days after the notice is filed.

Sec. 4143.10. (A) No individual shall receive family and medical leave insurance benefits for one year after the individual willfully makes a false statement or misrepresents or willfully fails to report a material fact in connection with a claim for benefits under this chapter.

(B)(1) The director of job and family services may seek repayment of benefits that are paid to an individual in excess of the benefits the individual is entitled to receive for any of the following reasons:

(a) The individual willfully made a false statement or misrepresented or willfully failed to report a material fact in connection with a claim for benefits.

(b) The individual received benefits to which the individual is

subsequently determined to not be entitled as a result of a decision of an appeal under division (F) of section 4143.03 of the Revised Code.

(c) The individual failed to demonstrate that the individual took the actions listed in division (B)(2) of section 4143.05 of the Revised Code to remain eligible for benefits granted under that division.

(d) The individual received benefits to which the individual was not entitled due to a mistake or a clerical error.

(2) The director may waive a repayment or part of a repayment in division (B)(1) of this section if the director decides the recovery is against equity and good conscience.

Sec. 4143.11. (A) The family and medical leave insurance fund is created, which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. All premiums and contributions received under this section and any other moneys collected pursuant to this chapter shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all applicable laws regarding the investment of, state funds. Any investment earnings of the fund shall be credited to the fund. The treasurer of state shall disburse money from the fund on order of the director of job and family services or a designee of the director.

(B)(1) Except as provided in division (B)(2) of section 4143.07 of the Revised Code or division (B)(2) or (D)(2) of this section, every employer paying any wages to an employee shall deduct and withhold from such wages for each payroll period a premium computed in accordance with rules adopted by the director under section 4143.02 of the Revised Code. The employer shall deduct and withhold the premium on the date that the employer directly, indirectly, or constructively pays wages to, or credits wages to the benefit of, the employee.

(2) An employer may elect to pay contributions into the fund on behalf of an employee. The employer shall follow the procedures prescribed by the director under section 4143.02 of the Revised Code to establish the employer's obligation to pay contributions to the fund.

(C)(1) The failure of an employer to withhold premiums as required by this section does not relieve an employee from the liability for the premium unless the employer paid the contribution under division (B)(2) of this section. The failure of an employer to remit the premium as required by section 4143.02 of the Revised Code does not relieve an employee from liability for the premium if the director ascertains that the employee colluded with the employer with respect to the failure to remit the premium.

(2) If an employer fails to deduct and withhold premiums as required, and thereafter the premium is paid, the premium so required to be deducted

and withheld shall not be collected from the employer, but the employer is not relieved from liability for penalties otherwise applicable in respect to the failure to deduct and withhold the premium.

(3) The failure of an employer to make contributions as permitted by this section does not relieve an employee for the liability for the premium that would otherwise be due if the employer had not elected to pay contributions.

(D)(1) To ensure that premiums imposed by this section are deducted and withheld as provided, each employee shall furnish the employer with sufficient and correct information to enable the employer to withhold the premium. The employee shall provide additional or corrected information whenever information previously provided to the employer becomes insufficient or incorrect.

(2) If the employee fails to comply with the requirements of division (D)(1) of this section, the employer is not required to withhold and pay the premium and is not subject to any penalties otherwise applicable for failing to deduct and withhold such premiums.

(E) An employee who elects to opt out of participating in the family and medical leave insurance program under division (B)(2) of section 4143.07 of the Revised Code is not liable for any premium or contribution to the fund under this chapter.

(F)(1) The director may apply for and accept gifts, grants, donations, and available federal funding to pay for the costs to establish the family and medical leave insurance program created under section 4143.02 of the Revised Code. The director shall transmit any gifts, grants, donations, or federal funding the director receives to the treasurer of state for deposit in the fund.

(2) The director may request an appropriation to cover the costs to establish the program, if the director does not receive adequate funding under division (F)(1) of this section.

Sec. 4143.12. (A) If the internal revenue service determines benefits under this chapter are subject to federal income tax, the director of job and family services shall inform an individual for whom the director approved a claim for benefits under section 4143.03 of the Revised Code, before making the first benefit payment, of each of the following:

(1) That the internal revenue service has determined that benefits are subject to federal income tax;

(2) The requirement for the individual to make estimated tax payments on the basis of those benefits as required by the Internal Revenue Code;

(3) That the individual may elect to have federal income tax deducted

and withheld from the individual's payment of benefits in the amount authorized under the Internal Revenue Code;

(4) That the individual may change a previously elected federal withholding status as authorized under the Internal Revenue Code.

(B) The director shall follow all procedures prescribed by the internal revenue service when deducting, withholding, and remitting federal income tax.

Sec. 4143.13. (A) Except as provided in division (B) of this section, any information contained in the files and records of an individual in the possession of the director of job and family services under this chapter is confidential and is not a public record under section 149.43 of the Revised Code.

(B) The following individuals may have access to the files and records of an individual under this chapter:

(1) A public employee in the performance of the public employee's official duties;

(2) The individual or a person authorized by the individual, with an authorization form signed by the individual;

(3) An employer or the employer's duly authorized representative, in connection with a pending claim of an individual employed by the employer;

(4) An individual who is assisting the director of job and family services on any matter regarding the administration of this chapter, at the director's request.

Sec. 4143.14. (A) Not later than July 1, 2023, and every year thereafter, the director of job and family services shall submit a report to the standing committees of the house of representatives and the senate that are principally responsible for commerce and labor policy and the standing committees of the house of representatives and the senate that are principally responsible for health and human services policy. The report shall contain all of the following information:

(1) Projected family and medical leave insurance program participation;

(2) Actual program participation;

(3) Demographic information of participants, including gender, race, and ethnicity;

(4) Purpose and duration of leave taken by participants;

(5) Premium rates;

(6) Fund balances;

(7) Outreach efforts.

(B) The director shall make the report available to the public by posting the report on the internet web site maintained by the department of job and family services.

Sec. 4143.15. (A) The director of job and family services shall develop and implement an outreach program to educate the public about the family and medical leave insurance program created under section 4143.02 of the Revised Code and the availability of family and medical leave insurance benefits for individuals under this chapter. The outreach program shall explain all of the following information about the program:

- (1) Eligibility requirements;
- (2) The claims process;
- (3) Weekly benefit amounts and maximum benefits payable;
- (4) Notice and certification requirements;
- (5) Reinstatement and nondiscrimination rights;
- (6) Confidentiality of records;

(7) The relationship between employment protection, leave from employment, and benefits under this chapter and other laws, collective bargaining agreements, and employer policies;

- (8) Other information the director considers necessary.

(B) The director shall develop a program notice containing the information listed in division (A) of this section. Each employer shall post the program notice in a prominent location in the employer's workplace and inform employees of the program.

Sec. 4143.99. Whoever recklessly violates section 4143.11 of the Revised Code by failing to remit premiums withheld from an employee is guilty of a felony of the fifth degree.

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 the following, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income:

(a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement;

(b) Railroad retirement benefits, other than tier 1 railroad retirement benefits, to the extent such amounts are exempt from state taxation under federal law.

(6) 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 work opportunity tax credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(7) 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.

(8) 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.

(9) 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.

(10)(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)(10)(a) 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)(10)(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)(10)(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) For purposes of division (A)(10) 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 division (A)(10)(a) 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.

(11)(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)(11)(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.

(12) 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.

(13) 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)(13) 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.

(14)(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.

(15) Add any amount claimed as a credit under section 5747.059 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.

(16) 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)(16) of this section.

(17)(a)(i) Subject to divisions (A)(17)(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)(17)(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)(17)(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)(17)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(17)(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)(17) 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)(17)(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)(17) 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)(17)(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)(17)(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)(17) and (18) 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.

(18)(a) If the taxpayer was required to add an amount under division (A)(17)(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)(18)(a) of this section is attributable to an add-back allocated under division (A)(17)(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)(18)(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)(18)(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)(17)(a) of this section has been deducted.

(19) 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.

(20) 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.

(21) 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.

(22) 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)(22) 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.

(23) 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)(23) 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)(23) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(24) 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.

(25) 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.

(26) 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.

(27) 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.

(28) Deduct from the portion of an individual's federal 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.

(29) 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.

(30)(a) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, all of the following:

(i) Compensation paid to a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;

(ii) Compensation paid to a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state by the employee during the disaster response period on critical infrastructure owned or used by the employee's employer;

(iii) Income received by an out-of-state disaster business for disaster work conducted in this state during a disaster response period, or, if the out-of-state disaster business is a pass-through entity, a taxpayer's distributive share of the pass-through entity's income from the business conducting disaster work in this state during a disaster response period, if, in either case, the disaster work is conducted pursuant to a qualifying solicitation received by the business.

(b) All terms used in division (A)(30) of this section have the same meanings as in section 5703.94 of the Revised Code.

(31) For a taxpayer who is a qualifying Ohio educator, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the lesser of two hundred fifty dollars or the amount of expenses described in subsections (a)(2)(D)(i) and (ii) of section 62 of the Internal Revenue Code paid or incurred by the taxpayer during the taxpayer's taxable year in excess of the amount the taxpayer is authorized to deduct for that taxable year under subsection (a)(2)(D) of that section.

(32) 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 a disability severance payment, computed under 10 U.S.C. 1212, following discharge or release under honorable conditions from the armed forces, as defined by 10 U.S.C. 101.

(33) Deduct, to the extent not otherwise deducted or excluded in computing federal adjusted gross income or Ohio adjusted gross income, amounts not subject to tax due to an agreement entered into under division (A)(2) of section 5747.05 of the Revised Code.

(34) Deduct amounts as provided under section 5747.79 of the Revised Code related to the taxpayer's qualifying capital gains and deductible payroll.

To the extent a qualifying capital gain described under division (A) (34) of this section is business income, the taxpayer shall deduct those gains under this division before deducting any such gains under division (A)(28) of this section.

(35)(a) For taxable years beginning in or after 2026, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year:

(i) One hundred per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in Ohio businesses during the period for which the company was an Ohio venture operating company; and

(ii) Fifty per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in all other businesses during the period for which the company was an Ohio venture operating company.

(b) Add amounts previously deducted by the taxpayer under division (A)(35)(a) of this section if the director of development certifies to the tax commissioner that the requirements for the deduction were not met.

(c) All terms used in division (A)(35) of this section have the same meanings as in section 122.851 of the Revised Code.

(d) To the extent a capital gain described in division (A)(35)(a) of this section is business income, the taxpayer shall apply that division before applying division (A)(28) of this section.

(36) Deduct benefits under Chapter 4143. of the Revised Code to the extent included in federal adjusted gross income.

(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:

(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 one of the following:

(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code;

(2) For all other taxable years, 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 work opportunity tax 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 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.

(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)(17) or (18) 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.

(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)(7), (A)(8), (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. or 1706. 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) "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 (AA)(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 (AA)(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 (AA)(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 (AA)(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 (AA)(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 (AA)(2)(a) of this section and for the purpose of computing the fraction described in division (AA)(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 (AA)(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 (AA)(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.

(BB) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

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

(DD)(1) For the purposes of division (DD) 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.

(EE) 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 (EE)(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.

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(GG) "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)(28) of this section for the taxable year.

(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under divisions (A)(28) and (34) of this section for the taxable year.

(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is defined in section 62 of the Internal Revenue Code, and who holds a certificate, license, or permit described in Chapter 3319. or section 3301.071 of the Revised Code.

Section 5. That existing sections 124.387, 4117.10, and 5747.01 of the Revised Code are hereby repealed.

Section 6. Section 4 of this act, except for section 4143.03 and division (A) of section 4143.11 of the Revised Code, takes effect July 1, 2022. Section 4143.03 of the Revised Code, as enacted by this act, takes effect January 1, 2024. Division (A) of section 4143.11 of the Revised Code, as enacted by this act, takes effect on the effective date of this section.

Section 7. Employers shall begin to deduct and withhold premiums from the wages of employees or pay contributions as described in divisions (B), (C), and (D) of section 4143.11 of the Revised Code, as enacted by this act, on January 1, 2023.

Section 8. Section 124.387 of the Revised Code, as amended by this act, and sections 4113.86 and 4143.07 of the Revised Code, as enacted by this act, apply to collective bargaining agreements that are entered into or renewed, or employer policies that are adopted or revised, on or after the effective date of this section.

Section 9. (A) Not later than July 1, 2022, the Director of Job and Family Services shall complete an actuarial evaluation before establishing the Family and Medical Leave Insurance Program under Chapter 4143. of the Revised Code, as enacted by this act. The actuarial evaluation shall determine all of the following:

(1) The premium amounts required under section 4143.11 of the Revised Code, as enacted by this act, necessary to sufficiently fund the Program;

(2) The balance necessary to ensure the actuarial soundness of the Family and Medical Leave Insurance Fund created by section 4143.11 of the Revised Code, as enacted by this act;

(3) The administrative and technology costs necessary to establish and operate the Program;

(4) The financial feasibility and cost-effectiveness of contracting with one or more external vendors to provide benefit eligibility determinations and claims management for the Program.

(B) The Director may apply for and accept gifts, grants, donations, and any available federal funding to conduct the actuarial evaluation in division (A) of this section. The Director shall transmit any gifts, grants, donations, or federal funding to the Treasurer of State for deposit in the Family and Medical Leave Insurance Fund created by section 4143.11 of the Revised Code, as enacted by this act.

(C) Notwithstanding the deadline in division (A) of this section, the Director shall not conduct the actuarial evaluation unless the Director receives sufficient funds to cover the costs to perform the evaluation."

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

Representative Carfagna moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 60, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Abrams

Baldrige

Bird

Callender

Carfagna	Carruthers	Creech	Cross
Cutrona	Dean	Edwards	Ferguson
Fowler Arthur	Fraizer	Ghanbari	Ginter
Grendell	Gross	Hall	Hillyer
Holmes	Hoops	John	Johnson
Jones	Jordan	Kick	Koehler
Lampton	Lipps	Loychik	Manchester
Manning	McClain	Merrin	Miller, K.
Oelslager	Patton	Pavliga	Plummer
Powell	Ray	Richardson	Riedel
Roemer	Schmidt	Seitz	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Vitale	White	Wiggam	Wilkin
Young, B.	Young, T.	Zeltwanger	Cupp-60

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Click	Crossman	Denson
Galonski	Hicks-Hudson	Howse	Humphrey
Ingram	Jarrells	Kelly	Leland
Lepore-Hagan	Lightbody	Liston	Miller, J.
Miranda	O'Brien	Robinson	Russo
Sheehy	Skindell	Smith, K.	Smith, M.
Sobecki	Sweeney	Sykes	Troy
Upchurch	Weinstein		West-35

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 61, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Callender
Carfagna	Carruthers	Click	Creech
Cross	Cutrona	Dean	Edwards
Ferguson	Fowler Arthur	Fraizer	Ghanbari
Ginter	Grendell	Gross	Hall
Hillyer	Holmes	Hoops	John
Johnson	Jones	Jordan	Kick
Koehler	Lampton	Lipps	Loychik
Manchester	Manning	McClain	Merrin
Miller, K.	Oelslager	Patton	Pavliga
Plummer	Powell	Ray	Richardson
Riedel	Roemer	Schmidt	Seitz
Stein	Stephens	Stewart	Stoltzfus
Swearingen	Vitale	White	Wiggam
Wilkin	Young, B.	Young, T.	Zeltwanger
			Cupp-61

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Crossman	Denson	Galonski
Hicks-Hudson	Howse	Humphrey	Ingram
Jarrells	Kelly	Leland	Lepore-Hagan
Lightbody	Liston	Miller, A.	Miller, J.
Miranda	O'Brien	Robinson	Russo

Sheehy	Skindell	Smith, K.	Smith, M.
Sobecki	Sweeney	Sykes	Troy
Upchurch	Weinstein		West-35

The bill passed.

Representative Manchester moved to amend the title as follows:

Add the names: "Baldrige, Bird, Carfagna, Carruthers, Creech, Cross, Cutrona, Edwards, Ferguson, Fraizer, Ghanbari, Ginter, Grendell, Gross, Hall, Hillyer, Hoops, Johnson, Jones, Jordan, Kick, Koehler, Lipps, Loychik, Manchester, McClain, Merrin, Miller, K., Plummer, Powell, Richardson, Riedel, Roemer, Stein, Stephens, Stewart, Stoltzfus, Swearingen, White, Wiggam, Wilkin, Young, T., Speaker Cupp."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 162-Senator Reineke.

Cosponsors: Senators Blessing, Cirino, Craig, Hackett, Huffman, S., Lang, Maharath, Manning, Romanchuk, Sykes, Thomas, Wilson, Yuko
 Representatives Baldrige, McClain, Creech, Ghanbari, Hall, Johnson, Miller, K.

To amend sections 4503.10, 4503.12, 4505.101, 4505.103, 4505.104, 4513.601, 4513.602, 4513.603, 4513.61, 4513.611, 5537.04, 5537.07, and 5537.16 and to enact sections 5537.041 and 5537.29 of the Revised Code to expand the authority of the Ohio Turnpike and Infrastructure Commission regarding evasion of tolls on the Ohio turnpike and disclosure of personal information, and to make changes to the title search conducted after a tow and the mechanisms of notice sent to a towed vehicle's owner, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Boyd	Brent	Brown
Callender	Carfagna	Carruthers	Click
Creech	Cross	Crossman	Cutrona
Dean	Denson	Edwards	Ferguson
Fowler Arthur	Fraizer	Galonski	Ghanbari
Ginter	Grendell	Gross	Hall
Hicks-Hudson	Hillyer	Holmes	Hoops
Howse	Humphrey	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Leland	Lepore-Hagan	Lightbody	Lipps

Liston	Loychik	Manchester	Manning
McClain	Merrin	Miller, A.	Miller, J.
Miller, K.	Miranda	O'Brien	Oelslager
Patton	Pavliga	Plummer	Powell
Ray	Richardson	Riedel	Robinson
Roemer	Russo	Schmidt	Seitz
Sheehy	Skindell	Smith, K.	Smith, M.
Sobecki	Stein	Stephens	Stewart
Stoltzfus	Swearingen	Sweeney	Sykes
Troy	Upchurch	Weinstein	West
White	Wiggam	Wilkin	Young, B.
Young, T.	Zeltwanger		Cupp-95

Representative Vitale voted in the negative-1.

The bill passed.

Representative Baldrige moved to amend the title as follows:

Add the names: "Boyd, Carruthers, Click, Crossman, Galonski, Ginter, Holmes, Ingram, Jones, Lightbody, Miller, J., O'Brien, Patton, Richardson, Riedel, Sheehy, Sobecki, Stein, Swearingen, Young, T."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. S. B. No. 217-Senator Schaffer.

Cosponsors: Senators Cirino, Huffman, S., Johnson, Blessing, Brenner, Dolan, Fedor, Hackett, Hottinger, Roegner, Rulli, Schuring, Thomas, Wilson, Yuko.

To amend sections 173.27, 173.38, 173.381, 718.01, and 718.39 of the Revised Code to modify the law regarding access to criminal record check information with respect to long-term care ombudsman programs, direct-care positions, community-based long-term care services, and certain persons serving as a municipal corporation tax administrator, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted – yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Boyd	Brent	Brown
Callender	Carfagna	Carruthers	Click
Creech	Cross	Crossman	Cutrona
Dean	Denson	Edwards	Ferguson
Fowler Arthur	Fraizer	Galonski	Ghanbari
Ginter	Grendell	Gross	Hall
Hicks-Hudson	Hillyer	Holmes	Hoops
Howse	Humphrey	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton

Leland	Lepore-Hagan	Lightbody	Lipps
Liston	Loychik	Manchester	Manning
McClain	Merrin	Miller, A.	Miller, J.
Miller, K.	Miranda	O'Brien	Oelslager
Patton	Pavliga	Plummer	Powell
Ray	Riedel	Robinson	Roemer
Russo	Schmidt	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Vitale	Weinstein	West	White
Wiggam	Wilkin	Young, B.	Young, T.
			Cupp-93

Having received the required constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 89, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldridge	Bird	Blackshear
Boggs	Boyd	Brent	Brown
Callender	Carfagna	Carruthers	Click
Creech	Cross	Cutrona	Dean
Denson	Edwards	Ferguson	Fowler Arthur
Fraizer	Galonski	Ghanbari	Ginter
Grendell	Gross	Hall	Hicks-Hudson
Holmes	Hoops	Humphrey	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Leland	Lepore-Hagan	Lightbody	Lipps
Liston	Loychik	Manchester	Manning
McClain	Merrin	Miller, A.	Miller, J.
Miller, K.	Miranda	O'Brien	Oelslager
Patton	Pavliga	Plummer	Powell
Ray	Riedel	Robinson	Roemer
Russo	Schmidt	Seitz	Sheehy
Skindell	Smith, K.	Sobecki	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Weinstein	West	White	Wiggam
Wilkin	Young, B.	Young, T.	Zeltwanger
			Cupp-89

Representatives Crossman, Howse, Ingram, Smith, M., and Vitale voted in the negative-5.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Swearingen moved to amend the title as follows:

Add the names: "Abrams, Carruthers, Fraizer, Jones, Lampton, Leland, Miller, J., Seitz, Swearingen, West, White, Young, T."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Ginter moved that House Rule 65 be suspended and that **Sub. H. B. No. 45**-Representatives West, Roemer, et al. be taken up for immediate consideration.

The question being, shall the motion be agreed to?

The motion was agreed to without objection.

Sub. H. B. No. 45-Representatives West, Roemer.

Cosponsors: Representatives Riedel, Miranda, Weinstein, Manning, Lanese, Crawley, Smith, K., Ingram, Miller, J., Crossman, Lightbody, Leland, Sobecki

To require the Tax Commissioner to administer a temporary amnesty program from July 1, 2022, to August 31, 2022, with respect to certain delinquent taxes and fees, to repeal Section 1 of this act on September 1, 2022, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted – yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Boyd	Brent	Brown
Callender	Carfagna	Carruthers	Click
Creech	Cross	Crossman	Cutrona
Dean	Denson	Edwards	Ferguson
Fowler Arthur	Fraizer	Galonski	Ghanbari
Ginter	Grendell	Gross	Hall
Hicks-Hudson	Hillyer	Holmes	Hoops
Howse	Humphrey	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Leland	Lepore-Hagan	Lightbody	Lipps
Loychik	Manchester	Manning	McClain
Merrin	Miller, A.	Miller, J.	Miller, K.
Miranda	O'Brien	Oelsluger	Patton
Pavliga	Plummer	Powell	Ray
Riedel	Robinson	Roemer	Russo
Schmidt	Seitz	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Vitale	Weinstein	West	White
Wiggam	Wilkin	Young, B.	Young, T.
Zeltwanger			Cupp-94

Having received the required constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldridge	Bird	Blackshear
Boggs	Boyd	Brent	Brown
Callender	Carfagna	Carruthers	Click
Creech	Cross	Crossman	Cutrona
Dean	Denson	Edwards	Ferguson
Fowler Arthur	Fraizer	Galonski	Ghanbari
Ginter	Grendell	Gross	Hall
Hicks-Hudson	Hillyer	Holmes	Hoops
Howse	Humphrey	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Leland	Lepore-Hagan	Lightbody	Lipps
Loychik	Manning	McClain	Merrin
Miller, A.	Miller, J.	Miller, K.	Miranda
O'Brien	Oelslager	Patton	Pavliga
Plummer	Powell	Ray	Riedel
Robinson	Roemer	Russo	Schmidt
Seitz	Sheehy	Skindell	Smith, K.
Smith, M.	Sobecki	Stein	Stephens
Stewart	Stoltzfus	Swearingen	Sweeney
Sykes	Troy	Upchurch	Vitale
Weinstein	West	White	Wiggam
Wilkin	Young, B.	Young, T.	Zeltwanger Cupp-93

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative West moved to amend the title as follows:

Add the names: "Blackshear, Boyd, Brent, Carruthers, Click, Galonski, Ghanbari, Gross, Hicks-Hudson, Jarrells, Lampton, Lepore-Hagan, Miller, K., O'Brien, Oelslager, Patton, Pavliga, Russo, Schmidt, Sheehy, Smith, M., Swearingen, Sweeney, Sykes, Upchurch, White, Young, T., Zeltwanger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 272-Representatives Plummer, Ghanbari.

Cosponsors: Representatives White, LaRe, Riedel, Cross, Carfagna, Johnson.

To amend, for the purpose of adopting a new section number as indicated in

parentheses, section 1349.72 (1349.78), and to enact new section 1349.72 and sections 1349.65, 1349.66, 1349.67, 1349.68, 1349.69, 1349.70, 1349.71, 1349.73, 1349.74, 1349.75, and 1349.76 of the Revised Code to require online marketplaces to verify certain information regarding high-volume third party sellers of consumer products on such online marketplaces and to disclose to consumers certain contact and other information regarding such high-volume third party sellers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 75, nays 20, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Boyd	Brent	Carfagna
Carruthers	Click	Creech	Cross
Cutrona	Dean	Edwards	Ferguson
Fraizer	Galonski	Ghanbari	Ginter
Grendell	Gross	Hall	Hillyer
Holmes	Hoops	Howse	Humphrey
Jarrells	John	Johnson	Jones
Jordan	Kick	Koehler	Lampton
Leland	Lipps	Loychik	Manchester
Manning	McClain	Merrin	Miller, A.
Miller, K.	Miranda	O'Brien	Oelslager
Patton	Pavliga	Plummer	Ray
Richardson	Riedel	Robinson	Roemer
Schmidt	Seitz	Sheehy	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	West
White	Wiggam	Wilkin	Young, B.
Young, T.	Zeltwanger		Cupp-75

Those who voted in the negative were: Representatives

Brown	Callender	Crossman	Denson
Fowler Arthur	Hicks-Hudson	Ingram	Kelly
Lepore-Hagan	Lightbody	Miller, J.	Powell
Russo	Skindell	Smith, K.	Smith, M.
Sobecki	Upchurch	Vitale	Weinstein-20

The bill passed.

Representative Plummer moved to amend the title as follows:

Add the names: "Click, Jones, Lampton, Miller, K., Patton, Roemer, Stein."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 340-Representatives Bird, Blackshear.

Cosponsors: Representatives Smith, K., Click, Creech, Galonski, Crossman, Carfagna, Troy, Stewart, Grendell, Weinstein, Gross, Sobecki, John, Stephens, Fowler Arthur, Miller, A., Sheehy, Wiggam, Kelly, Humphrey.

To enact section 5.2527 of the Revised Code to designate September as "International Underground Railroad Month," was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Boyd	Brent	Brown
Callender	Carfagna	Carruthers	Click
Creech	Cross	Crossman	Cutrona
Dean	Denson	Edwards	Ferguson
Fowler Arthur	Fraizer	Galonski	Ghanbari
Ginter	Grendell	Gross	Hall
Hicks-Hudson	Hillyer	Holmes	Hoops
Howse	Humphrey	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Leland	Lepore-Hagan	Lightbody	Lipps
Loychik	Manchester	Manning	McClain
Merrin	Miller, A.	Miller, J.	Miller, K.
Miranda	O'Brien	Oelslager	Patton
Pavliga	Plummer	Powell	Ray
Riedel	Robinson	Roemer	Russo
Schmidt	Seitz	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Vitale	Weinstein	West	White
Wiggam	Wilkin	Young, B.	Young, T.
Zeltwanger			Cupp-94

The bill passed.

Representative Bird moved to amend the title as follows:

Add the names: "Abrams, Baldrige, Boggs, Boyd, Brent, Brown, Carruthers, Cross, Denson, Edwards, Ferguson, Ghanbari, Ginter, Hall, Hicks-Hudson, Hillyer, Holmes, Hoops, Howse, Jarrells, Johnson, Jones, Kick, Koehler, Lampton, Leland, Lepore-Hagan, Lightbody, Manning, McClain, Miller, J., Miller, K., Miranda, O'Brien, Oelslager, Pavliga, Plummer, Powell, Ray, Riedel, Robinson, Russo, Schmidt, Skindell, Smith, M., Stein, Swearingen, Sweeney, Sykes, Upchurch, West, White, Wilkin, Young, B., Young, T., Speaker Cupp."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 352-Representatives Crawley, Ray.

Cosponsors: Representatives Brent, Crossman, Fowler Arthur, Galonski, Howse, Ingram, Jarrells, John, Kelly, Lightbody, Lipps, Liston, Miller, A., Miller, J., Riedel, Seitz, Smith, K., Weinstein, White, Hillyer.

To enact sections 2131.03, 2131.031, 2131.032, 2131.033, and 2131.034 of the Revised Code to generally prohibit a person's disability from being used to deny or limit custody, parenting time, visitation, adoption, or service as a guardian or foster caregiver, regarding a minor, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 90, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Boyd	Brent	Brown
Callender	Carfagna	Carruthers	Click
Creech	Cross	Crossman	Cutrona
Dean	Denson	Edwards	Ferguson
Fowler Arthur	Fraizer	Galonski	Ghanbari
Ginter	Grendell	Gross	Hall
Hicks-Hudson	Hillyer	Holmes	Hoops
Howse	Humphrey	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Leland	Lepore-Hagan	Lightbody	Loychik
Manchester	Manning	McClain	Merrin
Miller, A.	Miller, J.	Miller, K.	Miranda
O'Brien	Oelslager	Pavliga	Plummer
Powell	Ray	Riedel	Robinson
Roemer	Russo	Seitz	Sheehy
Skindell	Smith, K.	Smith, M.	Sobecki
Stein	Stephens	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Vitale	Weinstein	West	White
Wiggam	Wilkin	Young, B.	Young, T.
Zeltwanger			Cupp-90

Representative Stewart voted in the negative-1.

The bill passed.

Representative Ray moved to amend the title as follows:

Add the names: "Abrams, Baldrige, Blackshear, Boggs, Boyd, Brown, Callender, Carfagna, Carruthers, Click, Creech, Denson, Ghanbari, Ginter, Grendell, Gross, Hicks-Hudson, Hoops, Humphrey, Jones, Lampton, Leland, Lepore-Hagan, Loychik, Manning, Miranda, O'Brien, Pavliga, Plummer, Russo, Smith, M., Sobecki, Stein, Sweeney, Sykes, Upchurch, West, Young, T."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 392-Representatives Ferguson, Miller, K.

Cosponsors: Representatives Carruthers, Ghanbari, Hillyer, Click, Riedel, Seitz, Fowler Arthur, Lampton, LaRe, Hoops, Hall, Cross, Schmidt, Plummer, Lepore-Hagan.

To amend section 4765.52 of the Revised Code to authorize ambulance transport of an injured police dog when the dog is injured in the line of duty, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 90, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Brent	Brown	Callender
Carfagna	Carruthers	Click	Creech
Cross	Crossman	Cutrona	Dean
Denson	Edwards	Ferguson	Fowler Arthur
Fraizer	Galonski	Ghanbari	Ginter
Grendell	Gross	Hall	Hicks-Hudson
Hillyer	Holmes	Hoops	Howse
Humphrey	Ingram	Jarrells	John
Johnson	Jones	Jordan	Kelly
Kick	Koehler	Lampton	Leland
Lepore-Hagan	Lightbody	Loychik	Manchester
Manning	McClain	Merrin	Miller, A.
Miller, J.	Miller, K.	Miranda	O'Brien
Oelslager	Pavliga	Plummer	Powell
Ray	Riedel	Robinson	Roemer
Russo	Schmidt	Seitz	Sheehy
Skindell	Smith, K.	Smith, M.	Sobecki
Stein	Stephens	Stewart	Stoltzfus
Swearingen	Sweeney	Sykes	Troy
Upchurch	Weinstein	West	White
Wiggam	Wilkin	Young, B.	Young, T.
Zeltwanger			Cupp-90

Representative Vitale voted in the negative-1.

The bill passed.

Representative Ferguson moved to amend the title as follows:

Add the names: "Abrams, Baldrige, Bird, Brent, Brown, Callender, Carfagna, Creech, Crossman, Ginter, Grendell, Gross, Jarrells, John, Johnson, Leland, Lightbody, McClain, Miller, J., O'Brien, Pavliga, Ray, Roemer,

Sheehy, Smith, M., Sobecki, Stein, Sweeney, Upchurch, Weinstein, West, White, Wiggam, Young, T."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 397-Representatives Stewart, Kick.

Cosponsors: Representatives Bird, Click, Creech, Hall, John, Johnson, Lanese, Miller, J., Plummer, Riedel, Swearingen, West, Young, T., Koehler, Jones, O'Brien.

To amend section 940.05 and to enact section 5301.71 of the Revised Code to revise the law regarding agricultural leases and soil and water conservation districts, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 89, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Brent	Brown	Callender
Carfagna	Carruthers	Click	Creech
Cross	Crossman	Cutrona	Dean
Denson	Edwards	Ferguson	Fowler Arthur
Fraizer	Galonski	Ghanbari	Ginter
Grendell	Gross	Hall	Hicks-Hudson
Hillyer	Holmes	Hoops	Howse
Humphrey	Ingram	Jarrells	John
Johnson	Jones	Jordan	Kelly
Kick	Koehler	Lampton	Leland
Lepore-Hagan	Lightbody	Loychik	Manchester
Manning	McClain	Merrin	Miller, A.
Miller, J.	Miller, K.	Miranda	O'Brien
Oelslager	Pavliga	Plummer	Ray
Riedel	Robinson	Roemer	Russo
Schmidt	Seitz	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Weinstein	West	White	Wiggam
Wilkin	Young, B.	Young, T.	Zeltwanger
			Cupp-89

Representatives Powell and Vitale voted in the negative-2.

The bill passed.

Representative Stewart moved to amend the title as follows:

Add the names: "Baldrige, Brent, Brown, Carfagna, Carruthers, Cross, Crossman, Fraizer, Galonski, Ginter, Grendell, Gross, Hicks-Hudson, Hillyer,

Jarrells, Leland, Lightbody, McClain, Miller, K., Oelslager, Roemer, Russo, Sheehy, Sobecki, Stein, Upchurch, Speaker Cupp."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 442-Representatives Stephens, Ray.

Cosponsors: Representatives Kick, LaRe, Seitz, Cross, Schmidt, Baldrige, Young, T., Lipp, Fowler Arthur, White, Hillyer, McClain.

To amend section 3107.014 and to enact section 5103.57 of the Revised Code regarding qualifications for adoption and foster care home assessors and professional treatment staff, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 90, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Brent	Brown	Callender
Carfagna	Carruthers	Click	Creech
Cross	Crossman	Cutrona	Dean
Denson	Edwards	Ferguson	Fowler Arthur
Fraizer	Galonski	Ghanbari	Ginter
Grendell	Gross	Hall	Hillyer
Holmes	Hoops	Howse	Humphrey
Ingram	Jarrells	John	Johnson
Jones	Jordan	Kelly	Kick
Koehler	Lampton	Leland	Lepore-Hagan
Lightbody	Loychik	Manchester	Manning
McClain	Merrin	Miller, A.	Miller, J.
Miller, K.	Miranda	O'Brien	Oelslager
Pavliga	Plummer	Powell	Ray
Riedel	Robinson	Roemer	Russo
Schmidt	Seitz	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Vitale	Weinstein	West	White
Wiggam	Wilkin	Young, B.	Young, T.
Zeltwanger			Cupp-90

Representative Hicks-Hudson voted in the negative-1.

The bill passed.

Representative Stephens moved to amend the title as follows:

Add the names: "Abrams, Brown, Callender, Carfagna, Carruthers, Crossman, Ginter, Gross, Jones, Leland, Loychik, Pavliga, Riedel, Swearingen, Troy."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Ginter, the House recessed.

The House met pursuant to recess.

Representative Ginter moved that the House revert to the fourth order of business, being reports of conference committees.

The motion was agreed to.

REPORTS OF CONFERENCE COMMITTEES

Representative Edwards submitted the following report:

The committee of conference to which the matters of difference between the two houses were referred on Am. H. B. No. 29, Representative Wiggam and Representative Miller, A. - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 5 of the title, after "3123.90" insert ", 3770.03, 3770.06, 3770.07"; after "3770.073" insert ", 3770.10"

In line 7 of the title, after "5747.063" insert ", 5747.064"

In line 12 of the title, after "3376.08" insert ", 3770.23, 3770.24, 3770.25"

In line 16 of the title, delete ", 3775.17"

In line 31, after "3123.90" insert ", 3770.03, 3770.06, 3770.07"; after "3770.073" insert ", 3770.10"

In line 33, after "5747.063" insert ", 5747.064"

In line 36, after "3376.08" insert ", 3770.23, 3770.24, 3770.25"

In line 39, delete ", 3775.17"

In line 889, after "Code" insert "and "lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code"

In line 981, after "terminal" insert "or from lottery sports gaming offered in a video lottery terminal facility"

After line 3877, insert:

"Sec. 3770.03. (A) The state lottery commission shall promulgate

rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets shall not be construed to in any way limit the authority of the commission to operate video lottery terminal games or lottery sports gaming. Nothing in this chapter shall restrict the authority of the commission to promulgate rules related to the operation of games utilizing video lottery terminals as described in section 3770.21 of the Revised Code. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

- (1) The type of lottery to be conducted;
- (2) The prices of tickets in the lottery;
- (3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid to licensed lottery sales agents;

- (4) The substantive criteria for the licensing of lottery sales agents

consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(6) Any other subjects the commission determines are necessary for the operation of video lottery terminal games, including the establishment of any fees, fines, payment schedules, or the establishment of a voluntary exclusion program.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter.

(D) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of advertising displayed on lottery tickets and on those other items shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(E)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of

the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission.

Sec. 3770.06. (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All gross revenues received from sales of lottery tickets, fines, fees, and related proceeds in connection with the statewide lottery, all gross proceeds of lottery sports gaming described in sections 3770.23 to 3770.25 of the Revised Code, and all gross proceeds from statewide joint lottery games shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the director of the state lottery commission or the director's designee.

Except for gross proceeds from statewide joint lottery games, all revenues of the state lottery gross revenue fund that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, that are not paid to financial institutions to reimburse those institutions for sales agent nonsufficient funds, and that are collected from sales agents for remittance to insurers under contract to provide sales agent bonding services shall be transferred to the state lottery fund, which is hereby created in the state treasury. In addition, all revenues of the state lottery gross revenue fund that represent the gross proceeds from the statewide joint lottery games and that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, and that are not necessary to cover operating expenses associated with those games or to otherwise comply with the agreements signed by the governor that the director enters into under division (J) of section 3770.02 of the Revised Code or the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code shall be transferred to the state lottery fund. All investment earnings of the fund shall be credited to the fund. Moneys shall be disbursed from the fund pursuant to vouchers approved by the director. Total disbursements for monetary prize awards to holders of winning lottery tickets in connection with the statewide lottery, other than lottery sports gaming, and purchases of goods and services awarded as prizes to holders of winning lottery tickets shall be of an amount equal to at least fifty per cent of the total revenue accruing from the sale of lottery tickets.

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, there is hereby established in the state treasury the lottery profits education fund. Whenever, in the judgment of the director of the state lottery commission, the amount to the credit of the state lottery fund that does not represent proceeds from statewide joint lottery games is in excess of that needed to meet the maturing obligations of the commission and as working capital for its further operations, the director of the state lottery commission shall recommend the amount of the excess to be transferred to the lottery profits education fund, and the director of budget and management may transfer the excess to the lottery profits education fund in connection with the statewide lottery. In addition, whenever, in the judgment of the director of the state lottery commission, the amount to the credit of the state lottery fund that represents proceeds from statewide joint lottery games equals the entire net proceeds of those games as described in division (B)(5) of section 3770.03 of the Revised Code and the rules adopted under that division, the director of the state lottery commission shall recommend the amount of the proceeds to be transferred to the lottery profits education fund, and the director of budget and management may transfer those proceeds to the lottery profits education fund. Investment earnings of the lottery profits education fund shall be credited to the fund.

The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the trust fund. Within sixty days after the end of each fiscal year, the treasurer of state shall certify to the director of budget and management whether the actuarial amount of the trust fund is sufficient over the fund's life for continued funding of all remaining deferred prize liabilities as of the last day of the fiscal year just ended. Also, within that sixty days, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for such continued funding of deferred prizes. Any earnings credited in excess of the latter certified amount shall be transferred

to the lottery profits education fund.

To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission in connection with the statewide lottery, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund which represents proceeds from the statewide lottery in obligations of the type permitted for the investment of state funds but whose maturities are thirty years or less. Notwithstanding the requirements of any other section of the Revised Code, to provide all or part of the amounts necessary to fund deferred prizes awarded by the commission in connection with statewide joint lottery games, the treasurer of state, in consultation with the commission, may invest moneys in the trust fund which represent proceeds derived from the statewide joint lottery games in accordance with the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code. Investments of the trust fund are not subject to the provisions of division (A)(11) of section 135.143 of the Revised Code limiting to twenty-five per cent the amount of the state's total average portfolio that may be invested in debt interests other than commercial paper and limiting to five per cent the amount that may be invested in debt interests, including commercial paper, of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and any other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The

provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 3770.07. (A)(1) Except as provided in division (A)(2) of this section, lottery prize awards shall be claimed by the holder of the winning lottery product, or by the executor or administrator, or the trustee of a trust, of the estate of a deceased holder of a winning lottery product, in a manner to be determined by the state lottery commission, within one hundred eighty days after the date on which the prize award was announced if the lottery game is an online game, ~~and~~ within one hundred eighty days after the close of the game if the lottery game is an instant game, and within one hundred eighty days after the end of the sporting event or series of sporting events on which the wager was placed if the lottery game is lottery sports gaming.

Any lottery prize award with a value that meets or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, or a subsequent analogous section of the Internal Revenue Code, shall not be claimed by or paid to any person, as defined in section 1.59 of the Revised Code or as defined by rule or order of the state lottery commission, until the name, address, and social security number of each beneficial owner of the prize award are documented for the commission. Except when a beneficial owner otherwise consents in writing, in the case of a claim for a lottery prize award made by one or more beneficial owners using a trust, the name, address, and social security number of each such beneficial owner in the commission's records as a result of such a disclosure are confidential and shall not be subject to inspection or copying under section 149.43 of the Revised Code as a public record.

Except as otherwise provided in division (A)(1) of this section or as otherwise provided by law, the name and address of any individual claiming a lottery prize award are subject to inspection or copying under section 149.43 of the Revised Code as a public record.

(2) An eligible person serving on active military duty in any branch of the United States armed forces during a war or national emergency declared in accordance with federal law may submit a delayed claim for a lottery prize award. The eligible person shall do so by notifying the state lottery commission about the claim not later than the ~~five~~ three hundred ~~fortieth~~ sixtieth day after the ~~date on which the prize award was announced if the lottery game is an online game or after the date on which the lottery game closed if the lottery game is an instant game~~ applicable deadline specified under division (A)(1) of this section.

(3) If no valid claim to a lottery prize award is made within the prescribed period, the prize money, the cost of goods and services awarded as

prizes, or, if goods or services awarded as prizes are resold by the state lottery commission, the proceeds from their sale shall be returned to the state lottery fund and distributed in accordance with section 3770.06 of the Revised Code.

(4) The state lottery commission may share with other governmental agencies the name, address, and social security number of a beneficial owner disclosed to the commission under division (A)(1) of this section, as authorized under sections 3770.071 and 3770.073 of the Revised Code. Any shared information as disclosed pursuant to those sections that is made confidential by division (A)(1) of this section remains confidential and shall not be subject to inspection or copying under section 149.43 of the Revised Code as a public record unless the applicable beneficial owner otherwise provides written consent.

(5) As used in this division:

(a) "Eligible person" means a person who is entitled to a lottery prize award and who falls into either of the following categories:

(i) While on active military duty in this state, the person, as the result of a war or national emergency declared in accordance with federal law, is transferred out of this state before the ~~one hundred eightieth day after the date on which the winner of the lottery prize award is selected~~ applicable deadline specified under division (A)(1) of this section.

(ii) While serving in the reserve forces in this state, the person, as the result of a war or national emergency declared in accordance with federal law, is placed on active military duty and is transferred out of this state before the ~~expiration of the one hundred eightieth day after the date on which the prize drawing occurs for an online game or before the expiration of the one hundred eightieth day following the close of an instant game as determined by the commission~~ applicable deadline specified under division (A)(1) of this section.

(b) "Active military duty" means that a person is covered by the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. 501 et seq., as amended, or the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C. 4301 et seq., as amended.

(c) "Each beneficial owner" means the ultimate recipient or, if there is more than one, each ultimate recipient of a lottery prize award.

(B) If a prize winner, as defined in section 3770.10 of the Revised Code, is under eighteen years of age or, in the case of lottery sports gaming, under twenty-one years of age, or is under some other legal disability, and the prize money or the cost of goods or services awarded as a prize exceeds one thousand dollars, the director of the state lottery commission shall order

that payment be made to the order of the legal guardian of that prize winner. If the amount of the prize money or the cost of goods or services awarded as a prize is one thousand dollars or less, the director may order that payment be made to the order of the adult member, if any, of that prize winner's family legally responsible for the care of that prize winner.

(C) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be the subject of a security interest or used as collateral.

(D)(1) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be assignable except as follows: when the payment is to be made to the executor or administrator, or the trustee of a trust, of the estate of a prize winner; when the award of a prize is disputed, any person may be awarded a prize award to which another has claimed title, pursuant to the order of a court of competent jurisdiction; when a person is awarded a prize award to which another has claimed title, pursuant to the order of a federal bankruptcy court under Title 11 of the United States Code; or as provided in sections 3770.10 to 3770.14 of the Revised Code.

(2)(a) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with a remaining unpaid balance of less than one hundred thousand dollars shall be subject to garnishment, attachment, execution, withholding, or deduction except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code or when the director is to make a payment pursuant to section 3770.071 or 3770.073 of the Revised Code.

(b) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with an unpaid balance of one hundred thousand dollars or more shall be subject to garnishment, attachment, execution, withholding, or deduction except as follows: as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when the director is to make a payment pursuant to section 3770.071 or 3770.073 of the Revised Code; or pursuant to the order of a court of competent jurisdiction located in this state in a proceeding in which the state lottery commission is a named party, in which case the garnishment, attachment, execution, withholding, or deduction pursuant to the order shall be subordinate to any payments to be made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 3770.073 of the Revised Code.

(3) The state lottery commission may adopt and amend rules pursuant to Chapter 119. of the Revised Code as necessary to implement division (D) of this section, to provide for payments from prize awards subject to garnishment, attachment, execution, withholding, or deduction, and to

comply with any applicable requirements of federal law.

(4) Upon making payments from a prize award as required by division (D) of this section, the director and the state lottery commission are discharged from all further liability for those payments, whether they are made to an executor, administrator, trustee, judgment creditor, or another person, or to the prize winner, as defined in section 3770.10 of the Revised Code.

(5) The state lottery commission shall adopt rules pursuant to section 3770.03 of the Revised Code concerning the payment of prize awards upon the death of a prize winner, as defined in section 3770.10 of the Revised Code. Upon the death of a prize winner, the remainder of the prize winner's prize award, to the extent it is not subject to a transfer agreement under sections 3770.10 to 3770.14 of the Revised Code, may be paid to the executor, administrator, or trustee in the form of a discounted lump sum cash settlement.

(E) No lottery prize award shall be awarded to or for any officer or employee of the state lottery commission, any officer or employee of the auditor of state actively auditing, coordinating, or observing commission drawings, or any blood relative or spouse of such an officer or employee of the commission or auditor of state living as a member of the officer's or employee's household, nor shall any such officer, employee, blood relative, or spouse attempt to claim a lottery prize award.

(F) The director may prohibit vendors to the state lottery commission and their employees from being awarded a lottery prize award.

(G) Upon the payment of prize awards pursuant to a provision of this section, other than a provision of division (D) of this section, the director and the state lottery commission are discharged from all further liability for their payment. Installment payments of lottery prize awards shall be paid by official check or warrant, and they shall be sent by mail delivery to the prize winner's address within the United States or by electronic funds transfer to an established bank account located within the United States, or the prize winner may pick them up at an office of the commission."

After line 3975, insert:

"**Sec. 3770.10.** As used in sections 3770.07 to 3770.073 and 3770.10 to 3770.14 of the Revised Code:

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner or transferor resides, or, if the prize winner or transferor is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award.

(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding.

(C) "Independent professional advice" means the advice of an attorney, a certified public accountant, an actuary, or any other licensed professional adviser if all of the following apply:

(1) The prize winner has engaged the services of the licensed professional adviser to render advice concerning the legal and other implications of a transfer of the lottery prize award.

(2) The licensed professional adviser is not affiliated in any manner with or compensated in any manner by the transferee of the lottery prize award.

(3) The compensation of the licensed professional adviser is not affected by whether or not a transfer of a lottery prize award occurs.

(D) "Prize winner" means any person that holds the right to receive all or any part of a lottery prize award as a result of being any of the following:

(1) A person who is a claimant under division (A) of section 3770.07 of the Revised Code;

(2) A person who is entitled to a prize award and who is under a legal disability as described in division (B) of section 3770.07 of the Revised Code;

(3) A person who was awarded a prize award to which another has claimed title by a federal bankruptcy court order or other court order referred to in division (D) of section 3770.07 of the Revised Code;

(4) A person who is receiving payments upon the death of a prize winner as provided in division (D) of section 3770.07 of the Revised Code.

(E) "Transfer" means any form of sale, assignment, or redirection of payment of all or any part of a lottery prize award for consideration.

(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of all or any part of a lottery prize award from a transferor to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following:

(1) A statement, signed by the transferor under penalties of perjury, that the transferor irrevocably agrees that the transferor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor will recognize in connection with the transfer. If the transferor is a pass-through entity, as defined in section 5733.04 of the

Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.

(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and that the transferee is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee will recognize in connection with lottery prize awards to be received as a result of the transfer. If the transferee is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement setting forth that the investor irrevocably agrees that the investor is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee and the investor will recognize in connection with lottery prize awards to be received as a result of the transfer.

(G) "Transferee" means a party acquiring or proposing to acquire all or any part of a lottery prize award through a transfer.

(H) "Transferor" means either a prize winner or a transferee in an earlier transfer whose interest is acquired by or is sought to be acquired by a transferee or a new transferee through a transfer.

(I) "Lottery prize award" includes winnings from lottery sports gaming.

Sec. 3770.23. As used in sections 3770.23 to 3770.25 of the Revised Code:

(A) "Sports gaming," "type C sports gaming proprietor," and "type C sports gaming host" have the same meanings as in section 3775.01 of the Revised Code.

(B) "Lottery sports gaming" means sports gaming conducted by a type C sports gaming proprietor on behalf of the state lottery commission and offered through lottery sales agents that are licensed as type C sports gaming hosts.

Sec. 3770.24. (A) The state lottery commission shall operate lottery sports gaming as part of the statewide lottery in accordance with this section and with Chapter 3775. of the Revised Code. The state lottery commission may adopt rules under Chapter 119. of the Revised Code, in consultation with the Ohio casino control commission, to implement sections 3770.23 to

3770.25 of the Revised Code, so long as those rules are not in conflict with the rules of the Ohio casino control commission.

(B)(1) Each type C sports gaming proprietor shall contract with the state lottery commission to operate lottery sports gaming on behalf of the state lottery commission in exchange for a portion of the state's proceeds from lottery sports gaming.

(2) All provisions of Chapter 3775. of the Revised Code that apply to type C sports gaming proprietors and type C sports gaming hosts apply to those persons when they operate or offer lottery sports gaming.

(3) A type C sports gaming proprietor may adapt any existing self-service or clerk-operated lottery terminals owned or operated by the sports gaming proprietor or the state lottery commission also to serve as lottery sports gaming terminals, subject to the rules of the Ohio casino control commission and the state lottery commission.

Sec. 3770.25. (A) The state lottery commission shall offer lottery sports gaming only at type C sports gaming hosts' facilities on self-service or clerk-operated terminals, and only to individuals who are at least twenty-one years of age and who are physically present on the premises of the facility.

(B) All of the following apply concerning lottery sports gaming:

(1) If a type C sports gaming proprietor intends to install more than two terminals in any type C sports gaming host's facility, the type C sports gaming proprietor shall notify the Ohio casino control commission of that fact not later than seven days before installing the additional terminals. The commission may disallow the installation of more than two terminals in the facility, in accordance with the commission's rules.

(2) The self-service terminal or the clerk, as applicable, shall verify that the lottery sports gaming participant is at least twenty-one years of age.

(3) A type C sports gaming proprietor may offer only the following types of wagers on sporting events, as approved by the Ohio casino control commission:

(a) Spread wagers;

(b) Over-under wagers;

(c) Moneyline wagers;

(d) Parlay wagers that are based on not more than four component wagers.

(4) A self-service terminal or clerk shall accept wagers only by cash, credit card, debit card, or electronic payment account. As used in this section, "electronic payment account" means an account maintained with a third party for purposes of making electronic payments, such as paypal, google pay, or apple pay, that is intended for general use and not only for sports gaming.

purposes.

(5) A self-service terminal or clerk shall not accept wagers aggregating more than seven hundred dollars in a calendar week from any one participant.

(6) The rules of the Ohio casino control commission and the state lottery commission concerning lottery sports gaming shall apply identically in all applicable respects to lottery sports gaming offered on a self-service terminal and to lottery sports gaming offered on a clerk-operated terminal.

(C)(1) A participant whose winnings from lottery sports gaming are of an amount that is not subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code may receive the participant's winnings by any of the following methods:

(a) As a credit to the participant's credit card, debit card, or electronic payment account.

(b) In cash from any type C sports gaming host;

(c) By any additional method permitted by the state lottery commission by rule.

(2) A participant whose winnings from lottery sports gaming are of an amount that is subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code may receive the participant's winnings in the same manner as any other lottery prize award of an amount that is subject to withholding under those sections."

In line 4345, after "proprietors," insert "the state lottery commission,"

After line 4684, insert:

"(D) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code."

In line 4685, delete "(D)(1)" and insert "(E)(1)"

In line 4697, delete "(E)" and insert "(F)"

In line 4700, delete "(F)" and insert "(G)"

In line 4705, delete "(G)" and insert "(H)"

In line 4710, delete "(H)" and insert "(I)"

In line 4721, delete "(I)" and insert "(J)"

In line 4724, delete "(J)" and insert "(K)"

In line 4727, delete "(K)(1)" and insert "(L)(1)"; delete "(K)(2)" and insert "(L)(2)"

In line 4745, delete "(L)(1)" and insert "(M)(1)"

In line 4747, delete "(a) With respect to sports gaming offered by a type A"

In line 4748, delete "or type B sports gaming proprietor, except" and insert "Except"

In line 4749, delete "(L)(3)" and insert "(M)(3)"; after "section" insert "and in section 3770.25 of the Revised Code"

Delete lines 4755 through 4758

In line 4763, after "terminals" insert ", other than lottery sports gaming authorized under sections 3770.23 to 3770.25 of the Revised Code"

In line 4769, delete "(M)" and insert "(N)"

In line 4778, delete "(N)" and insert "(O)"

In line 4782, delete "(O)" and insert "(P)"

In line 4788, delete "(P)" and insert "(Q)"

In line 4790, delete "(Q)" and insert "(R)"

In line 4794, delete "(R)" and insert "(S)"

In line 4796, delete "(S)(1)" and insert "(T)(1)"

In line 4813, delete "(T)" and insert "(U)"

In line 4817, delete "(U)" and insert "(V)"

In line 4820, delete "(V)" and insert "(W)"

In line 4823, delete "(W)" and insert "(X)"

In line 4825, after "self-service" insert "or clerk-operated"

In line 4827, delete "(X)" and insert "(Y)"

In line 4832, delete "(Y)" and insert "(Z)"

In line 4835, delete "(Z)" and insert "(AA)"

In line 4839, after "chapter" insert "or by sections 3770.23 to 3770.25 of the Revised Code"

In line 5054, after "(A)" insert "(1)"; delete "permitted under" and insert "otherwise provided in division (A)(2) of this"

In line 5055, delete "3770.23 of the Revised Code"

After line 5058, insert:

"(2) The state lottery commission is not required to receive a sports gaming license in order to operate lottery sports gaming under sections 3770.23 to 3770.25 of the Revised Code."

In line 5173, after "self-service" insert "or clerk-operated"

In line 5174, after "facilities" insert "under section 3770.25 of the Revised Code"

In line 5175, delete "three" and insert "two"

In line 5177, after "time." insert "However, if only one eligible and

suitable person applies for a type C sports gaming proprietor license, the commission shall issue the license."

In line 5613, after "self-service" insert "or clerk-operated"

In line 5631, delete "two" and insert "one"

In line 5641, delete "or the state lottery commission"

In line 5650, delete "host" and insert "proprietor"

In line 5806, after "Withhold" insert "all required"

Delete line 5807

In line 5808, delete "5747.063 of the Revised Code"

Delete lines 6004 through 6048

In line 6049, delete "3775.14" and insert "3775.13"

In line 6055, after "proprietor" insert "and to the state lottery commission"

In line 6102, after "commission" insert "or the state lottery commission"

In line 6124, after "proprietor" insert "and to the state lottery commission"; after "commission" insert ", the state lottery commission,"

In line 6138, delete "3775.15" and insert "3775.14"

In line 6175, delete "3775.14" and insert "3775.13"

In line 6199, delete "3775.16" and insert "3775.15"

In line 6210, delete "3775.17" and insert "3775.16"

In line 6267, delete "3775.14" and insert "3775.13"

In line 6323, after "commission" insert "or the state lottery commission"

In line 6327, after "commission" insert "or the state lottery commission"

In line 6332, after "commission" insert "or the state lottery commission"

In line 6336, after "commission" insert "or the state lottery commission"

In line 6340, delete "Chapter 3770." and insert "sections 3770.23 to 3770.25"

In line 6343, delete "a sports gaming proprietor" and insert "the person"

In line 6350, delete "a sports gaming proprietor" and insert "the person"

After line 6884, insert:

"Sec. 5747.064. The requirements imposed under this section are in addition to the municipal income tax withholding requirements under section 718.031 of the Revised Code.

(A) As used in this section, ~~"video";~~

(1) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

(2) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.

(B) If a person's prize award from a video lottery terminal or from lottery sports gaming offered in a video lottery terminal facility is an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the lottery sales agent shall deduct and withhold Ohio income tax from the person's prize award at a rate of four per cent of the amount won. The lottery sales agent shall issue, to a person from whose prize award an amount has been deducted or withheld, a receipt for the amount deducted and withheld, and also shall obtain from the person additional information that will be necessary for the lottery sales agent to prepare the returns required by this section.

(C) Amounts deducted and withheld by a lottery sales agent are held in trust for the benefit of the state.

(1) On or before the tenth day of each month, the lottery sales agent shall file a return electronically with the tax commissioner identifying the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding month, the amount of the prize award from which each such amount was withheld, and any other information required by the commissioner. With the return, the lottery sales agent shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month.

(2) A lottery sales agent shall maintain a record of all receipts issued under division (B) of this section and shall make those records available to the commissioner upon request. Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(3) Annually, on or before the thirty-first day of January, a lottery sales agent shall file an annual return electronically with the tax commissioner indicating the total amount deducted and withheld during the preceding calendar year. The lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly

return, that information shall be indicated on the annual return.

(4)(a) A lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. The commissioner may impose a penalty of up to one thousand dollars if a return is filed late, if amounts deducted and withheld are remitted late, if a return is not filed, or if amounts deducted and withheld are not remitted. Interest accrues on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code. The commissioner may collect past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if they were income taxes collected by an employer.

(b) If a lottery sales agent ceases to operate video lottery terminals, the amounts deducted and withheld and any penalties and interest thereon are immediately due and payable. A successor of the lottery sales agent that purchases the video lottery terminals from the agent shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld and penalties and interest thereon until the predecessor lottery sales agent produces either a receipt from the tax commissioner showing that the amounts deducted and withheld and penalties and interest thereon have been paid or a certificate from the commissioner indicating that no amounts deducted and withheld or penalties and interest thereon are due. If the successor fails to withhold purchase money, the successor is personally liable for payment of the amounts deducted and withheld and penalties and interest thereon, up to the amount of the purchase money.

(D)(1) Annually, on or before the thirty-first day of January, a lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount deducted from the person's prize award by the lottery sales agent during the preceding year.

(2) Annually, on or before the thirty-first day of January, a lottery sales agent shall provide to the tax commissioner a copy of each information return issued under division (D)(1) of this section for the preceding calendar year. The commissioner may require that such copies be transmitted electronically.

(E) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(F) The failure of a lottery sales agent to deduct and withhold the

required amount from a person's prize award does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to that income. Compliance with this section does not relieve a lottery sales agent or a person who has a prize award from compliance with relevant provisions of federal tax laws.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section and may promulgate any rules necessary to administer the section."

After line 7731, insert:

"(3) Receipts received from the operation of lottery sports gaming on behalf of the state under sections 3770.23 to 3770.25 of the Revised Code."

In line 7732, delete "(3)(i)" and insert "(4)(a)"

In line 7735, delete "(ii)" and insert "(b)"

In line 7963, delete "3775.13" and insert "3775.14"

In line 8225, after "3123.90" insert ", 3770.03, 3770.06, 3770.07"; after "3770.073" insert ", 3770.10"

In line 8227, after "5747.063" insert ", 5747.064"

In line 8248, delete "section 3775.13" and insert "sections 3770.23 to 3770.25"

In line 5060, after "chapter," insert "other than a type C sports gaming host license,"

In line 5618, delete "a person or entity" and insert "any eligible applicant"; delete "meets the requirements of"

In line 5619, delete "this chapter and of the commission's rules" and insert "the state lottery commission recommends"; after the underlined period insert "Notwithstanding any contrary provision of this chapter, an applicant for an initial or renewed type C sports gaming host license is not required to undergo a criminal background check or licensure suitability investigation in order to receive the license. The commission shall investigate the applicant to determine whether the applicant is eligible for the license and to ensure that the applicant complies with all applicable provisions of this chapter and of the rules of the commission."

In line 5620, delete "(1)"

In line 5622, delete "the fee required"

Delete line 5623

In line 5624, delete "along with"

In line 5626, delete lines 5626 through 5628

In line 5639, after the underlined period insert "A type C sports"

gaming proprietor shall notify the Ohio casino control commission of each type C sports gaming host that offers sports gaming through the type C sports gaming proprietor."

In line 5696, after "license" insert ", other than a type C sports gaming host license."

In line 5700, after "license" insert ", other than a type C sports gaming host license."

In line 8230, delete "The Ohio Casino Control Commission shall"

Delete lines 8231 through 8234 and insert "The Executive Director of the Ohio Casino Control Commission shall designate a universal start date for sports gaming that is not later than January 1, 2023. No person shall offer sports gaming in this state before the universal start date."

In line 8235, after "(B)" insert "(1) The Executive Director of the Ohio Casino Control Commission shall set a series of deadlines by which persons must apply for sports gaming licenses under Chapter 3775. of the Revised Code, as enacted by this act, in order to begin operating under the licenses on the universal start date, including the following deadlines:

(a) An earlier deadline for applications associated with a type A sports gaming proprietor and its designated first mobile management services provider, with a type B sports gaming proprietor, or with a type C sports gaming proprietor;

(b) A later deadline for applications associated with a type A sports gaming proprietor's designated second mobile management services provider or with a type C sports gaming host.

(2) The Commission shall process applications for type C sports gaming host licenses in an order that creates equity among applications from all areas of the state.

(3) If a person applies for a sports gaming license after the applicable deadline, the Commission is not required to review the application in time to issue the person a license before the universal start date.

(C) During the period beginning on the effective date of this section and ending on June 30, 2023, all of the following apply:

(1) At the request of an applicant for a sports gaming license under Chapter 3775. of the Revised Code, as enacted by this act, the Executive Director of the Ohio Casino Control Commission may issue a provisional sports gaming license of the applicable type to the applicant, so long as the applicant has submitted a completed application for the license, including paying the required application fee. The Commission may prescribe by rule the requirements to receive a provisional sports gaming license, including additional application and license fees.

(2) In evaluating a request for a provisional sports gaming license, the Executive Director may consider the applicant's apparent eligibility for a sports gaming license under Chapter 3775. of the Revised Code, as enacted by this act, including whether the applicant has previously undergone a suitability investigation similar to the investigation the applicant must undergo to receive the sports gaming license.

(3) The Executive Director shall determine the period for which a provisional sports gaming license is valid, provided that the period shall not exceed three months. The Executive Director may renew a provisional sports gaming license for one additional period not to exceed three months.

(D)"

After line 8239, insert:

"Section 4. (A) The Joint Committee on Sports Gaming is established. The Committee consists of six members. The Speaker of the House of Representatives shall appoint to the Committee three members of the House of Representatives, and the President of the Senate shall appoint to the Committee three members of the Senate. Not more than two members appointed from each chamber may be members of the same political party. The Speaker of the House of Representatives and the President of the Senate shall designate co-chairpersons of the Committee.

(B) The Committee shall monitor the implementation of sports gaming under this act and shall report its recommendations, if any, to the General Assembly.

(C) Any study, or any expense incurred, in furtherance of the Committee's objectives shall be paid for from, or out of, the Casino Control Commission Fund or other appropriation provided by law. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(D) The Committee ceases to exist on the date that is two years after the effective date of this section."

In line 8240, delete "4" and insert "5"

In line 8258, delete "5" and insert "6"

In line 8284, delete "6" and insert "7"

In line 8329, delete "7" and insert "8"

In line 8336, delete "8" and insert "9"

In line 8342, delete "9" and insert "10"

In line 1 of the title, after "109.572" insert ", 121.95"

In line 28, after "109.572" insert ", 121.95"

After line 670, insert:

"Sec. 121.95. (A) As used in this section, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of this section.

(B) Not later than December 31, 2019, a state agency shall review its existing rules to identify rules having one or more regulatory restrictions that require or prohibit an action and prepare a base inventory of the regulatory restrictions in its existing rules. Rules that include the words "shall," "must," "require," "shall not," "may not," and "prohibit" shall be considered to contain regulatory restrictions.

(C) In the base inventory, the state agency shall indicate all of the following concerning each regulatory restriction:

- (1) A description of the regulatory restriction;
- (2) The rule number of the rule in which the regulatory restriction appears;
- (3) The statute under which the regulatory restriction was adopted;
- (4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;
- (5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;
- (6) Any other information the joint committee on agency rule review considers necessary.

(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.

(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:

- (1) An internal management rule;

(2) An emergency rule;

(3) A rule that state or federal law requires the state agency to adopt verbatim;

(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code;

(5) A rule adopted pursuant to section 1347.15 of the Revised Code;

(6) A rule concerning instant lottery games;

(7) A rule adopted by the Ohio casino control commission or the state lottery commission concerning sports gaming;

(8) Any other rule that is not subject to review under Chapter 106. of the Revised Code.

(F) ~~Beginning on the effective date of this section~~ October 17, 2019, and ending on June 30, 2023, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction. "

In line 8222, after "109.572" insert ", 121.95"

Delete lines 8240 through 8257

In line 8258, delete "5" and insert "4"

In line 8284, delete "6" and insert "5"

In line 8329, delete "7" and insert "6"

In line 8336, delete "8" and insert "7"

In line 8342, delete "9" and insert "8"

In line 5249, after "A" insert "type A or type B"

In line 5250, after "years." insert "A type C sports gaming proprietor license shall be valid for a term of five years."

In line 5210, delete "Upon" and insert "After"; delete "an initial or renewed" and insert "a"

In line 5211, delete "applicant" and insert "sports gaming proprietor"

In line 5212, delete "fee" and insert "fees"; after "applicable," insert "not later than the dates indicated,"

In line 5214, delete "applicant" and insert "sports gaming proprietor"

In line 5217, delete "(a)"

Delete lines 5219 through 5240 and insert:

	1	2	3	4	5	6
A		<u>Upon</u> <u>issuance of</u> <u>license</u>	<u>One year</u> <u>after</u> <u>license</u> <u>issued</u>	<u>Two years</u> <u>after</u> <u>license</u> <u>issued</u>	<u>Three</u> <u>years after</u> <u>license</u> <u>issued</u>	<u>Four years</u> <u>after</u> <u>license</u> <u>issued</u>
B	<u>Initial or</u> <u>renewed license</u> <u>- type A sports</u> <u>gaming</u> <u>proprietor that</u> <u>is a professional</u> <u>sports</u> <u>organization</u> <u>and that is not</u> <u>contracting with</u> <u>more than one</u> <u>mobile</u> <u>management</u> <u>services</u> <u>provider</u>	<u>\$500,000</u>	<u>\$125,000</u>	<u>\$125,000</u>	<u>\$125,000</u>	<u>\$125,000</u>
C	<u>Initial or</u> <u>renewed license</u> <u>- any other type</u> <u>A sports gaming</u> <u>proprietor that</u> <u>is not</u>	<u>\$750,000</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>

contracting with
more than one
mobile
management
services
provider

D Initial license - \$1,666,667 \$416,667 \$416,667 \$416,667 \$416,667

type A sports
gaming
proprietor that
is a professional
sports
organization
and that is
contracting with
two mobile
management
services
providers

E Initial license - \$2,500,000 \$625,000 \$625,000 \$625,000 \$625,000

any other type
A sports gaming
proprietor that
is contracting
with two mobile
management

services

providers

F Renewed \$500,000 \$125,000 \$125,000 \$125,000 \$125,000

license - type A

sports gaming

proprietor that

is a professional

sports

organization

and that is

contracting with

two mobile

management

services

providers

G Renewed \$750,000 \$187,500 \$187,500 \$187,500 \$187,500

license - any

other type A

sports gaming

proprietor that

is contracting

with two mobile

management

services

providers

"

In line 5241, delete "(a)"; delete "an initial" and insert "a"

In line 5242, after "dollars" insert "upon being issued an initial license and twenty-five thousand dollars upon being issued a renewed license"

Delete lines 5243 and 5244

In line 5245, delete "(a)"; delete "an initial" and insert "a"

In line 5246, delete ";

Delete line 5247 and insert "upon being issued an initial license and"

In line 5248, after "dollars" insert "upon being issued a renewed license"

In line 5250, delete "three" and insert "five"

In line 5333, delete the first "A" and insert "Except as otherwise provided in division (A)(2)(b) of this section, a"

In line 5334, delete "that is a professional sports organization"

In line 5338, after "that" insert "is a professional sports organization or"; delete "not"

In line 5339, delete "professional sports organization" and insert "casino operator or video lottery sales agent"; delete "not more than"

In line 5340, delete "two" and insert "one additional"; delete "providers" and insert "provider"

In line 5342, after "contract" insert ", if the sports gaming proprietor demonstrates to the Ohio casino control commission that the second contract would generate an incremental economic benefit to this state beyond the economic benefits generated by the first contract and that the second contract will not prevent another type A sports gaming proprietor from securing a contract with a mobile management services provider"; after ";" insert:

"(c) For purposes of the license fees described in division (B)(3) of this section:

(i) The first mobile management services provider with which the type A sports gaming proprietor enters into a contract is considered the designated first mobile management services provider.

(ii) If the type A sports gaming proprietor contracts with another mobile management services provider while still contracting with the designated first mobile management services provider, the additional mobile management services provider is considered the designated second mobile management services provider.

(d) The commission shall adopt by rule a procedure allowing the commission to revoke a designated second mobile management services provider's license if the licensee does not actively offer sports gaming under the license to the economic benefit of this state for a continuous period of one

year or more."

In line 5374, after "section." insert "A mobile management services provider license entitles the holder to contract with one type A sports gaming proprietor."

In line 5384, delete "(a) Upon" and insert "After"; delete "an initial or renewed" and insert "a"

In line 5385, delete "applicant" and insert "mobile management services provider"; delete "a" and insert "the following"

In line 5386, delete "fee of one million dollars."

Delete lines 5387 through 5389

In line 5390, delete "interim license fee as follows" and insert "fees, as applicable, not later than the dates indicated"

Delete lines 5391 through 5406 and insert:

	1	2	3	4	5	6
A		<u>Upon</u>	<u>One year</u>	<u>Two years</u>	<u>Three</u>	<u>Four years</u>
		<u>issuance of</u>	<u>after</u>	<u>after</u>	<u>years after</u>	<u>after</u>
		<u>license</u>	<u>license</u>	<u>license</u>	<u>license</u>	<u>license</u>
			<u>issued</u>	<u>issued</u>	<u>issued</u>	<u>issued</u>
B	<u>Initial or</u>	<u>\$1,000,000</u>	<u>\$250,000</u>	<u>\$250,000</u>	<u>\$250,000</u>	<u>\$250,000</u>
	<u>renewed license</u>					
	<u>- designated</u>					
	<u>first mobile</u>					
	<u>management</u>					
	<u>services</u>					
	<u>provider for a</u>					
	<u>type A sports</u>					
	<u>gaming</u>					
	<u>proprietor that</u>					

is a professional

sports

organization

C	<u>Initial or</u>	<u>\$750,000</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>
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renewed license

- designated

first mobile

management

services

provider for any

other type A

sports gaming

proprietor

D	<u>Initial license -</u>	<u>\$3,333,333</u>	<u>\$833,333</u>	<u>\$833,333</u>	<u>\$833,333</u>	<u>\$833,333</u>
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designated

second mobile

management

services

provider for a

type A sports

gaming

proprietor that

is a professional

sports

organization

E	<u>Initial license -</u> <u>designated</u> <u>second mobile</u> <u>management</u> <u>services</u> <u>provider for any</u> <u>other type A</u> <u>sports gaming</u> <u>proprietor</u>	<u>\$2,500,000</u>	<u>\$625,000</u>	<u>\$625,000</u>	<u>\$625,000</u>	<u>\$625,000</u>
F	<u>Renewed</u> <u>license -</u> <u>designated</u> <u>second mobile</u> <u>management</u> <u>services</u> <u>provider for a</u> <u>type A sports</u> <u>gaming</u> <u>proprietor that</u> <u>is a professional</u> <u>sports</u> <u>organization</u>	<u>\$1,000,000</u>	<u>\$250,000</u>	<u>\$250,000</u>	<u>\$250,000</u>	<u>\$250,000</u>
G	<u>Renewed</u> <u>license -</u> <u>designated</u> <u>second mobile</u> <u>management</u>	<u>\$750,000</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>	<u>\$187,500</u>

services

provider for any

other type A

sports gaming

proprietor

"

In line 5408, delete "three" and insert "five"

In line 5444, delete "contracts a"; after "provider" insert "licenses a person"

In line 5445, delete "have with type A sports gaming proprietors under this section" and insert "hold"

In line 5485, after "section." insert "A management services provider license entitles the holder to contract with one type B sports gaming proprietor."

In line 5502, delete "three" and insert "five"

In line 5536, delete "contracts a"; after "provider" insert "licenses a person"; delete "have with"

In line 5537, delete "type B sports gaming proprietors under this section" and insert "hold"

In line 17 of the title, delete "and"; after "5753.031" insert ", and 5902.22"

In line 40, delete "and"; after "5753.031" insert ", and 5902.22"

In line 4973, delete "division" and insert "divisions"; after "(G)(2)" insert "and (3)"

In line 4979, after "(2)" insert "Of the license fees described in division (E) of section 3775.04, division (B)(3) of section 3775.05, and division (B)(3) of section 3775.051 of the Revised Code, the commission shall deposit one half of one per cent in the sports gaming profits veterans fund created under section 5902.22 of the Revised Code and shall deposit the remainder in the sports gaming revenue fund created under section 5753.031 of the Revised Code.

(3)"

In line 4981, delete ". The commission" and insert "and"

In line 4982, delete ", along with the license fees described in"

Delete lines 4983 and 4984

In line 4985, delete "Code."

In line 7892, after "The" insert "remainder of the"; delete "for an initial or renewed sports gaming"

In line 7893, delete "proprietor license collected under" and insert "described in"; delete "(D)" and insert "(G)(2)"

In line 7894, delete "3775.04" and insert "3775.02"; after "Code" insert ", after the Ohio casino control commission deposits the required amount in the sports gaming profits veterans fund under that division"

In line 7895, delete "The fees for an initial or renewed mobile management"

Delete lines 7896 through 7900

In line 7901, delete "(e)"

In line 7903, delete "(f)" and insert "(d)"

After line 8221, insert:

"Sec. 5902.22. (A) As used in this section, "armed forces" and "veteran" have the same meanings as in section 5903.01 of the Revised Code.

(B) The sports gaming profits veterans fund is hereby created in the state treasury. Interest earned on the moneys in the fund shall be credited to the fund. The director of veterans services shall use all moneys credited to the fund for the following purposes:

(1) For the direct benefit of veterans and their spouses and dependents, for the following purposes:

(a) Job training or assistance for job retraining;

(b) Assistance during a period of unemployment due to prolonged physical or mental illness or disability of the veteran resulting from service in the armed forces;

(c) Individual counseling or family counseling programs;

(d) Family support group programs or programs for children of members of the armed forces;

(e) Honor guard services.

(2) To provide additional funding to a county veterans service commission to alleviate inequality of funding among such commissions;

(3) To provide additional funding to a county veterans service commission in response to an emergency or declared disaster;

(4) To provide additional funding to an Ohio veterans home established under Chapter 5907. of the Revised Code;

(5) To provide funding to a program administered by the Ohio national guard that provides support to members of the armed forces and their families, especially during deployments."

In line 5151, after "(3)(a)" insert "(i)"; delete "No" and insert "Except as otherwise provided in division (B)(3)(a)(ii) of this section, no"

After line 5153, insert:

"(ii) The commission may issue an initial or renewed type B sports gaming proprietor license for one sports gaming facility to be located in a county with a population of fifty thousand or more, but less than one hundred thousand, as determined by the 2010 federal decennial census, at any one time, if the commission determines, in consultation with the department of development, that the county received at least five million visitors for purposes of tourism during the most recent calendar year for which the necessary data are available."

In line 5170, after "the" insert "department of"; delete "services agency"

In line 4882, after "(12)" insert "A procedure by which a sports governing body may request anonymized sports gaming data from a sports gaming proprietor if the sports governing body believes that the integrity of one of its sporting events is in question.

(13) A procedure by which a state university may request anonymized sports gaming data from a sports gaming proprietor for the purpose of conducting research to assist the commission in ensuring the integrity of sports gaming or to improve state-funded services related to responsible gambling and problem gambling. The data are not a public record, and the state university shall not disclose the data to any person, except for the purpose of conducting the research described in this division, as part of a peer-reviewed research report, or pursuant to an agreement between the state university and the sports gaming proprietor. As used in this division, "state university" has the same meaning as in section 3345.011 of the Revised Code.

(14)

In line 5006, delete "."

In line 5007, delete "as permitted under division (I)(3) of this section."

Delete lines 5009 through 5021

In line 5814, after "laws" insert ";

(16) Promptly provide anonymized sports gaming data to a sports governing body or a state university that submits a valid request for the data under division (B)(12) or (13) of section 3775.02 of the Revised Code"

In line 14 of the title, after "3775.09" insert ", 3775.091"

In line 38, after "3775.09" insert ", 3775.091"

After line 5754, insert:

"Sec. 3775.091. (A) The director of administrative services shall engage an independent consultant to conduct a study to determine whether, and the extent to which, qualified persons experience discrimination or disadvantage in the sports gaming industry on the basis of their membership in a racial minority group, their color or ethnicity, their gender, or their disability. The director shall provide the results of the study to the Ohio casino control commission and shall inform the commission whether, in the director's opinion, the results of the study warrant action by the commission under division (B) of this section.

(B) If the commission determines that the results of the study described in division (A) of this section so warrant, the commission shall establish goals to ensure that sports gaming licenses are issued to applicants described in division (A) of this section on an equitable basis with other applicants and shall disseminate information about the commission's licensing goals through targeted media.

(C) The commission may require, by rule, that sports gaming proprietors pay the cost of disseminating information through targeted media under division (B) of this section."

In line 5154, delete "Not" and insert "(i) Except as otherwise provided in division (B)(3)(b)(ii) of this section, not"

After line 5157, insert:

"(ii) Not more than two sports gaming facilities shall be located in a county with a population of one hundred thousand or more, but less than four hundred thousand, as determined by the 2010 federal decennial census, at any one time, if a video lottery sales agent operates video lottery terminals at a facility in the county."

In line 5210, delete "Upon" and insert "After"

In line 5211, delete "applicant" and insert "sports gaming proprietor"

In line 5212, delete "fee" and insert "fees"; after "applicable," insert "not later than the dates indicated,"

In line 5214, delete "applicant" and insert "sports gaming proprietor"

In line 5241, after "initial" insert "or renewed"

In line 5242, delete ", one hundred thousand dollars,"

Delete lines 5243 and 5244 and insert ";

	1	2	3	4	5	6
A		<u>Upon</u>	<u>One year</u>	<u>Two years</u>	<u>Three</u>	<u>Four</u>
		<u>issuance of</u>	<u>after</u>	<u>after</u>	<u>years after</u>	<u>years</u>

	<u>license</u>	<u>license</u>	<u>license</u>	<u>license</u>	<u>after</u>
		<u>issued</u>	<u>issued</u>	<u>issued</u>	<u>license</u>
					<u>issued</u>
B <u>Type B sports</u>	<u>\$100,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>gaming</u>					
<u>proprietor that is</u>					
<u>also a type A</u>					
<u>sports gaming</u>					
<u>proprietor</u>					
C <u>Type B sports</u>	<u>\$50,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
<u>gaming</u>					
<u>proprietor that is</u>					
<u>not also a type A</u>					
<u>sports gaming</u>					
<u>proprietor</u>					

"

In line 5249, after "A" insert "type A or type C"

In line 5250, after "years." insert "A type B sports gaming proprietor license shall be valid for a term of five years."

In line 5485, after "section." insert "A management services provider license entitles the holder to contract with one type B sports gaming proprietor."

In line 5495, delete "(a) Upon" and insert "After"; after "initial" insert "or renewed"

In line 5496, delete "a" and insert "the following"

In line 5497, delete "fee of one hundred thousand dollars."

Delete lines 5498 through 5500 and insert "fees, as applicable, not later than the dates indicated:"

A	<u>Upon</u>	<u>One year</u>	<u>Two years</u>	<u>Three</u>	<u>Four</u>
	<u>issuance of</u>	<u>after</u>	<u>after</u>	<u>years after</u>	<u>years</u>
	<u>license</u>	<u>license</u>	<u>license</u>	<u>license</u>	<u>after</u>
		<u>issued</u>	<u>issued</u>	<u>issued</u>	<u>license</u>
					<u>issued</u>

B	<u>Management</u>	<u>\$100,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
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services provider
that is
contracting with
a type B sports
gaming
proprietor that is
also a type A
sports gaming
proprietor

C	<u>Any other</u>	<u>\$50,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
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management
services provider
 "

In line 5502, delete "three" and insert "five"

In line 5536, delete "contracts a"; after "provider" insert "licenses a person"; delete "have with"

In line 5537, delete "type B sports gaming proprietors under this section" and insert "hold"

In line 5128, delete "The" and insert "(a) Except as otherwise provided under division (A)(2)(b) of this section, the"

After line 5130, insert:

"(b) When twenty-five type A sports gaming proprietors are licensed in this state, the commission may issue additional type A sports gaming proprietor licenses to eligible applicants who demonstrate to the commission that the sports gaming market in this state needs additional type A sports

gaming proprietors."

In line 5334, after "organization" insert "or whose license was issued under division (A)(2)(b) of section 3775.04 of the Revised Code"

In line 5338, delete the first "A" and insert "Any other"; delete "that is not a"

In line 5339, delete "professional sports organization"

In line 1 of the title, delete ", 317.24, 317.241"

In line 17 of the title, delete "allow a"

Delete lines 18 through 20 of the title

In line 21 of the title, delete "veterans identification card, to"

In line 28, delete ", 317.24, 317.241"

Delete lines 671 through 886

In line 8222, delete ", 317.24,"

In line 8223, delete "317.241"

In line 9 of the title, delete "and" and insert ";"

In line 17 of the title, after "5753.031" insert "; and to repeal section 3772.28"

After line 8229, insert:

"Section 3. That section 3772.28 of the Revised Code is hereby repealed."

In line 8230, delete "3" and insert "4"

In line 8240, delete "4" and insert "5"

In line 8258, delete "5" and insert "6"

In line 8284, delete "6" and insert "7"

In line 8329, delete "7" and insert "8"

In line 8336, delete "8" and insert "9"

In line 8342, delete "9" and insert "10"

Delete lines 8258 through 8283

In line 8284, delete "6" and insert "5"

In line 8329, delete "7" and insert "6"

In line 8336, delete "8" and insert "7"

In line 8342, delete "9" and insert "8"

In line 5783, delete "Maintain the confidentiality of any confidential"

Delete lines 5784 through 5786

In line 5787, delete "(8)"

In line 5793, delete "(9)" and insert "(8)"

In line 5795, delete "(10)" and insert "(9)"

In line 5798, delete "(11)" and insert "(10)"

In line 5800, delete "(12)" and insert "(11)"

In line 5802, delete "(13)" and insert "(12)"

In line 5806, delete "(14)" and insert "(13)"

In line 5809, delete "(15)" and insert "(14)"

After line 5854, insert:

"(H)(1) A sports gaming proprietor shall maintain the confidentiality of any information provided to the sports gaming proprietor by a sports governing body that the sports governing body designates as confidential, except as otherwise required by law or by order of the commission. The sports gaming proprietor shall not use such confidential information for business or marketing purposes, except with the express written approval of the sports governing body.

(2) A sports governing body shall maintain the confidentiality of any information provided to the sports governing body by a sports gaming proprietor that the sports gaming proprietor designates as confidential, except as otherwise required by law or by order of the commission. The sports governing body shall not use such confidential information for business or marketing purposes, except with the express written approval of the sports gaming proprietor."

In line 4685, delete "(D)(1)" and insert "(D) "Esports event" means an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams.

(E)(1)"

In line 4697, delete "(E)" and insert "(F)"

In line 4700, delete "(F)" and insert "(G)"

In line 4705, delete "(G)" and insert "(H)"

In line 4710, delete "(H)" and insert "(I)"

In line 4721, delete "(I)" and insert "(J)"

In line 4724, delete "(J)" and insert "(K)"

In line 4727, delete "(K)(1)" and insert "(L)(1)"; delete "(K)(2)" and insert "(L)(2)"

In line 4731, after "race," insert "any esports event."

In line 4745, delete "(L)(1)" and insert "(M)(1)"

In line 4749, delete "(L)(3)" and insert "(M)(3)"

In line 4769, delete "(M)" and insert "(N)"

In line 4778, delete "(N)" and insert "(O)"

In line 4782, delete "(O)" and insert "(P)"

In line 4788, delete "(P)" and insert "(Q)"

In line 4790, delete "(Q)" and insert "(R)"

In line 4794, delete "(R)" and insert "(S)"

In line 4796, delete "(S)(1)" and insert "(T)(1)"

In line 4813, delete "(T)" and insert "(U)"

In line 4817, delete "(U)" and insert "(V)"

In line 4820, delete "(V)" and insert "(W)"

In line 4823, delete "(W)" and insert "(X)"

In line 4827, delete "(X)" and insert "(Y)"

In line 4832, delete "(Y)" and insert "(Z)"

In line 4835, delete "(Z)" and insert "(AA)"

Delete lines 8329 through 8335

In line 8336, delete "8" and insert "7"

In line 8342, delete "9" and insert "8"

In line 4868, after "(a)" insert "They clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning:

(b) They disclose the identity of the sports gaming proprietor and, if applicable, the mobile management services provider or management services provider:

(c)"

Delete lines 4872 and 4873

In line 4874, delete "(c)" and insert "(d)"; after "They" insert "include messages designed to prevent problem gambling and"

In line 4876, delete "(d)" and insert "(e)"

In line 7828, strike through "five" and insert "ten"

In line 4731, delete "any horse race,"

In line 4760, delete "Pari-mutuel betting" and insert "Wagering"; delete "the outcome of a"; delete "race, as"

In line 4761, delete "authorized under Chapter 3769. of the Revised Code" and insert "racing"

In line 6 of the title, after "3772.03" insert ", 3772.031, 3772.04"

In line 32, after "3772.03" insert ", 3772.031, 3772.04"

After line 4533, insert:

"Sec. 3772.031. (A) The general assembly finds that the exclusion or ejection of certain persons from casino facilities is necessary to effectuate the intents and purposes of this chapter and to maintain strict and effective regulation of casino gaming. The commission, by rule, shall provide for a list of persons who are to be excluded or ejected from a casino facility. Persons included on the exclusion list shall be identified by name and physical description. The commission shall publish the exclusion list on its web site, and shall transmit a copy of the exclusion list periodically to casino operators, as it is initially issued and thereafter as it is revised from time to time. A casino operator shall take steps necessary to ensure that all its key employees and casino gaming employees are aware of and understand the exclusion list and its function, and that all its key employees and casino gaming employees are kept aware of the content of the exclusion list as it is issued and thereafter revised from time to time.

(B) The exclusion list may include any person whose presence in a casino facility is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of this chapter, or to the strict and effective regulation of casino gaming. In determining whether to include a person on the exclusion list, the commission may consider:

(1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and

(2) A violation, or a conspiracy to violate, any provision of this chapter that consists of:

(a) A failure to disclose an interest in a gaming facility for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's

presence within a casino facility may call into question the honesty and integrity of the casino gaming operations or interfere with the orderly conduct of the casino gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state;

(7) If the commission has suspended the person's gaming privileges;

(8) If the commission has revoked the person's licenses related to this chapter;

(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility;

(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility.

Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on the exclusion list.

(C) The commission shall notify a person of the commission's intent to include such person on the exclusion list. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility is located.

~~(D) A(1) Except as otherwise provided in this section, a person who receives notice of intent to include the person on the exclusion list is entitled, upon the person's request, to an adjudication hearing under Chapter 119. of the Revised Code, except as provided in this section, in which the person may demonstrate why the person should not be included on the exclusion list. The person shall request such an adjudication hearing not later than thirty days after the person receives the notice by personal service or certified mail, or not later than thirty days after the last newspaper publication of the notice. If~~

(2) If the person does not request a hearing in accordance with division (D)(1) of this section, the commission may, but is not required to, conduct an adjudication hearing under Chapter 119. of the Revised Code. The commission may reopen an adjudication under this section at any time.

(3) If the adjudication hearing, order, or any appeal thereof under Chapter 119. of the Revised Code results in an order that the person should not be included on the exclusion list, the commission shall publish a revised

exclusion list that does not include the person. The commission also shall notify casino operators that the person has been removed from the exclusion list. A casino operator shall take all steps necessary to ensure its key employees and casino gaming employees are made aware that the person has been removed from the exclusion list.

(E) This section does not apply to the voluntary exclusion list created as part of the voluntary exclusion program.

Sec. 3772.04. (A)(1) If the commission concludes that an applicant, licensee, or other person subject to the commission's jurisdiction under this chapter should be fined or penalized, or that a license required by this chapter should be limited, conditioned, restricted, suspended, revoked, denied, or not renewed, the commission may, and if so requested by ~~a the licensee or~~ applicant, or other person, shall, conduct a hearing in an adjudication under Chapter 119. of the Revised Code. After notice and opportunity for a hearing, the commission may fine or penalize the applicant, licensee, or other person ~~or~~ limit, condition, restrict, suspend, revoke, deny, or not renew a license under rules adopted by the commission. The commission may reopen ~~a licensing~~ an adjudication under this section at any time.

(2) The commission shall appoint a hearing examiner to conduct the hearing in the adjudication. A party to the adjudication may file written objections to the hearing examiner's report and recommendations not later than the thirtieth day after they are served upon the party or the party's attorney or other representative of record. The commission shall not take up the hearing examiner's report and recommendations earlier than the thirtieth day after the hearing examiner's report and recommendations were submitted to the commission.

(3) If the commission finds that a person fails or has failed to meet any requirement under this chapter or a rule adopted thereunder, or violates or has violated this chapter or a rule adopted thereunder, the commission may issue an order:

(a) Limiting, conditioning, restricting, suspending, revoking, denying, or not renewing, a license issued under this chapter;

(b) Requiring a casino facility to exclude a licensee from the casino facility or requiring a casino facility not to pay to the licensee any remuneration for services or any share of profits, income, or accruals on the licensee's investment in the casino facility; or

(c) Fining a licensee or other person according to the penalties adopted by the commission.

(4) An order may be judicially reviewed under section 119.12 of the Revised Code.

(B) Without in any manner limiting the authority of the commission

to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:

(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;

(2) If the licensee has previously been disciplined by the commission;

(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;

(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;

(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;

(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;

(7) If the licensee realized a pecuniary gain from the violation;

(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee;

(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;

(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;

(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;

(12) If the licensee's action substantially deviated from industry standards and customs;

(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;

(14) If the licensee has initiated remedial measures to prevent similar violations;

(15) The magnitude of penalties imposed on other licensees for similar violations;

(16) The proportionality of the penalty in relation to the misconduct;

(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;

(18) Any mitigating factors offered by the licensee; and

(19) Any other factors the commission considers relevant.

(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual notice to all interested parties.

(D)(1) For the purpose of conducting the hearing in an adjudication under division (A) of this section, or in the discharge of any duties imposed by this chapter, the commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any papers, books, and accounts, directed to the sheriffs of the counties where such witnesses or papers, books, and accounts are found and cause the deposition of any witness. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases.

(2) In the event of the refusal of any person without good cause to comply with the terms of a subpoena issued by the commission or refusal to testify on matters about which the person may lawfully be questioned, the prosecuting attorney of the county in which such person resides, upon the petition of the commission, may bring a proceeding for contempt against such person in the court of common pleas of that county.

(3) Witnesses shall be paid the fees and mileage provided for in section 119.094 of the Revised Code.

(4) All fees and mileage expenses incurred at the request of a party shall be paid in advance by the party.

(E) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to proponents and opponents of an issue before the commission.

(F) The commission may rely, in whole or in part, upon investigations, conclusions, or findings of other casino gaming commissions or other government regulatory bodies in connection with licensing, investigations, or other matters relating to an applicant or licensee under this chapter.

(G) Notwithstanding anything to the contrary in this chapter, and except with respect to a casino operator, management company, or holding company, the executive director may issue an emergency order for the suspension, limitation, or conditioning of any license, registration, approval,

or certificate issued, approved, granted, or otherwise authorized by the commission under Chapter 3772. of the Revised Code or the rules adopted thereunder, requiring the inclusion of persons on the commission's exclusion list provided for under section 3772.031 of the Revised Code and the rules adopted thereunder, and requiring a casino facility not to pay a licensee, registrant, or approved or certified person any remuneration for services or any share of profits, income, or accruals on that person's investment in the casino facility.

(1) An emergency order may be issued when the executive director finds either of the following:

(a) A licensee, registrant, or approved or certified person has been charged with a violation of any of the criminal laws of this state, another state, or the federal government;

(b) Such an action is necessary to prevent a violation of this chapter or a rule adopted thereunder.

(2) An emergency order issued under division (G) of this section shall state the reasons for the commission's action, cite the law or rule directly involved, and state that the party will be afforded a hearing if the party requests it within thirty days after the time of mailing or personal delivery of the order.

(3)(a) Not later than the next business day after the issuance of the emergency order, the order shall be sent by registered or certified mail, return receipt requested, to the party at the party's last known mailing address appearing in the commission's records or personally delivered at any time to the party by an employee or agent of the commission.

(b) A copy of the order shall be mailed to the attorney or other representative of record representing the party.

(c) If the order sent by registered or certified mail is returned because the party fails to claim the order, the commission shall send the order by ordinary mail to the party at the party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete when the certificate of mailing is obtained unless the order is returned showing failure of delivery.

(d) If the order sent by registered, certified, or ordinary mail is returned for failure of delivery, the commission shall either make personal delivery of the order by an employee or agent of the commission or cause a summary of the substantive provisions of the order to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located.

(i) Failure of delivery occurs only when a mailed order is returned by the postal authorities marked undeliverable, address or addressee unknown,

or forwarding address unknown or expired.

(ii) When service is completed by publication, a proof of publication affidavit, with the first publication of the summary set forth in the affidavit, shall be mailed by ordinary mail to the party at the party's last known address and the order shall be deemed received as of the date of the last publication.

(e) Refusal of delivery of the order sent by mail or personally delivered to the party is not failure of delivery and service is deemed to be complete.

(4) The emergency order shall be effective immediately upon service of the order on the party. The emergency order shall remain effective until further order of the executive director or the commission.

(5) The commission may, and if so requested by the person affected by the emergency order shall, promptly conduct a hearing in an adjudication under Chapter 119. of the Revised Code."

In line 8226, after "3772.03" insert ", 3772.031, 3772.04"

In line 4813, after "(T)" insert "\"Sports gaming voluntary exclusion program\" means the program described in division (B)(11) of section 3775.02 of the Revised Code.

(U)"

In line 4817, delete "(U)" and insert "(V)"

In line 4820, delete "(V)" and insert "(W)"

In line 4823, delete "(W)" and insert "(X)"

In line 4827, delete "(X)" and insert "(Y)"

In line 4832, delete "(Y)" and insert "(Z)"

In line 4835, delete "(Z)" and insert "(AA)"

In line 4878, after "(11)" insert "A sports gaming voluntary exclusion program, which shall allow a person to voluntarily exclude the person's self from participating in sports gaming conducted under this chapter by placing the person's name on a voluntary exclusion list and following procedures set forth by the commission.

(a) All of the following apply to the sports gaming voluntary exclusion program:

(i) Except as provided by the commission by rule, a person who participates in the program shall agree to refrain from participating in sports gaming conducted under this chapter.

(ii) The name of a person participating in the program shall be included on a list of persons excluded from participating in sports gaming conducted under this chapter.

(iii) Except as provided by the commission by rule, no person who participates in the program shall petition the commission for admittance into a sports gaming facility or for permission to participate in sports gaming conducted under this chapter.

(iv) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to the state lottery commission, to a sports gaming proprietor and its agents and employees for purposes of enforcement, and to other entities, upon request of the participant and agreement by the commission.

(v) A sports gaming proprietor shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(vi) A sports gaming proprietor shall not cash the check of a person participating in the program or extend credit to the person in any manner. However, the program shall not exclude a sports gaming proprietor from seeking the payment of a debt accrued by a person before participating in the program.

(vii) Any and all locations at which a person may register as a participant in the program shall be published.

(b) The commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in the voluntary exclusion program established under Chapter 3772. of the Revised Code. The state lottery commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in any voluntary exclusion program established under Chapter 3770. of the Revised Code.

(c) The commission shall not automatically enroll a person in the sports gaming voluntary exclusion program on the sole basis that the person is a participant in a voluntary exclusion program established under Chapter 3770. or 3772. of the Revised Code as of the effective date of this section. This division does not prohibit a sports gaming proprietor from excluding the person from participating in sports gaming conducted by the sports gaming proprietor under division (B) of section 3775.14 of the Revised Code on that sole basis.

(12)"

In line 4882, delete "(12)" and insert "(13)"

In line 6082, delete "No person who is on the voluntary exclusion list"

Delete lines 6083 and 6084

In line 6085, delete "by a sports gaming proprietor." and insert "(1)"

In line 6086, delete "the" and insert "any"; after "person" insert "who is participating in the sports gaming voluntary exclusion program"

After line 6088, insert:

"(2) Absent gross negligence, all of the following persons are immune from any type of civil liability on the basis that a person who is participating in the sports gaming voluntary exclusion program enters or accesses a sports gaming facility or participates in sports gaming conducted under this chapter:

(a) The commission or any other agency of this state and its agents or employees;

(b) A sports gaming licensee and its agents or employees."

In line 6 of the title, after "3772.03" insert ", 3772.031, 3772.04"

In line 32, after "3772.03" insert ", 3772.031, 3772.04"

After line 4533, insert:

"Sec. 3772.031. (A)(A)(1) The general assembly finds that the exclusion or ejection of certain persons from casino facilities and from sports gaming is necessary to effectuate the intents and purposes of this chapter and Chapter 3775. of the Revised Code and to maintain strict and effective regulation of casino gaming and sports gaming. ~~The~~

(2) The commission, by rule, shall provide for a list of persons who are to be excluded or ejected from a casino facility and a list of persons who are to be excluded or ejected from a sports gaming facility and from participating in the play or operation of sports gaming in this state. Persons included on ~~the~~ an exclusion list shall be identified by name and physical description. The commission shall publish the exclusion list lists on its web site, and shall transmit a copy of the exclusion list lists periodically to casino operators and sports gaming proprietors, as applicable, as it is they are initially issued and thereafter as ~~it is they are~~ they are revised from time to time. ~~A~~

(3) A casino operator shall take steps necessary to ensure that all its key employees and casino gaming employees are aware of and understand the casino exclusion list and its function, and that all its key employees and casino gaming employees are kept aware of the content of the casino exclusion list as it is issued and thereafter revised from time to time.

(4) A sports gaming proprietor shall take steps necessary to ensure that its appropriate agents and employees are aware of and understand the sports gaming exclusion list and its function, and that all its appropriate agents and employees are kept aware of the content of the sports gaming exclusion list as it is issued and thereafter revised from time to time.

(B) The casino exclusion list may include any person whose presence in a casino facility is determined by the commission to pose a threat to the

interests of the state, to achieving the intents and purposes of this chapter, or to the strict and effective regulation of casino gaming. The sports gaming exclusion list may include any person whose presence in a sports gaming facility or whose participation in the play or operation of sports gaming in this state is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of Chapter 3775. of the Revised Code, or to the strict and effective regulation of sports gaming. In determining whether to include a person on ~~the an~~ exclusion list, the commission may consider:

(1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(7) If the commission has suspended the person's gaming privileges;

(8) If the commission has revoked the person's licenses related to this chapter or Chapter 3775. of the Revised Code;

(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility or a sports gaming facility;

(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility or in the sports gaming industry in this state.

Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on ~~the~~ an exclusion list.

(C) The commission shall notify a person of the commission's intent to include such person on ~~the one or both~~ exclusion list lists. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility or sports gaming facility, as applicable, is located.

(D) A person who receives notice of intent to include the person on ~~the~~ an exclusion list is entitled to an adjudication hearing under Chapter 119. of the Revised Code, except as provided in this section, in which the person may demonstrate why the person should not be included on the exclusion list or lists. The person shall request such an adjudication hearing not later than thirty days after the person receives the notice by personal service or certified mail, or not later than thirty days after the last newspaper publication of the notice. If the adjudication hearing or any appeal under Chapter 119. of the Revised Code results in an order that the person should not be included on the exclusion list or lists, the commission shall publish a revised exclusion list that does not include the person. The commission also shall notify casino operators or sports gaming proprietors, as applicable, that the person has been removed from the exclusion list or lists. A casino operator shall take all steps necessary to ensure its key employees and casino gaming employees are made aware that the person has been removed from the casino exclusion list. A sports gaming proprietor shall take all steps necessary to ensure its appropriate agents and employees are made aware that the person has been removed from the sports gaming exclusion list.

(E) This section does not apply to ~~the~~ any voluntary exclusion list created as part of ~~the~~ a voluntary exclusion program under this chapter or Chapter 3775. of the Revised Code.

Sec. 3772.04. (A)(1) If the commission concludes that a license required by this chapter should be limited, conditioned, restricted, suspended, revoked, denied, or not renewed, the commission may, and if so requested by a licensee or applicant, shall, conduct a hearing in an adjudication under

Chapter 119. of the Revised Code. After notice and opportunity for a hearing, the commission may limit, condition, restrict, suspend, revoke, deny, or not renew a license under rules adopted by the commission. The commission may reopen a licensing adjudication at any time.

(2) The commission shall appoint a hearing examiner to conduct the hearing in the adjudication. A party to the adjudication may file written objections to the hearing examiner's report and recommendations not later than the thirtieth day after they are served upon the party or the party's attorney or other representative of record. The commission shall not take up the hearing examiner's report and recommendations earlier than the thirtieth day after the hearing examiner's report and recommendations were submitted to the commission.

(3) If the commission finds that a person fails or has failed to meet any requirement under this chapter or a rule adopted thereunder, or violates or has violated this chapter or a rule adopted thereunder, the commission may issue an order:

(a) Limiting, conditioning, restricting, suspending, revoking, denying, or not renewing, a license issued under this chapter;

(b) Requiring a casino facility to exclude a licensee from the casino facility or requiring a casino facility not to pay to the licensee any remuneration for services or any share of profits, income, or accruals on the licensee's investment in the casino facility; or

(c) Fining a licensee or other person according to the penalties adopted by the commission.

(4) An order may be judicially reviewed under section 119.12 of the Revised Code.

(B) Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:

(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;

(2) If the licensee has previously been disciplined by the commission;

(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;

(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;

(5) If the licensee or the licensee's employer had a reasonably

constituted and functioning compliance program;

(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;

(7) If the licensee realized a pecuniary gain from the violation;

(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee;

(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;

(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;

(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;

(12) If the licensee's action substantially deviated from industry standards and customs;

(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;

(14) If the licensee has initiated remedial measures to prevent similar violations;

(15) The magnitude of penalties imposed on other licensees for similar violations;

(16) The proportionality of the penalty in relation to the misconduct;

(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;

(18) Any mitigating factors offered by the licensee; and

(19) Any other factors the commission considers relevant.

(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual notice to all interested parties.

(D)(1) For the purpose of conducting the hearing in an adjudication under division (A) of this section, or in the discharge of any duties imposed by this chapter, the commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any papers, books, and accounts, directed to the sheriffs of the counties where such witnesses or papers, books, and

accounts are found and cause the deposition of any witness. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases.

(2) In the event of the refusal of any person without good cause to comply with the terms of a subpoena issued by the commission or refusal to testify on matters about which the person may lawfully be questioned, the prosecuting attorney of the county in which such person resides, upon the petition of the commission, may bring a proceeding for contempt against such person in the court of common pleas of that county.

(3) Witnesses shall be paid the fees and mileage provided for in section 119.094 of the Revised Code.

(4) All fees and mileage expenses incurred at the request of a party shall be paid in advance by the party.

(E) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to proponents and opponents of an issue before the commission.

(F) The commission may rely, in whole or in part, upon investigations, conclusions, or findings of other casino gaming commissions or other government regulatory bodies in connection with licensing, investigations, or other matters relating to an applicant or licensee under this chapter.

(G) Notwithstanding anything to the contrary in this chapter, and except with respect to a casino operator, management company, or holding company, the executive director may issue an emergency order for the suspension, limitation, or conditioning of any license, registration, approval, or certificate issued, approved, granted, or otherwise authorized by the commission under Chapter 3772. of the Revised Code or the rules adopted thereunder, requiring the inclusion of persons on the ~~commission's casino~~ exclusion list or sports gaming exclusion list provided for under section 3772.031 of the Revised Code and the rules adopted thereunder, and requiring a casino facility not to pay a licensee, registrant, or approved or certified person any remuneration for services or any share of profits, income, or accruals on that person's investment in the casino facility.

(1) An emergency order may be issued when the executive director finds either of the following:

(a) A licensee, registrant, or approved or certified person has been charged with a violation of any of the criminal laws of this state, another state, or the federal government;

(b) Such an action is necessary to prevent a violation of this chapter or Chapter 3775. of the Revised Code or a rule adopted thereunder.

(2) An emergency order issued under division (G) of this section shall state the reasons for the commission's action, cite the law or rule directly involved, and state that the party will be afforded a hearing if the party requests it within thirty days after the time of mailing or personal delivery of the order.

(3)(a) Not later than the next business day after the issuance of the emergency order, the order shall be sent by registered or certified mail, return receipt requested, to the party at the party's last known mailing address appearing in the commission's records or personally delivered at any time to the party by an employee or agent of the commission.

(b) A copy of the order shall be mailed to the attorney or other representative of record representing the party.

(c) If the order sent by registered or certified mail is returned because the party fails to claim the order, the commission shall send the order by ordinary mail to the party at the party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete when the certificate of mailing is obtained unless the order is returned showing failure of delivery.

(d) If the order sent by registered, certified, or ordinary mail is returned for failure of delivery, the commission shall either make personal delivery of the order by an employee or agent of the commission or cause a summary of the substantive provisions of the order to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located.

(i) Failure of delivery occurs only when a mailed order is returned by the postal authorities marked undeliverable, address or addressee unknown, or forwarding address unknown or expired.

(ii) When service is completed by publication, a proof of publication affidavit, with the first publication of the summary set forth in the affidavit, shall be mailed by ordinary mail to the party at the party's last known address and the order shall be deemed received as of the date of the last publication.

(e) Refusal of delivery of the order sent by mail or personally delivered to the party is not failure of delivery and service is deemed to be complete.

(4) The emergency order shall be effective immediately upon service of the order on the party. The emergency order shall remain effective until further order of the executive director or the commission.

(5) The commission may, and if so requested by the person affected by the emergency order shall, promptly conduct a hearing in an adjudication

under Chapter 119. of the Revised Code."

In line 6049, delete "The Ohio casino control commission may"

Delete lines 6050 through 6054

In line 6055, delete "sports gaming proprietor."

In line 6056, after "commission's" insert "sports gaming"; after "list" insert "created under section 3772.031 of the Revised Code"

In line 6058, delete "conducted"

In line 6059, delete "by a sports gaming proprietor" and insert "in this state"

In line 6061, after "commission's" insert "sports gaming"

In line 8226, after "3772.03" insert ", 3772.031, 3772.04"

In line 4678, after "(A)" insert "\"Applicant\" means a person that applies to the Ohio casino control commission for a license under this chapter."

(B)"

In line 4680, delete "(B)" and insert "(C)"

In line 4684, delete "(C)" and insert "(D)"

In line 4685, delete "(D)(1)" and insert "(E)(1)"

In line 4697, delete "(E)" and insert "(F)"

In line 4700, delete "(F)" and insert "(G)"

In line 4705, delete "(G)" and insert "(H)"

In line 4710, delete "(H)" and insert "(I)"

In line 4721, delete "(I)" and insert "(J)"

In line 4724, delete "(J)" and insert "(K)"

In line 4727, delete "(K)(1)" and insert "(L)(1)"; delete "(K)(2)" and insert "(L)(2)"

In line 4745, delete "(L)(1)" and insert "(M)(1)"

In line 4749, delete "(L)(3)" and insert "(M)(3)"

In line 4769, delete "(M)" and insert "(N)"

In line 4778, delete "(N)" and insert "(O)"

In line 4782, delete "(O)" and insert "(P)"

In line 4788, delete "(P)" and insert "(Q)"

In line 4790, delete "(Q)" and insert "(R)"

In line 4794, delete "(R)" and insert "(S)"

In line 4796, delete "(S)(1)" and insert "(T)(1)"

In line 4813, delete "(T)" and insert "(U)"

In line 4817, delete "(U)" and insert "(V)"

In line 4820, delete "(V)" and insert "(W)"

In line 4823, delete "(W)" and insert "(X)"

In line 4827, delete "(X)" and insert "(Y)"

In line 4832, delete "(Y)" and insert "(Z)"

In line 4835, delete "(Z)" and insert "(AA)"

In line 6171, delete "an applicant" and insert "a person"

In line 5814, after "laws" insert ";

(16) Submit to the commission, at least once every three years, an audit of the sports gaming proprietor's information technology systems and security protocols prepared by a qualified, independent, and capable third party, as determined by, and in a manner approved by, the commission"

In line 5343, delete "The" and insert "If the"

In line 5344, delete "that" and insert "is a professional sports organization and"

In line 5347, after "license" insert ", the professional sports organization"

In line 5350, after "The" insert "professional"; delete "gaming proprietor" and insert "organization"

In line 5353, after the first "the" insert "professional"; delete "gaming proprietor" and insert "organization"

In line 5356, after "A" insert "professional"; delete "gaming proprietor" and insert "organization"

In line 5360, after "the" insert "professional"; delete "gaming"

In line 5361, delete "proprietor" and insert "organization"

In line 5364, after "the" insert "professional"; delete "gaming proprietor" and insert "organization"

In line 5451, delete "The" and insert "If the"

In line 5452, delete "that" and insert "is a professional sports organization and"

In line 5455, after "license" insert ", the professional sports organization"

In line 5458, after "The" insert "professional"; delete "gaming proprietor" and insert "organization"

In line 5460, after "the" insert "professional"

In line 5461, delete "gaming proprietor" and insert "organization"

In line 5463, after "A" insert "professional"; delete "gaming proprietor" and insert "organization"

In line 5467, after "the" insert "professional"; delete "gaming proprietor" and insert "organization"

In line 5471, after the first "the" insert "professional"; delete "gaming proprietor" and insert "organization"

In line 5262, delete the first "." and insert "and"; delete ", and (D)"

In line 5316, delete "In the case of a type B sports gaming proprietor"

Delete lines 5317 through 5320

In line 5321, delete "(E)"

In line 5322, after "(B)," insert "or"; delete ", or (D)"

In line 5301, delete "type A"

In line 5309, delete "Whether the" and insert "The"; after "total" insert "amount of"; after "pays" insert ", or will pay,"

In line 5310, delete "each year has been, or will be, at"

In line 5311, delete "least ten million dollars"

In line 5085, delete "or"; after "provider" insert ", or sports gaming supplier"

In line 5266, delete "type A, type B, and"

In line 5267, delete "type C"; after "proprietor" insert ", mobile management services provider, management services provider, and sports gaming supplier"

In line 5275, delete "The total amount of taxable income the applicant pays,"

Delete line 5276

In line 5277, delete "(3)"

In line 5280, delete "(4)" and insert "(3)"

In line 5285, delete "(5)" and insert "(4)"

In line 5289, delete "(6)" and insert "(5)"

In line 5293, delete "(7)" and insert "(6)"

In line 5297, delete "(8)" and insert "(7)"

In line 5299, delete "(9)" and insert "(8)"

In line 5137, after "one" insert "operational"; delete ", including"; delete "a secure"

Delete line 5138

In line 5139, delete "through" and insert "at which"; delete

"proprietor's online sports pools" and insert "proprietor regularly maintains multiple employees"

In line 6 of the title, after "3772.03" insert ", 3772.04"

In line 32, after "3772.03" insert ", 3772.04"

After line 4533, insert:

"Sec. 3772.04. (A)(1) If the commission concludes that a license required by this chapter or Chapter 3775. of the Revised Code should be limited, conditioned, restricted, suspended, revoked, denied, or not renewed, the commission may, and if so requested by a licensee or applicant, shall, conduct a hearing in an adjudication under Chapter 119. of the Revised Code. After notice and opportunity for a hearing, the commission may limit, condition, restrict, suspend, revoke, deny, or not renew a license under rules adopted by the commission. The commission may reopen a licensing adjudication at any time.

(2) The commission shall appoint a hearing examiner to conduct the hearing in the adjudication. A party to the adjudication may file written objections to the hearing examiner's report and recommendations not later than the thirtieth day after they are served upon the party or the party's attorney or other representative of record. The commission shall not take up the hearing examiner's report and recommendations earlier than the thirtieth day after the hearing examiner's report and recommendations were submitted to the commission.

(3) If the commission finds that a person fails or has failed to meet any requirement under this chapter or Chapter 3775. of the Revised Code or a rule adopted thereunder, or violates or has violated this chapter or Chapter 3775. of the Revised Code or a rule adopted thereunder, the commission may issue an order:

(a) Limiting, conditioning, restricting, suspending, revoking, denying, or not renewing, a license issued under this chapter or Chapter 3775. of the Revised Code;

(b) Requiring a casino facility to exclude a licensee from the casino facility or requiring a casino facility not to pay to the licensee any remuneration for services or any share of profits, income, or accruals on the licensee's investment in the casino facility; or

(c) Fining a licensee or other person according to the penalties adopted by the commission.

(4) An order may be judicially reviewed under section 119.12 of the Revised Code.

(B) Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:

(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;

(2) If the licensee has previously been disciplined by the commission;

(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;

(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;

(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;

(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;

(7) If the licensee realized a pecuniary gain from the violation;

(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee;

(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;

(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;

(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;

(12) If the licensee's action substantially deviated from industry standards and customs;

(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;

(14) If the licensee has initiated remedial measures to prevent similar violations;

(15) The magnitude of penalties imposed on other licensees for similar violations;

(16) The proportionality of the penalty in relation to the misconduct;

(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;

(18) Any mitigating factors offered by the licensee; and

(19) Any other factors the commission considers relevant.

(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual notice to all interested parties.

(D)(1) For the purpose of conducting the hearing in an adjudication under division (A) of this section, or in the discharge of any duties imposed by this chapter or Chapter 3775. of the Revised Code, the commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any papers, books, and accounts, directed to the sheriffs of the counties where such witnesses or papers, books, and accounts are found and cause the deposition of any witness. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases.

(2) In the event of the refusal of any person without good cause to comply with the terms of a subpoena issued by the commission or refusal to testify on matters about which the person may lawfully be questioned, the prosecuting attorney of the county in which such person resides, upon the petition of the commission, may bring a proceeding for contempt against such person in the court of common pleas of that county.

(3) Witnesses shall be paid the fees and mileage provided for in section 119.094 of the Revised Code.

(4) All fees and mileage expenses incurred at the request of a party shall be paid in advance by the party.

(E) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to proponents and opponents of an issue before the commission.

(F) The commission may rely, in whole or in part, upon investigations, conclusions, or findings of other casino gaming or sports gaming commissions, as applicable, or other government regulatory bodies in connection with licensing, investigations, or other matters relating to an applicant or licensee under this chapter.

(G) Notwithstanding anything to the contrary in this chapter or Chapter 3775. of the Revised Code, and except with respect to a license issued under this chapter to a casino operator, management company, or holding company, the executive director may issue an emergency order for

the suspension, limitation, or conditioning of any license, registration, approval, or certificate issued, approved, granted, or otherwise authorized by the commission under Chapter 3772. or 3775. of the Revised Code or the rules adopted thereunder, requiring the inclusion of persons on the commission's exclusion list provided for under section 3772.031 of the Revised Code or Chapter 3775. of the Revised Code and the rules adopted thereunder, and requiring a casino facility not to pay a licensee, registrant, or approved or certified person any remuneration for services or any share of profits, income, or accruals on that person's investment in the casino facility.

(1) An emergency order may be issued when the executive director finds either of the following:

(a) A licensee, registrant, or approved or certified person has been charged with a violation of any of the criminal laws of this state, another state, or the federal government;

(b) Such an action is necessary to prevent a violation of this chapter or Chapter 3775. of the Revised Code or a rule adopted thereunder.

(2) An emergency order issued under division (G) of this section shall state the reasons for the commission's action, cite the law or rule directly involved, and state that the party will be afforded a hearing if the party requests it within thirty days after the time of mailing or personal delivery of the order.

(3)(a) Not later than the next business day after the issuance of the emergency order, the order shall be sent by registered or certified mail, return receipt requested, to the party at the party's last known mailing address appearing in the commission's records or personally delivered at any time to the party by an employee or agent of the commission.

(b) A copy of the order shall be mailed to the attorney or other representative of record representing the party.

(c) If the order sent by registered or certified mail is returned because the party fails to claim the order, the commission shall send the order by ordinary mail to the party at the party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete when the certificate of mailing is obtained unless the order is returned showing failure of delivery.

(d) If the order sent by registered, certified, or ordinary mail is returned for failure of delivery, the commission shall either make personal delivery of the order by an employee or agent of the commission or cause a summary of the substantive provisions of the order to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located.

(i) Failure of delivery occurs only when a mailed order is returned by

the postal authorities marked undeliverable, address or addressee unknown, or forwarding address unknown or expired.

(ii) When service is completed by publication, a proof of publication affidavit, with the first publication of the summary set forth in the affidavit, shall be mailed by ordinary mail to the party at the party's last known address and the order shall be deemed received as of the date of the last publication.

(e) Refusal of delivery of the order sent by mail or personally delivered to the party is not failure of delivery and service is deemed to be complete.

(4) The emergency order shall be effective immediately upon service of the order on the party. The emergency order shall remain effective until further order of the executive director or the commission.

(5) The commission may, and if so requested by the person affected by the emergency order shall, promptly conduct a hearing in an adjudication under Chapter 119. of the Revised Code."

In line 4987, after "(H)" insert "(L)"

In line 4988, after "Code" insert "and in accordance with section 3772.04 of the Revised Code"; delete "penalize, limit," and insert "do any of the following:"

(a) Penalize or fine any sports gaming licensee, applicant for a sports gaming license, or other person who is subject to the commission's jurisdiction under this chapter;

(b) Limit "

In line 4990, delete "The commission may take into account"

Delete lines 4991 through 4993 and insert:

"(2) The executive director of the commission may issue an emergency order with respect to sports gaming under division (G) of section 3772.04 of the Revised Code."

In line 8226, after "3772.03" insert ", 3772.04"

In line 4878, delete "Requirements concerning the size, furnishings,
and"

Delete lines 4879 through 4881

In line 4882, delete "(12)"

In line 5184, after "specify" insert "both of"; after the second "the" insert "following:"

(i) The"

In line 5187, after "granted" insert ";

(ii) The expected overall capital investment in the sports gaming

facility, including its size, furnishings, and equipment"

In line 4725, delete "in whole or in part"; delete "an outcome" and insert "whether an identified instance or statistical achievement will occur, will be achieved, or will be surpassed."

In line 4726, delete "final"; after "event" insert "or parts of the sporting event, such as quarters, halves, periods, or innings"

In line 4344, after "a" insert "the state lottery commission."

In line 4 of the title, after "2915.13" insert ", 2935.01"

In line 31, after "2915.13" insert ", 2935.01"

After line 3638, insert:

"**Sec. 2935.01.** As used in this chapter:

(A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code.

(B) "Peace officer" includes, except as provided in section 2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract pursuant to section 737.04 of the Revised Code; member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code; member of a police force employed by a regional transit authority under division (Y) of section 306.05 of the Revised Code; state university law enforcement officer appointed under section 3345.04 of the Revised Code; enforcement agent of the department of public safety designated under section 5502.14 of the Revised Code; employee of the department of taxation to whom investigation powers have been delegated under section 5743.45 of the Revised Code; employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest-fire investigator appointed pursuant to section 1503.09 of the Revised Code, a natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code; individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; veterans' home police officer appointed under section 5907.02 of the Revised Code; special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; police constable of any township; police officer of a township or joint police district; a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended,

and that 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 Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code; an assistant house of representatives sergeant at arms; the senate sergeant at arms; an assistant senate sergeant at arms; officer or employee of the bureau of criminal identification and investigation established pursuant to section 109.51 of the Revised Code who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the officer's or employee's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who is providing assistance upon request to a law enforcement officer or emergency assistance to a peace officer pursuant to section 109.54 or 109.541 of the Revised Code; a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code; a gaming agent, as defined in section 3772.01 of the Revised Code; and, for the purpose of arrests within those areas, for the purposes of Chapter 5503. of the Revised Code, and the filing of and service of process relating to those offenses witnessed or investigated by them, the superintendent and troopers of the state highway patrol.

(C) "Prosecutor" includes the county prosecuting attorney and any assistant prosecutor designated to assist the county prosecuting attorney, and, in the case of courts inferior to courts of common pleas, includes the village solicitor, city director of law, or similar chief legal officer of a municipal corporation, any such officer's assistants, or any attorney designated by the prosecuting attorney of the county to appear for the prosecution of a given case.

(D) "Offense," except where the context specifically indicates otherwise, includes felonies, misdemeanors, and violations of ordinances of municipal corporations and other public bodies authorized by law to adopt penal regulations."

In line 8225, after "2915.13" insert ", 2935.01"

After line 2294, insert:

"Sec. 2915.081. (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to another person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state without having obtained a license from the attorney general under this section.

(B)(1) The attorney general may issue a distributor license to any person that meets the requirements of this section. The application for the

license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(2) Upon applying for or renewing a license under this section, an applicant shall file with and have approved by the attorney general a bond in which the applicant shall be the principal obligor, in the sum of fifty thousand dollars, with one or more sureties authorized to do business in this state. The applicant shall maintain the bond in effect as long as the license is valid; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of fifty thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

(C) The attorney general may refuse to issue a distributor license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(2) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(4) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (F) of section 2915.10 of the Revised Code.

(5) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(6) The attorney general has good cause to believe that a person, officer, or partner has committed a breach of fiduciary duty, theft, or other type of misconduct related to a charitable organization that has obtained a

bingo license issued under this chapter.

(D) The attorney general shall not issue a distributor license to any person that is involved in the conduct of bingo on behalf of a charitable organization or that is a lessor of premises used for the conduct of bingo. This division does not prohibit a distributor from advising charitable organizations on the use and benefit of specific bingo supplies or prohibit a distributor from advising a customer on operational methods to improve bingo profitability.

(E)(1) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state except to or for the use of a charitable organization that has been issued a license under section 2915.08 of the Revised Code or to another distributor that has been issued a license under this section. No distributor shall accept payment for the sale or other provision of bingo supplies other than by check or electronic fund transfer.

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, to or for the use of a charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

(3) No distributor shall purchase bingo supplies for use in this state from any person except from a manufacturer issued a license under section 2915.082 of the Revised Code or from another distributor issued a license under this section. Subject to division (D) of section 2915.082 of the Revised Code, no distributor shall pay for purchased bingo supplies other than by check or electronic fund transfer.

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F)(1) No distributor shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or install, maintain, update, or repair an electronic instant bingo system, without first obtaining an electronic instant bingo distributor endorsement to the person's distributor license issued under this section. An

applicant for a distributor license under this section may apply simultaneously for an electronic instant bingo distributor endorsement to that license. ~~Any individual who installs, maintains, updates, or repairs an electronic instant bingo system also shall hold an appropriate and valid occupational license issued by the Ohio casino control commission under Chapter 3772. of the Revised Code.~~

(2) An applicant for an electronic instant bingo distributor endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C)(1) of that section. Upon receiving an application for an electronic instant bingo distributor endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(18) of that section. The applicant shall pay any fee required under division (C)(3) of that section.

(3) The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant unless the attorney general has received the results of the criminal records check described in division (F)(2) of this section. The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant if the applicant, any officer or partner of the applicant, or any person who has an ownership interest of ten per cent or more in the applicant has violated any provision of this chapter or any rule adopted by the attorney general under this chapter or has violated any existing or former law or rule of this state, any other state, or the United States that is substantially equivalent to any provision of this chapter or any rule adopted by the attorney general under this chapter.

(4) An electronic instant bingo distributor endorsement issued under this section shall be valid for the period of the underlying distributor license.

(G) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a distributor license or an electronic instant bingo distributor endorsement, for a limited or indefinite period of time at the attorney general's discretion, for any of the following reasons:

(1) Any reason for which the attorney general may refuse to issue the license or endorsement;

(2) The distributor holding the license or endorsement violates any provision of this chapter or any rule adopted by the attorney general under this chapter;

(3) The distributor or any officer, partner, or other person who has an ownership interest of ten per cent or more in the distributor is convicted of either of the following:

(a) A felony under the laws of this state, another state, or the United States;

(b) Any gambling offense.

(H) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or condition of a distributor license or endorsement, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code.

(I) The attorney general may impose a civil fine on a distributor licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, or for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(J) Whoever violates division (A), (E), or (F) of this section is guilty of illegally operating as a distributor. Except as otherwise provided in this division, illegally operating as a distributor is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A), (E), or (F) of this section, illegally operating as a distributor is a felony of the fifth degree. "

Delete lines 2295 through 2478

In line 8336, delete "2915.081,"

In line 5 of the title, delete ", 3770.071, 3770.073"

In line 31, delete ", 3770.071, 3770.073"

Delete lines 3878 through 3975

In line 6217, delete "under" and insert "by section 6041 of"

In line 8225, delete ", 3770.071, 3770.073"

In line 7943, delete "If a sports gaming proprietor's sports gaming receipts"

Delete lines 7944 through 7956

In line 7957, delete "(C)"

In line 7962, delete "(D)" and insert "(C)"

In line 17 of the title, delete "and"; after "5753.031" insert ", and 5753.12"

In line 40, delete "and"; after "5753.031" insert ", and 5753.12"

After line 8221, insert:

"Sec. 5753.12. (A) Notwithstanding any provision of this chapter, any person who operates a casino facility without holding a current, valid license issued under Chapter 3772. of the Revised Code or a sports gaming facility without holding a current, valid license issued under Chapter 3775. of the Revised Code is liable for any amounts, including tax, interest, and penalties, imposed under this chapter in the same manner as persons that do hold such a license.

(B) The tax commissioner may issue an assessment against a person described in division (A) of this section for any amount due under this chapter in the same manner provided under section 5753.07 of the Revised Code."

In line 15 of the title, delete "3775.101,"

In line 38, delete ", 3775.101"

In line 5798, delete "Use official league data as required under section"

Delete line 5799

In line 5800, delete "(12)"

In line 5802, delete "(13)" and insert "(12)"

In line 5806, delete "(14)" and insert "(13)"

In line 5809, delete "(15)" and insert "(14)"

Delete lines 5855 through 5936

In line 1 of the title, delete "109.32,"

In line 2 of the title, delete ", 2915.01, 2915.08, 2915.081,"

Delete line 3 of the title

In line 4 of the title, delete "2915.10, 2915.101, 2915.12, 2915.13"

In line 7 of the title, delete ", 5747.08"

In line 10 of the title, delete "2915.14, 2915.15, 3376.01,"

Delete line 11 of the title

In line 12 of the title, delete "3376.07, 3376.08, 3772.37,"

In line 21 of the title, delete "to allow"

Delete line 22 of the title

In line 23 of the title, delete "from their name, image, or likeness,"

In line 28, delete "109.32,"

In line 29, delete ", 2915.01, 2915.08, 2915.081, 2915.082, 2915.09,"

Delete line 30

In line 31, delete "2915.13"

In line 33, delete ", 5747.08"

In line 35, delete "2915.14, 2915.15, 3376.01, 3376.02,"

Delete line 36

Delete lines 42 through 670

After line 670, insert:

"Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified under section 9.79 of the Revised Code or in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau

of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.

(4) On receipt of a request pursuant to section 2151.86 or 2151.904 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the

violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the

offenses or violations described in division (A)(5)(a) of this section.

(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense in this state, any other state, or the United States.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 928.03, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(10) On receipt of a request pursuant to section 124.74, 718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any

existing or former law of this state, any other state, or the United States.

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that makes the person ineligible for appointment or retention under section 3772.07 of the Revised Code or that is a disqualifying offense as defined in that section 3772.07 of the Revised Code or substantially equivalent to such an a disqualifying offense, as applicable.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required under that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records

check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under section 9.79 and division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under section 9.79 and division (B)(2)(b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.

(14) On receipt of a request required by section 3796.13 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(8)(a) of section 3796.03 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the state board of pharmacy under Chapter 3796. of the Revised Code.

(15) On receipt of a request pursuant to section 4768.06 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request

has been convicted of or pleaded guilty to any criminal offense in this state or in any other state.

(16) On receipt of a request pursuant to division (B) of section 4764.07 or division (A) of section 4735.143 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in any state or the United States.

(17) On receipt of a request for a criminal records check under section 147.022 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any criminal offense under any existing or former law of this state, any other state, or the United States.

(18) Upon receipt of a request pursuant to division (F) of section 2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty or no contest to any offense that is a violation of Chapter 2915. of the Revised Code or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such an offense.

(19) On receipt of a request pursuant to section 3775.03 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section and shall request information from the federal bureau of investigation to determine whether any information exists indicating that the person who is the subject of the request has been convicted of any offense under any existing or former law of this

state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code.

(B) Subject to division (F) of this section, the superintendent shall conduct any criminal records check to be conducted under this section as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 3772.07, ~~3775.03~~, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in the relevant provision of division (A) of this section. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1)

of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from

the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1) (c) of this section to any such request for an applicant who is a teacher.

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section.

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program."

Delete lines 1222 through 3638

Delete lines 3717 through 3877

After line 3936, insert:

"Sec. 3770.073. (A) If a person is entitled to a lottery prize award and

is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, certified claim under section 131.02 or 131.021 of the Revised Code, or is indebted to a political subdivision that has a certified claim under section 131.02 of the Revised Code, lottery sales receipts held in trust on behalf of the state lottery commission as described in division (H)(4) of section 3770.05 of the Revised Code, or charge, penalty, or interest arising from these debts and if the amount of the prize money or the cost of goods or services awarded as a lottery prize award ~~meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041~~ is six hundred dollars or more, the director of the state lottery commission, or the director's designee, shall do either of the following:

(1) If the prize award will be paid in a lump sum, deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the prize award shall be deducted and paid in partial satisfaction of the debt.

(2) If the prize award will be paid in annual installments, on the date the initial installment payment is due, deduct from that installment and pay to the attorney general an amount in satisfaction of the debt and, if necessary to collect the full amount of the debt, do the same for any subsequent annual installments, at the time the installments become due and owing to the person, until the debt is fully satisfied.

(B) If a person entitled to a lottery prize award owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (C) of this section.

(C) Any debt owed under section 3770.071 of the Revised Code shall be satisfied with first priority over debts owed under this section.

(D) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final."

Delete lines 3937 through 3975

After line 3975, insert:

"Sec. 3772.01. As used in this chapter:

(A) "Applicant" means any person who applies to the commission for a license under this chapter.

(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs.

(C) "Casino facility" means a casino facility as defined in Section

6(C)(9) of Article XV, Ohio Constitution.

(D) "Casino game" means any slot machine or table game as defined in this chapter.

(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009, ~~or~~ horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of this state as of January 1, 2009; or sports gaming.

(F) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as further defined in section 3772.131 of the Revised Code.

(G) "Casino operator" means any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that directly or indirectly holds an ownership or leasehold interest in a casino facility. "Casino operator" does not include an agency of the state, any political subdivision of the state, any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming.

(H) "Central system" means a computer system that provides the following functions related to casino gaming equipment used in connection with casino gaming authorized under this chapter: security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the commission.

(I) "Cheat" means to alter the result of a casino game, the element of chance, the operation of a machine used in a casino game, or the method of selection of criteria that determines (a) the result of the casino game, (b) the amount or frequency of payment in a casino game, (c) the value of a wagering instrument, or (d) the value of a wagering credit. "Cheat" does not include an individual who, without the assistance of another individual or without the use of a physical aid or device of any kind, uses the individual's own ability to keep track of the value of cards played and uses predictions formed as a result of the tracking information in the individual's playing and betting strategy.

(J) "Commission" means the Ohio casino control commission.

(K) "Gaming agent" means a peace officer employed by the commission that is vested with duties to enforce this chapter and conduct other investigations into the conduct of the casino gaming and the maintenance of the equipment that the commission considers necessary and proper and is in compliance with section 109.77 of the Revised Code.

(L) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group of individuals, however organized, who supplies gaming-related equipment, goods, or services to a casino operator or management company, that are directly related to or affect casino gaming authorized under this chapter, including, but not limited to, the manufacture, sale, distribution, or repair of slot machines and table game equipment.

(M) "Holding company" means any corporation, firm, partnership, limited partnership, limited liability company, trust, or other form of business organization not a natural person which directly or indirectly does any of the following:

(1) Has the power or right to control a casino operator, management company, or gaming-related vendor license applicant or licensee;

(2) Holds an ownership interest of five per cent or more, as determined by the commission, in a casino operator, management company, or gaming-related vendor license applicant or licensee;

(3) Holds voting rights with the power to vote five per cent or more of the outstanding voting rights of a casino operator, management company, or gaming-related vendor applicant or licensee.

(N) "Initial investment" includes costs related to demolition, engineering, architecture, design, site preparation, construction, infrastructure improvements, land acquisition, fixtures and equipment, insurance related to construction, and leasehold improvements.

(O) "Institutional investor" means any of the following entities owning five per cent or more, but less than ~~fifteen~~twenty-five per cent, of an ownership interest in a casino facility, casino operator, management company, or holding company: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, any association engaged, as a substantial part of its business or operations, in purchasing or holding securities, including a hedge fund, mutual fund, or private equity fund, or any trust in respect of which a bank is trustee or cotrustee, investment company registered under the "Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company,

investment advisor registered under the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., and such other persons as the commission may reasonably determine to qualify as an institutional investor for reasons consistent with this chapter, and that does not exercise control over the affairs of a licensee and its ownership interest in a licensee is for investment purposes only, as set forth in division (F) of section 3772.10 of the Revised Code.

(P) "Key employee" means any executive, employee, agent, or other individual who has the power to exercise significant influence over decisions concerning any part of the operation of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license or the operation of a holding company of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license, including:

- (1) An officer, director, trustee, partner, or an equivalent fiduciary;
- (2) An individual who holds a direct or indirect ownership interest of five per cent or more;
- (3) An individual who performs the function of a principal executive officer, principal operating officer, principal accounting officer, or an equivalent officer;
- (4) Any other individual the commission determines to have the power to exercise significant influence over decisions concerning any part of the operation.

(Q) "Licensed casino operator" means a casino operator that has been issued a license by the commission and that has been certified annually by the commission to have paid all applicable fees, taxes, and debts to the state.

(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

(S) "Management company" means an organization retained by a casino operator to manage a casino facility and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(T) "Ohio law enforcement training fund" means the state law enforcement training fund described in Section 6(C)(3)(f) of Article XV, Ohio Constitution, the money in which shall be used to enhance public safety by providing training opportunities to the law enforcement community.

(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(V) "Problem casino gambling and addictions fund" means the state problem gambling and addictions fund described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in which shall be used for treatment of problem gambling and substance abuse, and for related research.

(W) "Promotional gaming credit" means a slot machine or table game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a slot machine or table game.

(X) "Slot machine" means any mechanical, electrical, or other device or machine which, upon insertion of a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, makes individual prize determinations for individual participants in cash, premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from the machine or in any other manner, but does not include any device that is a skill-based amusement machine, or an electronic instant bingo system, as defined in section 2915.01 of the Revised Code.

(Y) "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. "Table game" does not include slot machines.

(Z) "Upfront license" means the first plenary license issued to a casino operator.

(AA) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission.

(BB) "Sports gaming," "sports gaming proprietor," "sports gaming facility," "mobile management services provider," and "management services provider" have the same meanings as in section 3775.01 of the Revised Code."

Delete lines 3976 through 4177

Delete lines 4635 through 4676

In line 5054, delete "Except as permitted under section"

In line 5055, delete "3770.23 of the Revised Code, no" and insert
"No"

Delete lines 6368 through 6548

After line 6548, insert:

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

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

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

employee or in any other capacity under appointment or employment of the office of internal audit.

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

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.

(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's or sports gaming proprietor's compliance with section 5747.063 ~~or~~ 5753.02, or 5753.021 of the Revised Code and sections related thereto;

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

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

solely for the purpose of facilitating, the evaluation of potential tax credits, tax deductions, grants, or loans.

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

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

(19) Disclosing to the department of education, upon that department's request, information in the possession of the department of taxation that is necessary only to verify whether the family income of a student applying for or receiving a scholarship under the educational choice scholarship pilot program is equal to, less than, or greater than the income thresholds prescribed by section 3310.032 of the Revised Code. The department of education shall provide sufficient information about the student and the student's family to enable the department of taxation to make the verification.

(20) Disclosing to the Ohio rail development commission information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the commission for the purpose of evaluating potential grants or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No member, officer, employee, or agent of the Ohio rail development commission shall disclose any information provided to the commission by the department of taxation under division (C)(20) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential grants or loans.

(21) Disclosing to the state racing commission information in the possession of the department of taxation that is necessary for verification of compliance with and for enforcement and administration of the taxes levied by Chapter 3769. of the Revised Code. Such information shall include information that is necessary for the state racing commission to verify compliance with Chapter 3769. of the Revised Code for the purposes of issuance, denial, suspension, or revocation of a permit pursuant to section

3769.03 or 3769.06 of the Revised Code and related sections. Unless disclosure is otherwise authorized by law, information provided to the state racing commission under this section remains confidential and is not subject to public disclosure pursuant to section 3769.041 of the Revised Code."

Delete lines 6549 through 6672

After line 6672, insert:

"Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino or sports gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied in the same amount as the tax is imposed on estates as prescribed in division (A)(2) of this section.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income. The tax shall be levied at the rate of 1.38462% for the first twenty-five thousand dollars of such income and, for income in excess of that amount, the tax shall be levied at the same rates prescribed in division (A)(3) of this section for individuals.

(3) In the case of individuals, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. If the balance thus obtained is equal to or less than twenty-five thousand dollars, no tax shall be imposed on that balance. If the balance thus obtained is greater than twenty-five thousand dollars, the tax is hereby levied as follows:

1		2
A OHIO ADJUSTED GROSS INCOME		TAX
LESS TAXABLE BUSINESS		

INCOME AND EXEMPTIONS
(INDIVIDUALS) OR MODIFIED
OHIO TAXABLE INCOME (TRUSTS)
OR OHIO TAXABLE INCOME
(ESTATES)

B	More than \$25,000 but not more than \$44,250	\$346.16 plus 2.765% of the amount in excess of \$25,000
C	More than \$44,250 but not more than \$88,450	\$878.42 plus 3.226% of the amount in excess of \$44,250
D	More than \$88,450 but not more than \$110,650	\$2,304.31 plus 3.688% of the amount in excess of \$88,450
E	More than \$110,650	\$3,123.05 plus 3.990% of the amount in excess of \$110,650

(4)(a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.

(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this

section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under divisions (A)(1) to (3) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C)(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax computed under division (C) of this section equal to the lesser of (a) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (b) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) Any credit authorized against the tax imposed by this section applies to a trust subject to division (C) of this section only if the trust otherwise qualifies for the credit. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(D) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of

the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(E) Nothing in division (A)(3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of twenty-five thousand dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter."

Delete lines 6885 through 7138

Delete lines 7250 through 7696

After line 7696, insert:

"Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 or 1706.01 of the Revised Code as applicable, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent

or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;

(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;

(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, or an alternate employer organization, as defined in section 4133.01 of the Revised Code, from a client employer, as defined in either of those sections as applicable, in excess of the administrative fee charged by the professional employer organization or the alternate employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts as determined under

section 5751.40 of the Revised Code.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg) Qualified uranium receipts as determined under section 5751.41 of the Revised Code.

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts as determined under section 5751.42 of the Revised Code.

(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel

purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code.

(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan.

(nn) Amounts of excess surplus of the state insurance fund received by the taxpayer from the Ohio bureau of workers' compensation pursuant to rules adopted under section 4123.321 of the Revised Code.

(oo) Except as otherwise provided in division (B) of section 5751.091 of the Revised Code, receipts of a megaproject supplier from sales of tangible personal property directly to a megaproject operator in this state, provided the supplier holds a certificate issued under section 5751.052 of the Revised Code for the calendar year in which the sales are made, and provided both the operator and supplier hold a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of that calendar year;

(pp) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(qq) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as

in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (1)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

- (1) A person receiving a fee to sell financial instruments;
- (2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;
- (3) A person issuing licenses and permits under section 1533.13 of the Revised Code;
- (4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;
- (5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a

member of such a group.

(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code."

In line 8222, delete "109.32,"

In line 8223, delete ", 2915.01, 2915.08, 2915.081, 2915.082,"

Delete line 8224

In line 8225, delete "2915.12, 2915.13"

In line 8227, delete ", 5747.08"

In line 8230, delete "(A)"

Delete lines 8235 through 8239

In line 8303, delete ", as amended by this act,"

Delete lines 8336 through 8341

In line 8342, delete "9" and insert "8"

Delete lines 8350 and 8351 and insert "Section 109.572 of the Revised Code as amended by H.B. 110 and S.B. 3 of the 134th General Assembly and H.B. 263 and S.B. 260 of the 133rd General Assembly."

Delete lines 8354 through 8356

In line 4718, after "tour" insert "or a wholly owned for-profit subsidiary of the owner, if the owner is a nonprofit corporation or organization"

Managers on the Part of the
House of Representatives

/S/ JAY EDWARDS
JAY EDWARDS

/S/ BILL SEITZ
BILL SEITZ

/S/ ADAM C. MILLER
ADAM C. MILLER

Managers on the Part of the
Senate

/S/ KIRK SCHURING
KIRK SCHURING

/S/ NATHAN H. MANNING
NATHAN H. MANNING

/S/ CECIL THOMAS
CECIL THOMAS

The question being, "Shall the report of the committee of conference be agreed to?"

The Honorable Bob Cupp, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Cupp,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on the report of the committee of conference on **Am. H. B. No. 29-Representatives Wiggam, Miller, A., et al.**, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ DAVID LELAND
 David Leland
 State Representative
 22nd House District

The request was granted.

The yeas and nays were taken and resulted – yeas 72, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldridge	Blackshear	Boggs
Brent	Brown	Callender	Carfagna
Carruthers	Creech	Cross	Crossman
Cutrona	Denson	Edwards	Ferguson
Fraizer	Galonski	Ghanbari	Hall
Hicks-Hudson	Hillyer	Hoops	Humphrey
Ingram	Jarrells	John	Jones
Jordan	Kick	Lepore-Hagan	Lightbody
Loychik	Manchester	Manning	Miller, A.
Miller, J.	Miller, K.	Miranda	O'Brien
Oelslager	Patton	Pavliga	Plummer
Ray	Riedel	Robinson	Roemer
Russo	Schmidt	Seitz	Sheehy
Skindell	Smith, K.	Smith, M.	Sobecki
Stein	Stephens	Stewart	Swearingen
Sweeney	Sykes	Troy	Upchurch
Weinstein	West	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-72

Those who voted in the negative were: Representatives

Bird	Click	Dean	Fowler Arthur
Ginter	Grendell	Gross	Howse
Kelly	McClain	Merrin	Powell
			Stoltzfus-13

The report of the committee of conference was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 122 - Representatives Fraizer, Holmes

Cosponsors: Representatives Carfagna, Hall, Seitz, Baldrige, Blackshear, Brown, Carruthers, Click, Crossman, Cutrona, Edwards, Galonski, Ghanbari, Gross, Hoops, Householder, Ingram, Jarrells, Jones, Koehler, Lanese, LaRe, Lightbody, Liston, McClain, Miller, A., Miranda, Pavliga, Plummer, Ray, Richardson, Roemer, Russo, Sheehy, Smith, K., Smith, M., Sobecki, Stein, Stephens, Swearingen, Sweeney, West, White, Wiggam, Young, B., Young, T., Speaker Cupp Senators Huffman, S., Romanchuk, Johnson, Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Kunze, Maharath, Manning, McColley, O'Brien, Peterson, Reineke, Rulli, Schaffer, Sykes, Thomas, Williams, Wilson, Yuko

To amend sections 3902.30, 4723.94, 4731.251, 4731.252, 4731.253, 4731.2910, 4731.30, 4732.33, and 5164.95; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4731.253 (4731.254) and 4731.2910 (4743.09); and to enact new section 4731.253 and sections 3319.2212, 3701.1310, 3721.60, 4715.438, 4725.35, 4729.285, 4730.60, 4731.741, 4734.60, 4753.20, 4755.90, 4757.50, 4758.80, 4759.20, 4761.30, 4778.30, 4783.20, 5119.368, and 5164.291 of the Revised Code, and to amend Section 3 of S.B. 9 of the 130th General Assembly, as subsequently amended, to establish and modify requirements regarding the provision of telehealth services, to establish a provider credentialing program within the Medicaid program, to revise the law governing the State Medical Board's One-Bite Program, and to extend the suspension of certain programs and requirements under the state's insurance laws until January 1, 2026.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. Sub. H. B. No. 169 - Representatives Cutrona, Swearingen

Cosponsors: Representatives Edwards, Carfagna, Cross, Jones, O'Brien,

Roemer, Abrams, Baldrige, Bird, Brent, Brown, Callender, Carruthers, Click, Crawley, Creech, Crossman, Fraizer, Galonski, Ghanbari, Gross, Householder, Howse, Ingram, Jarrells, John, Kelly, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Loychik, Miller, J., Miranda, Oelslager, Pavliga, Richardson, Robinson, Russo, Schmidt, Seitz, Sheehy, Smith, K., Smith, M., Sobecki, Stein, Stewart, Sweeney, Troy, Upchurch, Weinstein, West, White, Young, B., Young, T. Senators Hottinger, Manning, Dolan, Schuring, Brenner, Antonio, Cirino, Craig, Fedor, Gavarone, Hackett, Huffman, S., Johnson, Kunze, Reineke, Sykes, Williams, Wilson, Yuko

To amend sections 4506.09 and 4506.13 and to enact section 4508.031 of the Revised Code to make appropriations to support recovery from the COVID-19 pandemic.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

After line 1058, insert:

"Section 234.10. (A) As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

(B) When using funds distributed under this act, or under any future appropriation of federal coronavirus relief moneys, for the purchase of personal protective equipment, a funding recipient shall purchase only products that are either of the following:

- (1) Approved by the National Institute for Occupational Safety and Health;
- (2) Authorized for use by the United States Food and Drug Administration, including under emergency use authorization."

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the committee of conference on matters of difference between the two houses on:

Am. H. B. No. 29 - Representatives Wiggam, Miller, A. – et al.

Attest:

Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

Sub. S. B. No. 58 - Senators Antonio, Brenner – et al.

Sub. S. B. No. 59 - Senator Schaffer – et al.

Am. Sub. S. B. No. 229 - Senator Blessing – et al.

Attest:

Vincent L. Keeran,
Clerk.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the standing committee on State and Local Government:

Remove Representative Sobecki; appoint Representative Hicks-Hudson.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the House standing committee on Rules and Reference:

Remove Representative Liston; appoint Representative Boggs.

Representative Ginter moved that the House advance to the eighth order of business, being announcement of committee meetings.

The motion was agreed to.

On motion of Representative Ginter, the House adjourned until Thursday, December 9, 2021 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.