

5 _____ moved to amend as follows:

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

9 INDEX

10 The following amendments are attached hereto:

Amendment No.
HC-1365-1
HC-1737-3
HC-1843
HC-1876-1
HC-2020-1
HC-2021
HC-2031-1
HC-2032
HC-2037
HC-2049
HC-2058
HC-2059
HC-2061

Amendment No.
HC-2064
HC-2077
HC-2080
HC-2086
HC-2096
HC-2108
HC-2134
HC-2150
HC-2151
HC-2157
HC-2159
HC-2160-1
HC-2162
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HC-2167-1
HC-2185
HC-2189
HC-2196
HC-2212
HC-2216-1
HC-2217-1
HC-2241

Amendment No.
HC-2243
HC-2245
HC-2255-2
HC-2257
HC-2273
HC-2274
HC-2278
HC-2279
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HC-2485
HC-2486
HC-2489

HC-2515

11 The motion was _____ agreed to.

5 _____ moved to amend as follows:

6 In line 107730, delete "\$300,000 \$300,000" and insert
7 "\$375,000 \$375,000"

8 In line 107790, add \$75,000 to each fiscal year

9 In line 107818, add \$75,000 to each fiscal year

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Board of Regents**

13 **Section 371.10**

14 Increases GRF appropriation item 235402, Sea Grants, by
15 \$75,000 in each fiscal year.

5 _____ moved to amend as follows:

6 In line 110234, delete "771411" and insert "771412"; delete
7 "State" and insert "Federal"

8 In line 110241, after "infrastructure" insert "to connect
9 with surface transportation"

10 The motion was _____ agreed to.

11 SYNOPSIS

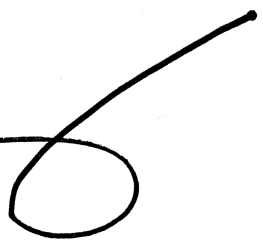
12 **Southeastern Ohio Port Authority Container-on-Barge Study**

13 **Section 503.95**

14 Changes the line item that will fund the container-on-barge
15 study from HOF appropriation item 771411, Planning and Research
16 - State, to HOF appropriation item 771412, Planning and Research
17 - Federal.

18 Specifies that the study is to take into account required
19 infrastructure *to connect with surface transportation.*

Sub. H.B. 1
LSC 128 0516-4
HC-1843



_____ moved to amend as follows:

- In line 332, after "121.04," insert "121.07," 1
- In line 352, after "955.201," insert "1321.20, 1321.51,
1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 1321.59,
1321.60, 1321.99, 1322.01, 1322.02," 2
3
4
- In line 353, after "1322.041," insert "1322.05, 1322.051,
1322.052, 1322.06, 1322.061, 1322.062, 1322.063, 1322.064,
1322.07, 1322.071, 1322.072, 1322.074, 1322.075, 1322.08,
1322.081, 1322.09, 1322.10, 1322.11," 5
6
7
8
- In line 355, after "1332.25," insert "1343.011, 1345.01,
1345.05, 1345.09,"; after "1347.08," insert "1349.31, 1349.43," 9
10
- In line 493, after "943.031," insert "1321.521, 1321.531,
1321.532, 1321.533, 1321.534, 1321.535, 1321.536, 1321.552,
1321.591, 1321.592, 1321.593, 1321.594, 1321.595, 1322.022,
1322.023, 1322.024, 1322.065," 11
12
13
14
- In line 1340, after the comma insert "1321.53, 1321.531," 15
- In line 1431, after the fourth comma insert "1321.53,
1321.531," 16
17
- In line 1447, after the first underlined comma insert 18
"1321.53, 1321.531," 19
- In line 1472, after the sixth comma insert "1321.53, 20

1321.531," 21

In line 1489, after the fifth comma insert "1321.53,
1321.531," 22
23

In line 1513, after the first comma insert "1321.53,
1321.531," 24
25

Between lines 2147 and 2148, insert: 26

"Sec. 121.07. (A) ~~Except as otherwise provided in this~~ 27
~~division, the~~ The officers mentioned in sections 121.04 and 121.05 28
of the Revised Code and the offices and divisions they administer 29
shall be under the direction, supervision, and control of the 30
directors of their respective departments, and shall perform such 31
duties as the directors prescribe. ~~In performing or exercising any~~ 32
~~of the examination or regulatory functions, powers, or duties~~ 33
~~vested by Title XI, Chapters 1733. and 1761., and sections 1315.01~~ 34
~~to 1315.18 of the Revised Code in the superintendent of financial~~ 35
~~institutions, the superintendent of financial institutions and the~~ 36
~~division of financial institutions are independent of and are not~~ 37
~~subject to the control of the department or the director of~~ 38
~~commerce.~~ 39

(B) With the approval of the governor, the director of each 40
department shall establish divisions within the department, and 41
distribute the work of the department among such divisions. Each 42
officer created by section 121.04 of the Revised Code shall be the 43
head of such a division. 44

With the approval of the governor, the director of each 45
department may consolidate any two or more of the offices created 46
in the department by section 121.04 of the Revised Code, or reduce 47
the number of or create new divisions therein. 48

The director of each department may prescribe rules for the 49
government of the department, the conduct of its employees, the 50

performance of its business, and the custody, use, and 51
preservation of the records, papers, books, documents, and 52
property pertaining thereto." 53

Between lines 16955 and 16956, insert: 54

"Sec. 1321.20. (A) Every person licensed or registered under 55
this chapter shall pay to the superintendent of financial 56
institutions, prior to the last day of June, an annual license or 57
certificate of registration fee. On or about the fifteenth day of 58
April of each year, the superintendent shall determine the license 59
or certificate fees to be charged, pursuant to sections 1321.03, 60
1321.05, ~~1321.53~~, and 1321.73 of the Revised Code. Such 61
determination shall be made by dividing the appropriation for the 62
consumer finance section of the division of financial institutions 63
for the current fiscal year by the number of licenses and 64
certificates issued as of the date of the computation. In no event 65
shall the amount of the fee exceed three hundred dollars, except 66
that the maximum fee which may be charged insurance premium 67
finance companies licensed under section 1321.73 of the Revised 68
Code shall not exceed three hundred seventy-five dollars. Prior to 69
the first day of June of each year, the superintendent shall 70
inform each person licensed or registered under this chapter of 71
the amount of the license or certificate fee for the succeeding 72
fiscal year as determined by this section. 73

(B) (1) Each person licensed under Chapter 4727. of the 74
Revised Code who is subject to annual license renewal under 75
division (E) (1) of section 4727.03 of the Revised Code shall, 76
prior to the last day of June, pay to the superintendent a fee 77
equal to twice the amount of the fee determined by the 78
superintendent pursuant to division (A) of this section. However, 79
in no event shall the amount of the fee exceed three hundred 80
dollars. 81

(2) Each person licensed under Chapter 4727. of the Revised Code who is subject to biennial license renewal under division (E) (2) of section 4727.03 of the Revised Code shall, prior to the date the license expires, pay to the superintendent a fee equal to four times the amount of the fee determined by the superintendent pursuant to division (A) of this section. However, in no event shall the amount of the fee exceed six hundred dollars.

(C) The fee for a license or certificate issued pursuant to Chapter 1321., 4727., or 4728. of the Revised Code after the first day of January of the year the license or certificate expires shall be equal to one-half the amount determined according to divisions (A) and (B) of this section or in accordance with section 4728.03 of the Revised Code.

(D) If the renewal fees billed by the superintendent pursuant to divisions (A) and (B) of this section are less than the estimated expenditures of the consumer finance section of the division of financial institutions, as determined by the superintendent, for the following fiscal year, the superintendent may assess each person licensed pursuant to section 1321.04 ~~or registered pursuant to section 1321.53~~ of the Revised Code at a rate sufficient to equal in the aggregate the difference between the renewal fees billed and the estimated expenditures. Each person shall pay the assessed amount to the superintendent prior to the last day of June. In no case shall the assessment exceed ten cents per each one hundred dollars of interest (excluding charge-off recoveries), points, loan origination charges, and credit line charges collected by that person during the previous calendar year. If an assessment is imposed under this division, it shall not be less than two hundred fifty dollars per licensee or registrant and shall not exceed thirty thousand dollars less the total renewal fees paid pursuant to division (A) of this section

by each licensee or registrant. 113

Sec. 1321.51. As used in sections 1321.51 to 1321.60 of the 114
Revised Code: 115

(A) "Person" means an individual, partnership, association, 116
trust, corporation, or any other legal entity. 117

(B) "Certificate" means a certificate of registration issued 118
under sections 1321.51 to 1321.60 of the Revised Code. 119

(C) "Registrant" means a person to whom one or more 120
certificates of registration have been issued under sections 121
1321.51 to 1321.60 of the Revised Code. 122

(D) "Principal amount" means the amount of cash paid to, or 123
paid or payable for the account of, the borrower, and includes any 124
charge, fee, or expense that is financed by the borrower at 125
origination of the loan or during the term of the loan. 126

(E) "Interest" means all charges payable directly or 127
indirectly by a borrower to a registrant as a condition to a loan 128
or an application for a loan, however denominated, but does not 129
include default charges, deferment charges, insurance charges or 130
premiums, court costs, loan origination charges, check collection 131
charges, credit line charges, points, prepayment penalties, or 132
other fees and charges specifically authorized by law. 133

(F) "Interest-bearing loan" means a loan in which the debt is 134
expressed as the principal amount and interest is computed, 135
charged, and collected on unpaid principal balances outstanding 136
from time to time. 137

(G) "Precomputed loan" means a loan in which the debt is a 138
sum comprising the principal amount and the amount of interest 139
computed in advance on the assumption that all scheduled payments 140
will be made when due. 141

(H) "Actuarial method" means the method of allocating 142
payments made on a loan between the principal amount and interest 143
whereby a payment is applied first to the accumulated interest and 144
the remainder to the unpaid principal amount. 145

(I) "Applicable charge" means the amount of interest 146
attributable to each monthly installment period of the loan 147
contract. The applicable charge is computed as if each installment 148
period were one month and any charge for extending the first 149
installment period beyond one month is ignored. In the case of 150
loans originally scheduled to be repaid in sixty-one months or 151
less, the applicable charge for any installment period is that 152
proportion of the total interest contracted for, as the balance 153
scheduled to be outstanding during that period bears to the sum of 154
all of the periodic balances, all determined according to the 155
payment schedule originally contracted for. In all other cases, 156
the applicable charge for any installment period is that which 157
would have been made for such period had the loan been made on an 158
interest-bearing basis, based upon the assumption that all 159
payments were made according to schedule. 160

(J) "Broker" means a person who acts as an intermediary or 161
agent in finding, arranging, or negotiating loans, other than 162
residential mortgage loans, and charges or receives a fee for 163
these services. 164

(K) "Annual percentage rate" means the ratio of the interest 165
on a loan to the unpaid principal balances on the loan for any 166
period of time, expressed on an annual basis. 167

(L) "Point" means a charge equal to one per cent of either of 168
the following: 169

(1) The principal amount of a precomputed loan or 170
interest-bearing loan; 171

(2) The original credit line of an open-end loan.	172
(M) "Prepayment penalty" means a charge for prepayment of a loan at any time prior to five years from the date the loan contract is executed.	173 174 175
(N) "Refinancing" means a loan the proceeds of which are used in whole or in part to pay the unpaid balance of a prior loan made by the same registrant to the same borrower under sections 1321.51 to 1321.60 of the Revised Code.	176 177 178 179
(O) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code.	180 181 182
<u>(P) (1) "Mortgage loan originator" means an individual who for compensation or gain, or in anticipation of compensation or gain, does any of the following:</u>	183 184 185
<u>(a) Takes or offers to take a residential mortgage loan application;</u>	186 187
<u>(b) Assists or offers to assist a borrower in obtaining or applying to obtain a residential mortgage loan by, among other things, advising on loan terms, including rates, fees, and other costs;</u>	188 189 190 191
<u>(c) Offers or negotiates terms of a residential mortgage loan;</u>	192 193
<u>(d) Issues or offers to issue a commitment for a residential mortgage loan to a borrower.</u>	194 195
<u>(2) "Mortgage loan originator" does not include any of the following:</u>	196 197
<u>(a) An individual who performs purely administrative or clerical tasks on behalf of a mortgage loan originator;</u>	198 199
<u>(b) A person licensed pursuant to Chapter 4735. of the</u>	200

Revised Code, or under the similar law of another state, who performs only real estate brokerage activities permitted by that license, provided the person is not compensated by a mortgage lender, mortgage broker, mortgage loan originator, or by any agent thereof;

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(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101, in effect on January 1, 2008;

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(d) A person acting solely as a loan processor or underwriter, who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the person can or will perform any of the activities of a mortgage loan originator;

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(e) A loan originator licensed under sections 1322.01 to 1322.12 of the Revised Code, when acting solely under that authority;

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(f) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or another mortgage loan originator, or by any agent thereof;

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(g) Any person engaged in the retail sale of manufactured or mobile homes if, in connection with financing those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following:

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(i) Offer or negotiate the residential mortgage loan rates or terms;

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(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms;

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(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured or mobile home; 231
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(iv) Assist the borrower in completing the residential mortgage loan application. 234
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(3) An individual acting exclusively as a servicer engaging in loss mitigation efforts with respect to existing mortgage transactions shall not be considered a mortgage loan originator for purposes of sections 1321.51 to 1321.60 of the Revised Code until July 1, 2011, if such delay is approved by the United States department of housing and urban development. 236
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(O) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage on a dwelling or on residential real estate upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1602. 242
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(R) "Nationwide mortgage licensing system and registry" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators, or their successor entities, for the licensing and registration of mortgage loan originators, or any system established by the secretary of housing and urban development pursuant to the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 248
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(S) "Registered mortgage loan originator" means an individual to whom both of the following apply: 256
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(1) The individual is a mortgage loan originator and an employee of a depository institution, a subsidiary that is owned and controlled by a depository institution and regulated by a 258
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federal banking agency, or an institution regulated by the farm credit administration. 261
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(2) The individual is registered with, and maintains a unique identifier through, the nationwide mortgage licensing system and registry. 263
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(T) "Administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry, and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan. 266
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(U) "Federal banking agency" means the board of governors of the federal reserve system, the comptroller of the currency, the director of the office of thrift supervision, the national credit union administration, and the federal deposit insurance corporation. 271
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(V) "Loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of a mortgage loan originator or registered mortgage loan originator. For purposes of this division, "clerical or support duties" includes the following activities: 276
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(1) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; 282
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(2) Communicating with a borrower to obtain the information necessary for the processing or underwriting of a loan, to the extent the communication does not include offering or negotiating loan rates or terms or counseling borrowers about residential mortgage loan rates or terms. 285
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(W) "Real estate brokerage activity" means any activity that 290

<u>involves offering or providing real estate brokerage services to</u>	291
<u>the public, including all of the following:</u>	292
<u>(1) Acting as a real estate agent or real estate broker for a</u>	293
<u>buyer, seller, lessor, or lessee of real property;</u>	294
<u>(2) Bringing together parties interested in the sale,</u>	295
<u>purchase, lease, rental, or exchange of real property;</u>	296
<u>(3) Negotiating, on behalf of any party, any portion of a</u>	297
<u>contract relating to the sale, purchase, lease, rental, or</u>	298
<u>exchange of real property, other than in connection with providing</u>	299
<u>financing for any such transaction;</u>	300
<u>(4) Engaging in any activity for which a person engaged in</u>	301
<u>that activity is required to be registered or licensed as a real</u>	302
<u>estate agent or real estate broker under any applicable law;</u>	303
<u>(5) Offering to engage in any activity, or to act in any</u>	304
<u>capacity, described in division (W) of this section.</u>	305
<u>(X) "Licensee" means any person that has been issued a</u>	306
<u>mortgage loan originator license under sections 1321.51 to 1321.60</u>	307
<u>of the Revised Code.</u>	308
<u>(Y) "Unique identifier" means a number or other identifier</u>	309
<u>that permanently identifies a mortgage loan originator and is</u>	310
<u>assigned by protocols established by the nationwide mortgage</u>	311
<u>licensing system and registry or federal banking agencies to</u>	312
<u>facilitate electronic tracking of mortgage loan originators and</u>	313
<u>uniform identification of, and public access to, the employment</u>	314
<u>history of and the publicly adjudicated disciplinary and</u>	315
<u>enforcement actions against mortgage loan originators.</u>	316
<u>(Z) "State" in the context of referring to states in addition</u>	317
<u>to Ohio means any state of the United States, the district of</u>	318
<u>Columbia, any territory of the United States, Puerto Rico, Guam,</u>	319
<u>American Samoa, the trust territory of the Pacific islands, the</u>	320

virgin islands, and the northern Mariana islands.

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(AA) "Depository institution" has the same meaning as in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813, and includes any credit union doing business under authority granted by the superintendent of financial institutions, the national credit union administration, or the credit union regulatory authority of any other state of the United States.

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(BB) "Bona fide third party" means a person that is not an employee of, related to, or affiliated with, the registrant, and that is not used for the purpose of circumvention or evasion of sections 1321.51 to 1321.60 of the Revised Code.

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(CC) "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage.

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(DD) "Employee" means an individual for whom a registrant or applicant, in addition to providing a wage or salary, pays social security and unemployment taxes, provides workers' compensation coverage, and withholds local, state, and federal income taxes. "Employee" also includes any individual who acts as a mortgage loan originator or operations manager of the registrant, but for whom the registrant is prevented by law from making income tax withholdings.

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(EE) "Operations manager" means the employee or owner responsible for the everyday operations, compliance requirements, and management of a registrant or applicant that makes or proposes to make loans secured by an interest in real estate.

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(FF) "Consumer reporting agency" has the same meaning as in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C. 1681a, as amended.

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(GG) "Mortgage broker" has the same meaning as in section 1322.01 of the Revised Code.

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Sec. 1321.52. (A) (1) No person, on that person's own behalf 351
or on behalf of any other person, shall do either any of the 352
following without having first obtained a certificate of 353
registration from the division of financial institutions: 354

(a) Advertise, solicit, or hold out that the person is 355
engaged in the business of making residential mortgage loans 356
secured by a mortgage on a borrower's real estate which is other 357
than a first lien on the real estate; 358

(b) Engage in the business of lending or collecting the 359
person's own or another person's money, credit, or choses in 360
action for ~~such~~ non-first lien residential mortgage loans; 361

(c) Employ or compensate mortgage loan originators licensed 362
or who should be licensed under sections 1321.51 to 1321.60 of the 363
Revised Code to conduct the business of making residential 364
mortgage loans; 365

(d) Make loans in this state of the type set forth in 366
division (C) of this section that are unsecured or are secured by 367
other than real property, which loans are for more than five 368
thousand dollars at a rate of interest greater than permitted by 369
section 1343.01 or other specific provisions of the Revised Code. 370

(2) Each person issued a certificate of registration is 371
subject to all the rules prescribed under sections 1321.51 to 372
1321.60 of the Revised Code. 373

(B) (1) All loans made to persons who at the time are 374
residents of this state are considered as made within this state 375
and subject to the laws of this state, regardless of any statement 376
in the contract or note to the contrary, except as follows: 377

(a) If the loan is primarily secured by a lien on real 378
property in another state and is arranged by a mortgage loan 379

originator licensed by that state, the borrower may by choice of 380
law designate that the transaction be governed by the law where 381
the real property is located if the other state has consumer 382
protection laws covering the borrower that are applicable to the 383
transaction. 384

(b) If the loan is for the purpose of purchasing goods 385
acquired by the borrower when the borrower is outside of this 386
state, the loan may be governed by the laws of the other state. 387

(2) Nothing in division (B)(1) of this section prevents a 388
choice of law or requires registration or licensure of persons 389
outside of this state in a transaction involving the solicitation 390
of residents of this state to obtain non-real estate secured loans 391
that require the borrowers to physically visit a lender's 392
out-of-state office to apply for and obtain the disbursement of 393
loan funds. 394

(C) A registrant may make unsecured loans, loans secured by a 395
mortgage on a borrower's real estate which is a first lien or 396
other than a first lien on the real estate, loans secured by other 397
than real estate, and loans secured by any combination of 398
mortgages and security interests, on terms and conditions provided 399
by sections 1321.51 to 1321.60 of the Revised Code. 400

(D) (1) If a lender that is subject to sections 1321.51 to 401
1321.60 of the Revised Code makes a loan in violation of division 402
(A) (1) of this section, the lender has no right to collect, 403
receive, or retain any interest or charges on that loan. 404

(2) If a registrant applies to the division for a renewal of 405
the registrant's certificate after the date required by division 406
~~(A) (4)~~ (A) (8) of section 1321.53 of the Revised Code, but prior to 407
the first day of ~~August~~ February of that year, and the division 408
approves the application, division (D) (1) of this section does not 409
apply with respect to any loan made by the registrant while the 410

registrant's certificate was expired. 411

(3) If a person's registration under sections 1321.51 to 412
1321.60 of the Revised Code terminates due to nonrenewal or 413
otherwise but the person continues to engage in the business of 414
collecting or servicing non-first lien residential mortgage loans 415
in violation of division (A)(1) of this section, the 416
superintendent of financial institutions may take administrative 417
action, including action on any subsequent application for a 418
certificate of registration. In addition, no late fee, bad check 419
charge except as incurred, charge related to default or cost to 420
realize on its security interest, or prepayment penalty on 421
non-first lien residential mortgage loans shall be collected or 422
retained by a person who is in violation of division (A)(1)(b) of 423
this section. Nothing in division (D)(3) of this section prevents 424
or otherwise precludes any other actions or penalties provided by 425
law or modifies a defense of holder in due course that a 426
subsequent purchaser servicing the residential mortgage loan may 427
raise. 428

(E)(1) No individual shall engage in the business of a 429
mortgage loan originator without first obtaining and maintaining 430
annually a license pursuant to section 1321.532 of the Revised 431
Code from the division of financial institutions. A mortgage loan 432
originator shall be employed or associated with a registrant or 433
exempt entity, but shall not be employed by or associated with 434
more than one registrant or exempt entity at any one time. 435

(2) An individual acting under the individual's authority as 436
a registered mortgage loan originator shall not be required to be 437
licensed under division (E)(1) of this section. 438

(F)(1) Each licensee shall register with, and maintain a 439
valid unique identifier issued by, the nationwide mortgage 440
licensing system and registry. 441

(2) No person shall use a licensee's unique identifier for any purpose other than as set forth in the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.

(G) (1) If a person that is subject to sections 1321.51 to 1321.60 of the Revised Code makes a loan in violation of division (A) (1) (d) of this section and subsequently sells or assigns that loan, the person is liable to the borrower for any interest paid on that loan to the holder or assignee in excess of the rate that would be applicable in the absence of sections 1321.51 to 1321.60 of the Revised Code, in addition to any interest or charges paid on that loan to the unauthorized lender as provided by division (D) (1) of this section.

(2) If a person that is subject to sections 1321.51 to 1321.60 of the Revised Code makes a residential mortgage loan in violation of division (A) (1) (b) or (c) of this section and subsequently sells or assigns that loan, the lender is liable to the borrower for any interest paid on that loan to the holder or assignee in excess of the rate set forth in division (B) (4) of section 1343.01 of the Revised Code, in addition to any interest or charges paid on that loan to the unauthorized lender as provided by division (D) (1) of this section.

Sec. 1321.521. The superintendent of financial institutions may, by rule, expand the definition of mortgage loan originator in section 1321.51 of the Revised Code by adding individuals or may exempt additional individuals or persons from that definition, if the superintendent finds that the addition or exemption is consistent with the purposes fairly intended by the policy and provisions of sections 1321.51 to 1321.60 of the Revised Code and the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.

Rules authorized by this section shall be adopted in 473
accordance with Chapter 119. of the Revised Code. 474

Sec. 1321.53. (A) (1) An application for a certificate of 475
 registration under sections 1321.51 to 1321.60 of the Revised Code 476
 shall contain an undertaking by the applicant to abide by those 477
 sections. The application shall be in writing, under oath, and in 478
 the form prescribed by the division of financial institutions, 479
~~shall give the location where the business is to be conducted and~~ 480
~~the names and addresses of the partners, officers, or trustees of~~ 481
~~the applicant,~~ and shall contain any ~~further relevant~~ information 482
 that the division may require. Applicants that are foreign 483
 corporations shall obtain and maintain a license pursuant to 484
 Chapter 1703. of the Revised Code before a certificate is issued 485
 or renewed. 486

(2) Upon the filing of the application and the payment by the 487
 applicant of a nonrefundable two hundred dollars as an dollar 488
~~investigation fee and an, a nonrefundable three hundred dollar~~ 489
~~annual registration fee as determined by the superintendent of~~ 490
~~financial institutions pursuant to section 1321.20 of the Revised~~ 491
~~Code, and any additional fee required by the nationwide mortgage~~ 492
~~licensing system and registry,~~ the division shall investigate the 493
 relevant facts. If the application involves investigation outside 494
 this state, the applicant may be required by the division to 495
 advance sufficient funds to pay any of the actual expenses of such 496
 investigation, when it appears that these expenses will exceed two 497
 hundred dollars. An itemized statement of any of these expenses 498
 which the applicant is required to pay shall be furnished to the 499
 applicant by the division. No certificate shall be issued unless 500
all the required fees have been submitted to the division, ~~and no~~ 501
~~registration fee or investigation fee will be returned after a~~ 502
~~certificate has been issued.~~ 503

(3) All applicants making loans secured by an interest in real estate shall designate an employee or owner of the applicant as the applicant's operations manager. While acting as the operations manager, the employee or owner shall not be employed by any other registrant or mortgage broker. Each registrant making residential mortgage loans secured by an interest in real estate shall have a designated operations manager who has at least three years of experience in the mortgage or lending field acceptable to the superintendent, and is a licensed mortgage loan originator.

(4) The investigation undertaken upon application shall include both a civil and criminal records check of the applicant including any individual whose identity is required to be disclosed in the application. Where the applicant is a business entity the superintendent shall have the authority to require a civil and criminal background check of those persons that in the determination of the superintendent have the authority to direct and control the operations of the applicant.

(5)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with division (A)(12) of section 109.572 of the Revised Code;

(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check as set

forth in division (C) of section 1321.531 of the Revised Code. 535

(b) Any fee required under division (C) (3) of section 109.572 536
of the Revised Code or by the nationwide mortgage licensing system 537
and registry shall be paid by the applicant. 538

(6) If an application for a certificate of registration does 539
not contain all of the information required under division (A) ~~(1)~~ 540
of this section, and if such information is not submitted to the 541
division within ninety days after the application is filed 542
superintendent requests the information in writing, the 543
superintendent may consider the application withdrawn and may 544
retain the investigation fee. 545

~~(4)~~ (7) If the division finds that the financial 546
responsibility, experience, character, and general fitness of the 547
applicant are such as to command the confidence of the public and 548
to warrant the belief that the business will be operated honestly 549
and fairly in compliance with and within the purposes of sections 550
1321.51 to 1321.60 of the Revised Code and the rules adopted 551
thereunder, and that the applicant has the requisite bond or 552
applicable net worth and assets required by division (B) of this 553
section, the division shall thereupon issue a certificate of 554
registration to the applicant. The certificate superintendent 555
shall not use a credit score as the sole basis for a registration 556
denial. 557

(a) Certificates of registration issued on or after July 1, 558
2009, shall annually expire on the first thirty-first day of July 559
next after its issue, and on the first day of July in each 560
succeeding year December, unless renewed by the filing of a 561
renewal application and payment of an annual fee, and any 562
assessment, as determined by the superintendent pursuant to 563
section 1321.20 of the Revised Code, and any additional fee 564
required by the nationwide mortgage licensing system and registry, 565

on or before the last day of ~~June~~ December of each year. No other 566
 fee or assessment shall be required of a registrant by the state 567
 or any political subdivision of ~~the~~ this state. 568

(b) Registrants shall timely file renewal applications on 569
forms prescribed by the division of financial institutions and 570
provide any further information that the division may require. 571

(c) As a condition of renewal, registrants shall provide 572
proof that the designated operations manager successfully 573
completed the testing required under section 1321.535 of the 574
Revised Code and the continuing education requirements set forth 575
in section 1321.536 of the Revised Code. 576

(d) Renewal shall not be granted if the applicant's 577
certificate of registration is subject to an order of suspension, 578
revocation, or an unpaid and past due fine imposed by the 579
superintendent. 580

(e) If the division ~~does not so find~~ finds the applicant does 581
not meet the conditions set forth in this section, it shall enter 582
an ~~order denying~~ issue a notice of intent to deny the application, 583
 and forthwith notify the applicant of the denial, the grounds for 584
 the denial, and the applicant's reasonable opportunity to be heard 585
 on the action in accordance with Chapter 119. of the Revised Code. 586
~~In the event of denial, the division shall return the registration~~ 587
~~fee but retain the investigation fee. 588~~

~~(5)~~ (8) If there is a change of ~~ten~~ five per cent or more in 589
 the ownership of a registrant, the division may make any 590
 investigation necessary to determine whether any fact or condition 591
 exists that, if it had existed at the time of the original 592
 application for a certificate of registration, the fact or 593
 condition would have warranted the division to deny the 594
 application under division (A) ~~(4)~~ (7) of this section. If such a 595
 fact or condition is found, the division may, in accordance with 596

Chapter 119. of the Revised Code, revoke the registrant's 597
certificate. 598

(B) Each registrant that engages in lending under sections 599
1321.51 to 1321.60 of the Revised Code shall, if not bonded 600
pursuant to section 1321.533 of the Revised Code, maintain both of 601
the following: 602

(1) A net worth of at least fifty thousand dollars; 603

(2) For each certificate of registration, assets of at least 604
fifty thousand dollars either in use or readily available for use 605
in the conduct of the business. 606

(C) Not more than one place of business shall be maintained 607
under the same certificate, but the division may issue additional 608
certificates to the same registrant upon compliance with sections 609
1321.51 to 1321.60 of the Revised Code, governing the issuance of 610
a single certificate. No change in the place of business of a 611
registrant to a location outside the original municipal 612
corporation shall be permitted under the same certificate without 613
the approval of a new application, the payment of the registration 614
fee ~~as determined by the superintendent pursuant to section~~ 615
~~1321.20 of the Revised Code~~ and, if required by the 616
superintendent, the payment of an investigation fee of two hundred 617
dollars. When a registrant wishes to change its place of business 618
within the same municipal corporation, it shall give written 619
notice of the change in advance to the division, which shall 620
provide a certificate for the new address without cost. If a 621
registrant changes its name, prior to making loans under the new 622
name it shall give written notice of the change to the division, 623
which shall provide a certificate in the new name without cost. 624
Sections 1321.51 to 1321.60 of the Revised Code do not limit the 625
loans of any registrant to residents of the community in which the 626
registrant's place of business is situated. Each certificate shall 627

be kept conspicuously posted in the place of business of the 628
 registrant and is not transferable or assignable. 629

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 630
 apply to any of the following: 631

(1) ~~Persons~~ Entities chartered and lawfully doing business 632
 under the authority of any law of this state, another state, or 633
 the United States ~~relating to banks as a bank, savings banks bank,~~ 634
 trust ~~companies~~ company, savings and loan ~~associations~~ 635
association, or credit unions union, or a subsidiary of any such 636
entity, which subsidiary is regulated by a federal banking agency 637
and is owned and controlled by such a depository institution; 638

(2) Life, property, or casualty insurance companies licensed 639
 to do business in this state; 640

(3) Any person that is a lender making a loan pursuant to 641
 sections 1321.01 to 1321.19 of the Revised Code or a business loan 642
 as described in division (B) (6) of section 1343.01 of the Revised 643
 Code; 644

(4) Any political subdivision, or any governmental agency or 645
other public entity, corporation, instrumentality, or any entity 646
~~included under division (B) (3) of section 1343.01 of the Revised~~ 647
~~Code~~ agency, in or of the United States or any state of the United 648
States; 649

(5) A college or university, or controlled entity of a 650
college or university, as those terms are defined in section 651
1713.05 of the Revised Code. 652

(E) No person engaged in the business of selling tangible 653
 goods or services related to tangible goods may receive or retain 654
 a certificate under sections 1321.51 to 1321.60 of the Revised 655
 Code for such place of business. 656

Sec. 1321.531. (A) An application for a mortgage loan 657
originator license shall be in writing, under oath, and in the 658
form prescribed by the superintendent of financial institutions. 659
The application shall be accompanied by a nonrefundable 660
application fee of one hundred fifty dollars and all other 661
required fees, including any fees required by the nationwide 662
mortgage licensing system and registry. 663

(B) The superintendent may establish relationships or enter 664
into contracts with the nationwide mortgage licensing system and 665
registry, or any entities designated by it, to collect and 666
maintain records and process transaction fees or other fees 667
related to mortgage loan originator licensees or other persons 668
subject to or involved in their licensure. 669

(C) In connection with applying for a mortgage loan 670
originator license, the applicant shall furnish to the nationwide 671
mortgage licensing system and registry the following information 672
concerning the applicant's identity: 673

(1) The applicant's fingerprints for submission to the 674
federal bureau of investigation, and any other governmental agency 675
or entity authorized to receive such information, for purposes of 676
a state, national, and international criminal history background 677
check; 678

(2) Personal history and experience in a form prescribed by 679
the nationwide mortgage licensing system and registry, along with 680
authorization for the superintendent and the nationwide mortgage 681
licensing system and registry to obtain the following: 682

(a) An independent credit report from a consumer reporting 683
agency; 684

(b) Information related to any administrative, civil, or 685
criminal findings by any governmental jurisdiction. 686

(D) In order to effectuate the purposes of divisions (C)(1) and (C)(2)(b) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source related to matters subject to divisions (C)(2)(a) and (b) of this section.

(E) Upon the filing of the application, payment of the application fee, and payment of any additional fee, including any fee required by the nationwide mortgage licensing system and registry, the superintendent shall investigate the applicant as set forth in division (E) of this section.

(1)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number in accordance with division (A)(12) of section 109.572 of the Revised Code;

(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check as set forth in division (C) of this section.

(b) Any fee required under division (C)(3) of section 109.572

of the Revised Code or by the nationwide mortgage licensing system 718
and registry shall be paid by the applicant. 719

(2) The superintendent of financial institutions shall 720
conduct a civil records check. 721

(3) If, in order to issue a license to an applicant, 722
additional investigation by the superintendent outside this state 723
is necessary, the superintendent may require the applicant to 724
advance sufficient funds to pay the actual expenses of the 725
investigation, if it appears that these expenses will exceed one 726
hundred dollars. The superintendent shall provide the applicant 727
with an itemized statement of the actual expenses that the 728
applicant is required to pay. 729

(F) If an application for a mortgage loan originator license 730
does not contain all of the information required under this 731
section, and if that information is not submitted to the 732
superintendent within ninety days after the superintendent 733
requests the information in writing, the superintendent may 734
consider the application withdrawn. 735

Sec. 1321.532. (A) Upon the conclusion of the investigation 736
required under division (E) of section 1321.531 of the Revised 737
Code, the superintendent of financial institutions shall issue a 738
mortgage loan originator license to the applicant if the 739
superintendent finds that all of the following conditions are met: 740

(1) The application is accompanied by the application fee and 741
any additional fee required by the nationwide mortgage licensing 742
system and registry. 743

(a) If a check or other draft instrument is returned to the 744
superintendent for insufficient funds, the superintendent shall 745
notify the applicant by certified mail, return receipt requested, 746
that the application will be withdrawn unless the applicant. 747

within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the applicant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the application shall be withdrawn immediately without a hearing.

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(b) If a check or other draft instrument is returned to the superintendent for insufficient funds after the license has been issued, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license issued in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the license shall be canceled immediately without a hearing, and the licensee shall cease activity as a mortgage loan originator.

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(2) The applicant complies with sections 1321.51 to 1321.60 of the Revised Code.

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(3) The applicant has not had a mortgage loan originator license, or comparable authority, revoked in any governmental jurisdiction.

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(4) The applicant has not been convicted of, or pleaded guilty to, any of the following:

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(a) During the seven-year period immediately preceding the date of application for licensure, a felony in a domestic, foreign, or military court.

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(b) At any time prior to the date of application for licensure, a felony involving an act of fraud, dishonesty, or a breach of trust, theft, or money laundering in a domestic, foreign, or military court; 778
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(c) During the seven-year period immediately preceding the date of application for licensure, a misdemeanor involving theft in a domestic, foreign, or military court. 782
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(5) Based on the totality of the circumstances and information submitted in the application, the applicant has proven to the division of financial institutions, by a preponderance of the evidence, that the applicant is of good business repute, appears qualified to act as a mortgage loan originator, and has fully complied with sections 1321.51 to 1321.60 of the Revised Code and rules adopted thereunder. 785
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(6) The applicant successfully completed the written test required under section 1321.535 of the Revised Code and the education requirements set forth in section 1321.534 of the Revised Code. 792
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(7) The applicant is covered under a valid bond in compliance with section 1321.533 of the Revised Code. 796
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(8) The applicant's financial responsibility, character, and general fitness command the confidence of the public and warrant the belief that the loan originator will operate honestly and fairly in compliance with the purposes of sections 1321.51 to 1321.60 of the Revised Code. The superintendent shall not use a credit score as the sole basis for a license denial. 798
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(B) The license issued under division (A) of this section may be renewed annually on or before the thirty-first day of December if the superintendent finds that all of the following conditions are met: 804
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(1) The renewal application is accompanied by a nonrefundable renewal fee of one hundred fifty dollars, and any additional fee required by the nationwide mortgage licensing system and registry. If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license renewed in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the renewal fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the license shall be canceled immediately without a hearing, and the licensee shall cease activity as a mortgage loan originator.

(2) The applicant has completed at least eight hours of continuing education as required under section 1321.536 of the Revised Code.

(3) The applicant meets the conditions set forth in divisions (A) (2) to (8) of this section.

(4) The applicant's license is not subject to an order of suspension or an unpaid and past due fine imposed by the superintendent.

(C) (1) Subject to division (C) (2) of this section, if a license renewal application or fee, including any additional fee required by nationwide mortgage licensing system and registry, is received by the superintendent after the thirty-first day of December, the license shall not be considered renewed, and the applicant shall cease activity as a mortgage loan originator.

(2) Division (C) (1) of this section shall not apply if the

applicant, no later than the thirty-first day of January, submits 839
the renewal application and fee, including any additional fee 840
required by nationwide mortgage licensing system and registry, and 841
a one-hundred-dollar penalty to the superintendent. 842

(D) Mortgage loan originator licenses issued on or after July 843
1, 2009, shall annually expire on the thirty-first day of 844
December. 845

Sec. 1321.533. (A) (1) A registrant engaged in residential 846
mortgage loan activity shall not conduct business in this state, 847
unless the registrant has obtained and maintains in effect at all 848
times a corporate surety bond issued by a bonding company or 849
insurance company authorized to do business in this state. 850

(a) The bond shall be in favor of the superintendent of 851
financial institutions. 852

(b) The bond shall be in the penal sum of the greater of: 853

(i) Fifty thousand dollars and an additional penal sum of ten 854
thousand dollars for each location, in excess of one, at which the 855
registrant conducts business; or 856

(ii) One half per cent of the aggregate loan amount of 857
residential mortgage loans originated in the immediately preceding 858
calendar year, but not exceeding two hundred fifty thousand 859
dollars. 860

(c) The term of the bond shall coincide with the term of 861
registration. 862

(d) A copy of the bond shall be filed with the 863
superintendent. 864

(e) The bond shall be for the exclusive benefit of any 865
borrower injured by a violation by an employee, licensee, or 866
registrant of any provision of sections 1321.51 to 1321.60 of the 867

Revised Code or the rules adopted thereunder. 868

(f) The aggregate liability of the corporate surety for any and all breaches of the conditions of the bond shall not exceed the penal sum of the bond. 869
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(2) An individual licensed as a mortgage loan originator and employed or associated with an exempt entity as set forth in division (P)(2) of section 1321.51 of the Revised Code shall not conduct business in this state, unless the licensee has obtained and maintains in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state. 872
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(a) The bond shall be in favor of the superintendent. 879

(b) The bond shall be in the penal sum of the greater of: 880

(i) Fifty thousand dollars; or 881

(ii) One half per cent of the aggregate loan amount of residential mortgage loans originated in the immediately preceding calendar year, but not exceeding two hundred fifty thousand dollars. 882
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(c) The term of the bond shall coincide with the term of licensure. 886
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(d) A copy of the bond shall be filed with the superintendent. 888
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(e) The bond shall be for the exclusive benefit of any borrower injured by a violation by the licensee of any provision of sections 1321.51 to 1321.60 of the Revised Code or the rules adopted thereunder. 890
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(f) The aggregate liability of the corporate surety for any and all breaches of the conditions of the bond shall not exceed the penal sum of the bond. 894
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(B) (1) The registrant or licensee shall give notice to the 897
superintendent by certified mail of any action that is brought by 898
a borrower against the licensee, registrant, or any mortgage loan 899
originator of the registrant alleging injury by a violation of any 900
provision of sections 1321.51 to 1321.60 of the Revised Code, and 901
of any judgment that is entered against the licensee, registrant, 902
or mortgage loan originator of the registrant by a borrower 903
injured by a violation of any provision of sections 1321.51 to 904
1321.60 of the Revised Code. The notice shall provide details 905
sufficient to identify the action or judgment, and shall be filed 906
with the superintendent within ten days after the commencement of 907
the action or notice to the registrant or licensee of entry of a 908
judgment. An exempt entity securing bonding for the licensees in 909
their employ shall report those actions by a borrower in the same 910
manner as is required of registrants. 911

(2) A corporate surety, within ten days after it pays any 912
claim or judgment, shall give notice to the superintendent by 913
certified mail of the payment, with details sufficient to identify 914
the person and the claim or judgment paid. 915

(C) Whenever the penal sum of the corporate surety bond is 916
reduced by one or more recoveries or payments, the registrant or 917
licensee shall furnish a new or additional bond under this 918
section, so that the total or aggregate penal sum of the bond or 919
bonds equals the sum required by this section, or shall furnish an 920
endorsement executed by the corporate surety reinstating the bond 921
to the required penal sum of it. 922

(D) The liability of the corporate surety on the bond to the 923
superintendent and to any borrower injured by a violation of any 924
provision of sections 1321.51 to 1321.60 of the Revised Code shall 925
not be affected in any way by any misrepresentation, breach of 926
warranty, or failure to pay the premium, by any act or omission 927

upon the part of the registrant or licensee, by the insolvency or 928
bankruptcy of the registrant or licensee, or by the insolvency of 929
the registrant's or licensee's estate. The liability for any act 930
or omission that occurs during the term of the corporate surety 931
bond shall be maintained and in effect for at least two years 932
after the date on which the corporate surety bond is terminated or 933
canceled. 934

(E) The corporate surety bond shall not be canceled by the 935
registrant, the licensee, or the corporate surety except upon 936
notice to the superintendent by certified mail, return receipt 937
requested. The cancellation shall not be effective prior to thirty 938
days after the superintendent receives the notice. 939

(F) No registrant or licensee shall fail to comply with this 940
section. Any registrant or licensee that fails to comply with this 941
section shall cease all mortgage lender or mortgage loan 942
originator activity in this state until the registrant or licensee 943
has complied with this section. 944

Sec. 1321.534. (A) Mortgage loan originator applicants shall 945
submit evidence acceptable to the superintendent of financial 946
institutions that, except as set forth in division (D) of this 947
section, the applicant has successfully completed at least 948
twenty-four hours of pre-licensing instruction consisting of the 949
following: 950

(1) Twenty hours of instruction in a course or program of 951
study reviewed and approved by the nationwide mortgage licensing 952
system and registry. 953

(2) Four hours of instruction in a course or program of study 954
reviewed and approved by the superintendent concerning state 955
lending law and the Ohio consumer sales practices act, Chapter 956
1345. of the Revised Code, as it applies to registrants and 957

licensees.

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(B) A person having successfully completed the pre-licensing education requirements reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of the pre-licensing education requirements of this state.

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(C) Review and approval of a pre-licensing education course shall include review and approval of the course provider.

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(D) Notwithstanding division (A) of this section, if the nationwide mortgage licensing system and registry fails to have in place an approval program to ensure that all pre-licensing education courses meet the criteria set forth in division (A) of this section, then the superintendent shall require, until that program is in place, evidence that the applicant has successfully completed twenty-four hours of live classroom instruction in a course or program of study approved by the superintendent that consists of at least all of the following:

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(1) Four hours of instruction concerning state and federal mortgage lending laws, which shall include no less than two hours on this chapter;

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(2) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;

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(3) Four hours of instruction concerning the loan application process;

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(4) Two hours of instruction concerning the underwriting process;

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(5) Two hours of instruction concerning the secondary market for mortgage loans;

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<u>(6) Four hours of instruction concerning the loan closing</u>	987
<u>process;</u>	988
<u>(7) Two hours of instruction covering basic mortgage</u>	989
<u>financing concepts and terms;</u>	990
<u>(8) Two hours of instruction concerning the ethical</u>	991
<u>responsibilities of a licensee, including with respect to</u>	992
<u>confidentiality, consumer counseling, and the duties and standards</u>	993
<u>of care created in section 1321.593 of the Revised Code.</u>	994
<u>Sec. 1321.535. (A) Each person designated to act as</u>	995
<u>operations manager for a registrant shall submit to a written test</u>	996
<u>approved by the superintendent of financial institutions. An</u>	997
<u>individual shall not be considered to have passed the written test</u>	998
<u>unless the individual achieves a test score of not less than</u>	999
<u>seventy-five per cent correct answers to all questions.</u>	1000
<u>(B) Each applicant for a mortgage loan originator license</u>	1001
<u>shall submit to a written test that is developed and approved by</u>	1002
<u>the nationwide mortgage licensing system and registry and</u>	1003
<u>administered by a test provider approved by the nationwide</u>	1004
<u>mortgage licensing system and registry based upon reasonable</u>	1005
<u>standards.</u>	1006
<u>(1) The test shall adequately measure the applicant's</u>	1007
<u>knowledge and comprehension in appropriate subject matters,</u>	1008
<u>including ethics and federal and state law related to mortgage</u>	1009
<u>origination, fraud, consumer protection, the nontraditional</u>	1010
<u>mortgage marketplace, and fair lending issues.</u>	1011
<u>(2) An individual shall not be considered to have passed the</u>	1012
<u>test unless the individual achieves a test score of at least</u>	1013
<u>seventy-five per cent correct answers on all questions and at</u>	1014
<u>least seventy-five per cent correct answers on all questions</u>	1015
<u>relating to Ohio lending laws and the Ohio consumer sales</u>	1016

practices act. 1017

(3) An individual may retake the test three consecutive times 1018
provided the period between taking the tests is at least thirty 1019
days. 1020

(4) After failing three consecutive tests, an individual 1021
shall be required to wait at least six months before taking the 1022
test again. 1023

(5) If a mortgage loan originator fails to maintain a valid 1024
license for a period of five years or longer, the individual shall 1025
be required to retake the test. 1026

(C) Notwithstanding division (B) of this section, until the 1027
nationwide mortgage licensing system and registry implements a 1028
testing process that meets the criteria set forth in that 1029
division, the superintendent shall require evidence that the 1030
mortgage loan originator applicant or person designated under 1031
division (A) (3) of section 1321.53 of the Revised Code passed a 1032
written test acceptable to the superintendent. 1033

Sec. 1321.536. (A) Each mortgage loan originator licensee and 1034
each person designated under division (A) (3) of section 1321.53 of 1035
the Revised Code to act as operations manager for a registrant 1036
shall complete at least eight hours of continuing education every 1037
calendar year. To fulfill this requirement, the eight hours of 1038
continuing education must be offered in a course or program of 1039
study reviewed and approved by the nationwide mortgage licensing 1040
system and registry. The course or program of study shall include 1041
all of the following: 1042

(1) Three hours of applicable federal law and regulations; 1043

(2) Two hours of ethics, which shall include instruction on 1044
fraud, consumer protection, and fair lending issues; 1045

- (3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace. 1046
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- (B) Continuing education courses shall be reviewed and approved by the nationwide mortgage licensing system and registry based upon reasonable standards. 1048
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- (C) The following conditions apply to the continuing education required by this section: 1051
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- (1) An individual cannot take the same approved course in the same or successive years to meet the annual requirement for continuing education. 1053
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- (2) An individual can only receive credit for a continuing education course in the year in which the course is taken, unless the individual is making up a deficiency in continuing education pursuant to a rule or order of the superintendent of financial institutions. 1056
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- (3) An individual who subsequently becomes unlicensed must complete the continuing education requirement for the last year in which the license was held prior to the issuance of a new or renewed license. 1061
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- (4) A licensed mortgage loan originator who is approved as an instructor of an approved continuing education course may receive credit for the licensee's own annual continuing education requirement at the rate of two credit hours for every one hour taught. 1065
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- (5) A person having successfully completed a continuing education course approved by the nationwide mortgage licensing system and registry for any state shall receive credit toward completion of the continuing education requirement of this state. 1070
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- (D) Notwithstanding division (B) of this section, until the nationwide mortgage licensing system and registry implements a 1074
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review and approval process, the superintendent shall require 1076
evidence that the licensee or person designated under division 1077
(A) (3) of section 1321.53 of the Revised Code has successfully 1078
completed at least eight hours of continuing education in a course 1079
or program of study approved by the superintendent. 1080

Sec. 1321.54. (A) The division of financial institutions may 1081
adopt, in accordance with Chapter 119. of the Revised Code, 1082
~~reasonable rules that are necessary for the enforcement of to~~ 1083
~~administer and enforce~~ sections 1321.51 to 1321.60 of the Revised 1084
Code and ~~that are consistent with those sections. Each rule shall~~ 1085
~~contain a reference to the section, division, or paragraph of the~~ 1086
~~Revised Code to which it applies. The division shall send by~~ 1087
~~regular mail to each registrant a copy of each rule that is~~ 1088
~~adopted pursuant to this section~~ to carry out the purposes of 1089
those sections. 1090

(B) (1) The division shall may, upon written notice to the 1091
registrant or licensee stating the contemplated action, the 1092
grounds for the action, and the registrant's or licensee's 1093
reasonable opportunity to be heard on the action in accordance 1094
with Chapter 119. of the Revised Code, revoke, suspend, or refuse 1095
to renew any certificate or license issued under sections 1321.51 1096
to 1321.60 of the Revised Code, ~~or impose a monetary fine,~~ if it 1097
finds ~~that the registrant has continued to violate those sections,~~ 1098
~~after receiving notice of the violation or violations from the~~ 1099
~~division, or is in default in the payment of the annual assessment~~ 1100
~~or certificate of registration fee prescribed in section 1321.20~~ 1101
~~of the Revised Code. The~~ any of the following: 1102

(a) A violation of or failure to comply with any provision of 1103
sections 1321.51 to 1321.60 of the Revised Code or the rules 1104
adopted thereunder, any federal lending law, or any other law 1105
applicable to the business conducted under a certificate of 1106

registration or license; 1107

(b) The person has been convicted of or pleaded guilty to any 1108
criminal felony offense in a domestic, foreign, or military court; 1109

(c) The person has been convicted of or pleaded guilty to any 1110
criminal offense involving theft, receiving stolen property, 1111
embezzlement, forgery, fraud, passing bad checks, money 1112
laundering, breach of trust, dishonesty, or drug trafficking, or 1113
any criminal offense involving money or securities, in a domestic, 1114
foreign, or military court; 1115

(d) The person's mortgage lender certificate of registration 1116
or mortgage loan originator license, or comparable authority, has 1117
been revoked in any governmental jurisdiction. 1118

(2) In addition to, or in lieu of, any revocation, 1119
suspension, or denial, the division may impose a monetary fine 1120
after administrative hearing or in settlement of matters subject 1121
to claims under division (B)(1)(a) of this section. 1122

(3) Subject to division (D)(3) of section 1321.52 of the 1123
Revised Code, the revocation, suspension, or refusal to renew 1124
shall not impair the obligation of any pre-existing lawful 1125
contract made under sections 1321.51 to 1321.60 of the Revised 1126
Code; provided, however, that a prior registrant shall make good 1127
faith efforts to promptly transfer the registrant's collection 1128
rights to another registrant or person exempt from registration, 1129
or be subject to additional monetary fines and legal or 1130
administrative action by the division. Nothing in division (B)(3) 1131
of this section shall limit a court's ability to impose a cease 1132
and desist order preventing any further business or servicing 1133
activity. 1134

(C)(1) The superintendent of financial institutions may 1135
impose a fine of not more than one thousand dollars for each day a 1136

violation of sections 1321.51 to 1321.60 of the Revised Code, or 1137
any rule adopted thereunder, is committed, repeated, or continued. 1138
If the registrant or licensee engages in a pattern of repeated 1139
violations, the superintendent may impose a fine of not more than 1140
two thousand dollars for each day the violation is committed, 1141
repeated, or continued. All fines collected pursuant to this 1142
section shall be paid to the treasurer of state to the credit of 1143
the consumer finance fund created in section 1321.21 of the 1144
Revised Code. In determining the amount of a fine to be imposed 1145
pursuant to this section, the superintendent may consider all of 1146
the following to the extent it is known to the division of 1147
financial institutions: 1148

(a) The seriousness of the violation; 1149

(b) The registrant's or licensee's good faith efforts to 1150
prevent the violation; 1151

(c) The registrant's or licensee's history regarding 1152
violations and compliance with division orders; 1153

(d) The registrant's or licensee's financial resources; 1154

(e) Any other matters the superintendent considers 1155
appropriate in enforcing sections 1321.51 to 1321.60 of the 1156
Revised Code. 1157

(2) Monetary fines imposed under this division shall not 1158
exceed twenty five thousand dollars preclude any criminal fine 1159
imposed pursuant to section 1321.99 of the Revised Code. 1160

~~(C)-(D)~~ The superintendent of financial institutions may 1161
investigate alleged violations of sections 1321.51 to 1321.60 of 1162
the Revised Code, or the rules adopted thereunder, or complaints 1163
concerning any such violation. The superintendent may make 1164
application to the court of common pleas for an order enjoining 1165
any such violation and, upon a showing by the superintendent that 1166

a person has committed, or is about to commit, ~~such~~ a violation, 1167
 the court shall grant an injunction, restraining order, or other 1168
 appropriate relief. The superintendent, in making application to 1169
the court of common pleas for an order enjoining a person from 1170
acting as a registrant or mortgage loan originator in violation of 1171
division (A) or (E) of section 1321.52 of the Revised Code, may 1172
also seek and obtain civil penalties for that unregistered or 1173
unlicensed conduct in an amount not to exceed five thousand 1174
dollars per violation. 1175

~~(D)~~(E) In conducting an investigation pursuant to this 1176
 section, the superintendent may compel, by subpoena, witnesses to 1177
 testify in relation to any matter over which the superintendent 1178
 has jurisdiction, and may require the production or photocopying 1179
 of any book, record, or other document pertaining to such matter. 1180
 If a person fails to file any statement or report, obey any 1181
 subpoena, give testimony, produce any book, record, or other 1182
 document as required by such a subpoena, or permit photocopying of 1183
 any book, record, or other document subpoenaed, the court of 1184
 common pleas of any county in this state, upon application made to 1185
 it by the superintendent, shall compel obedience by attachment 1186
 proceedings for contempt, as in the case of disobedience of the 1187
 requirements of a subpoena issued from the court, or a refusal to 1188
 testify therein. 1189

~~(E)~~(F) If the superintendent determines that a person is 1190
 engaged in, or is believed to be engaged in, activities that may 1191
 constitute a violation of sections 1321.51 to 1321.60 of the 1192
 Revised Code or the rules adopted thereunder, the superintendent 1193
 may, after notice and a hearing conducted in accordance with 1194
 Chapter 119. of the Revised Code, issue a cease and desist order. 1195
The superintendent, in taking administrative action to enjoin a 1196
person from acting as a registrant or mortgage loan originator in 1197
violation of division (A) or (E) of section 1321.52 of the Revised 1198

Code, may also seek and impose fines for those violations in an amount not to exceed five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

(G) The superintendent shall regularly report violations of sections 1321.51 to 1321.60 of the Revised Code, as well as enforcement actions and other relevant information, to the nationwide mortgage licensing system and registry pursuant to division (E) of section 1321.55 of the Revised Code.

(H) (1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:

(a) Suspend the certificate of registration or license of a person who is convicted of or pleads guilty to a violation of sections 1321.51 to 1321.60 of the Revised Code or any criminal offense described in division (B) (1) of this section;

(b) Suspend the certificate of registration of a registrant who violates division (F) of section 1321.533 of the Revised Code;

(c) Suspend the certificate of registration or license of a person who fails to comply with a request made by the superintendent under this section or section 1321.55 of the Revised Code to inspect qualifying education transcripts located at the registrant's or licensee's place of business.

(2) The superintendent may, in accordance with Chapter 119. of the Revised Code, subsequently revoke any registration or license suspended under division (H) (1) of this section.

(3) The superintendent shall, in accordance with Chapter 119. of the Revised Code, adopt rules establishing the maximum amount of time a suspension under division (H) (1) of this section may continue before a hearing is conducted.

Sec. 1321.55. (A) Every registrant shall keep records

pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code. Such records shall be segregated from records pertaining to transactions that are not subject to these sections of the Revised Code. Every registrant shall preserve records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code for at least ~~two~~ four years after making the final entry on such records. Accounting systems maintained in whole or in part by mechanical or electronic data processing methods that provide information equivalent to that otherwise required are acceptable for this purpose. At least once each eighteen-month cycle, the division of financial institutions shall make or cause to be made an examination of records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code, for the purpose of determining whether the registrant is complying with these sections and of verifying the registrant's annual report.

(B) (1) As required by the superintendent of financial institutions, each registrant shall file with the division each year a report under oath or affirmation, on forms supplied by the division, concerning the business and operations for the preceding calendar year. Whenever a registrant operates two or more registered offices or whenever two or more affiliated registrants operate registered offices, then a composite report of the group of registered offices may be filed in lieu of individual reports.

(2) The division shall publish annually an analysis of the information required under division (B) (1) of this section, but the individual reports shall not be public records and shall not be open to public inspection or otherwise subject to the provisions of section 149.43 of the Revised Code.

(3) Each mortgage licensee shall submit to the nationwide mortgage licensing system and registry call reports or other reports of condition, which shall be in such form and shall

contain such information as the nationwide mortgage licensing system and registry may require. 1259
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~~(C) All information obtained by the superintendent or the superintendent's deputies, examiners, assistants, agents, or clerks by reason of their official position, including information obtained by such persons from the annual report of a registrant or in the course of examining a registrant or investigating an applicant for a certificate, is privileged and confidential. All such information shall remain privileged and confidential for all purposes except when it is necessary for the superintendent and the superintendent's deputies, examiners, assistants, agents, or clerks to take official action regarding the affairs of the registrant or in connection with criminal proceedings. Such information may also be introduced into evidence or disclosed when and in the manner authorized in section 1181.25 of the Revised Code.~~ 1261
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~~(D) No person is in violation of sections 1321.51 to 1321.60 of the Revised Code for any act taken or omission made in reliance on a written notice, interpretation, or examination report from the superintendent.~~ 1275
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~~(E) This section does not prevent the division from releasing to or exchanging with other financial institution regulatory authorities information relating to registrants.~~ 1279
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~~(F) For purposes of this section, "financial institution regulatory authority" includes a regulator of a business activity in which a registrant is engaged, or has applied to engage in, to the extent that the regulator has jurisdiction over a registrant engaged in that business activity. A registrant is engaged in a business activity, and a regulator of that business activity has jurisdiction over the registrant, whether the registrant conducts the activity directly or a subsidiary or affiliate of the~~ 1282
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~~registrant conducts the activity~~ (1) The following information is 1290
confidential: 1291

(a) Examination information, and any information leading to 1292
or arising from an examination; 1293

(b) Investigation information, and any information arising 1294
from or leading to an investigation. 1295

(2) The information described in division (C)(1) of this 1296
section shall remain confidential for all purposes except when it 1297
is necessary for the superintendent to take official action 1298
regarding the affairs of a registrant or licensee, or in 1299
connection with criminal or civil proceedings to be initiated by a 1300
prosecuting attorney or the attorney general. This information may 1301
also be introduced into evidence or disclosed when and in the 1302
manner authorized by section 1181.25 of the Revised Code. 1303

(D) All application information, except social security 1304
numbers, employer identification numbers, financial account 1305
numbers, the identity of the institution where financial accounts 1306
are maintained, personal financial information, fingerprint cards 1307
and the information contained on such cards, and criminal 1308
background information, is a public record as defined in section 1309
149.43 of the Revised Code. 1310

(E) This section does not prevent the division of financial 1311
institutions from releasing to or exchanging with other financial 1312
institution regulatory authorities information relating to 1313
registrants and licensees. For this purpose, a "financial 1314
institution regulatory authority" includes a regulator of a 1315
business activity in which a registrant or licensee is engaged, or 1316
has applied to engage in, to the extent that the regulator has 1317
jurisdiction over a registrant or licensee engaged in that 1318
business activity. A registrant or licensee is engaged in a 1319
business activity, and a regulator of that business activity has 1320

jurisdiction over the registrant or licensee, whether the 1321
registrant or licensee conducts the activity directly or a 1322
subsidiary or affiliate of the registrant or licensee conducts the 1323
activity. 1324

(1) Any confidentiality or privilege arising under federal or 1325
state law with respect to any information or material provided to 1326
the nationwide mortgage licensing system and registry shall 1327
continue to apply to the information or material after the 1328
information or material has been provided to the nationwide 1329
mortgage licensing system and registry. The information and 1330
material so provided may be shared with all state and federal 1331
regulatory officials with mortgage industry oversight authority 1332
without the loss of confidentiality or privilege protections 1333
provided by federal law or the law of any state. Information or 1334
material described in division (E) (1) of this section to which 1335
confidentiality or privilege applies shall not be subject to any 1336
of the following: 1337

(a) Disclosure under any federal or state law governing 1338
disclosure to the public of information held by an officer or an 1339
agency of the federal government or of the respective state; 1340

(b) Subpoena or discovery, or admission into evidence, in any 1341
private civil action or administrative process, unless the person 1342
to whom such information or material pertains waives, in whole or 1343
in part and at the discretion of the person, any privilege held by 1344
the nationwide mortgage licensing system and registry with respect 1345
to that information or material. 1346

(2) The superintendent, in order to promote more effective 1347
regulation and reduce regulatory burden through supervisory 1348
information sharing, may enter into sharing arrangements with 1349
other governmental agencies, the conference of state bank 1350
supervisors, and the American association of residential mortgage 1351

regulators.

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(3) Any state law, including the public records law, relating to the disclosure of confidential supervisory information or any information or material described in division (E) (1) of this section that is inconsistent with that division shall be superseded by the requirements of that division.

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(F) This section shall not apply with respect to information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that is included in the nationwide mortgage licensing system and registry for access by the public.

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(G) This section does not prevent the division from releasing information relating to registrants and licensees to the attorney general, to the superintendent of real estate and professional licensing for purposes relating to the administration of Chapters 4735. and 4763. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the commissioner of securities for purposes relating to the administration of Chapter 1707. of the Revised Code, or to local law enforcement agencies and local prosecutors. Information the division releases pursuant to this section remains confidential.

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(H) The superintendent of financial institutions shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish a process by which mortgage loan originators may challenge information provided to the nationwide mortgage licensing system and registry by the superintendent.

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(I) No person, in connection with any examination or investigation conducted by the superintendent under sections 1321.51 to 1321.60 of the Revised Code, shall knowingly do any of the following:

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(1) Circumvent, interfere with, obstruct, or fail to cooperate, including making a false or misleading statement, failing to produce records, or intimidating or suborning any witness; 1383
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(2) Withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information; 1387
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(3) Tamper with, alter, or manufacture any evidence. 1389

Sec. 1321.551. (A) No registrant shall conduct the business 1390
of making loans under sections 1321.51 to 1321.60 of the Revised 1391
Code in any office, room, or place of business in which any other 1392
business is solicited or engaged in, or in association or 1393
conjunction with any other such business, if the superintendent of 1394
financial institutions finds, pursuant to a hearing conducted in 1395
accordance with Chapter 119. of the Revised Code, that the other 1396
business is of such a nature that the conduct tends to conceal 1397
evasion of sections 1321.51 to 1321.60 of the Revised Code or of 1398
the rules adopted under those sections, and orders the registrant 1399
in writing to desist from the conduct. 1400

(B) The business of a mortgage loan originator shall principally be transacted at an office of the registrant with whom the licensee is employed or associated, which office is registered in accordance with division (A)(1) of section 1321.52 of the Revised Code. Each original mortgage loan originator license shall be deposited with and maintained at the registrant's main office. A copy of the mortgage loan originator license shall be maintained and displayed at the office where the mortgage loan originator principally transacts business. 1401
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(C) If a mortgage loan originator's employment or association is terminated for any reason, the registrant shall return the original mortgage loan originator license to the superintendent 1410
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within five business days after the termination. The licensee may 1413
request the transfer of the license to another registrant by 1414
submitting a transfer application, along with a fifteen dollar fee 1415
and any fee required by the national mortgage licensing system and 1416
registry, to the superintendent, or may request in writing that 1417
the superintendent hold the license in escrow. A licensee whose 1418
license is held in escrow shall cease activity as a mortgage loan 1419
originator. A licensee whose license is held in escrow shall be 1420
required to apply for renewal annually and to comply with the 1421
annual continuing education requirement. 1422

(D) A registrant may employ or be associated with a mortgage 1423
loan originator on a temporary basis pending the transfer of the 1424
mortgage loan originator's license to the registrant, if the 1425
registrant receives written confirmation from the superintendent 1426
that the mortgage loan originator is licensed under sections 1427
1321.51 to 1321.60 of the Revised Code. 1428

(E) (1) Notwithstanding divisions (B), (C), and (D) of this 1429
section, if a mortgage loan originator is employed by or 1430
associated with a person claiming an exception under division (D) 1431
of section 1321.53 of the Revised Code, the mortgage loan 1432
originator shall maintain and display the original mortgage loan 1433
originator license at the office where the mortgage loan 1434
originator principally transacts business. 1435

(2) If a mortgage loan originator's employment or association 1436
is terminated for any reason, the licensee shall return the 1437
original mortgage loan originator license to the superintendent 1438
within five business days after the termination. The licensee may 1439
request the transfer of the license to a mortgage broker or other 1440
person claiming an exception under division (D) of section 1321.53 1441
of the Revised Code by submitting a transfer application, along 1442
with a fifteen dollar fee and any fee required by the national 1443

mortgage licensing system and registry, to the superintendent, or 1444
may request the superintendent in writing to hold the license in 1445
escrow. A licensee whose license is held in escrow shall cease 1446
activity as a mortgage loan originator. A licensee whose license 1447
is held in escrow shall be required to apply for renewal annually 1448
and to comply with the annual continuing education requirement. 1449

(3) The licensee may seek to be employed or associated with a 1450
mortgage broker or other person claiming an exception under 1451
division (D) of section 1321.53 of the Revised Code if the 1452
mortgage broker or person receives written confirmation from the 1453
superintendent that the mortgage loan originator is licensed under 1454
sections 1321.51 to 1321.60 of the Revised Code. 1455

(F) (1) No registrant, through its operations manager or 1456
otherwise, shall fail to reasonably supervise a mortgage loan 1457
originator or other persons employed by or associated with the 1458
registrant. 1459

(2) No registrant shall fail to establish reasonable 1460
procedures designed to avoid violations of sections 1321.51 to 1461
1321.60 of the Revised Code or rules adopted thereunder, or 1462
violations of applicable state and federal consumer and lending 1463
laws or rules, by mortgage loan originators or other persons 1464
employed by or associated with the registrant. 1465

(G) A license, or the authority granted under that license, 1466
is not assignable and cannot be franchised by contract or any 1467
other means. 1468

Sec. 1321.552. (A) Notwithstanding any provision of sections 1469
1321.51 to 1321.60 of the Revised Code, or any rule adopted 1470
thereunder, if the "Secure and Fair Enforcement for Mortgage 1471
Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as 1472
amended, is modified after the effective date of this section, or 1473

any regulation, statement, or position is adopted under that act, 1474
and the item modified or adopted affects any matter within the 1475
scope of sections 1321.51 to 1321.60 of the Revised Code, the 1476
superintendent of financial institutions may by rule adopt a 1477
similar provision. 1478

(B) The superintendent shall adopt the rules authorized by 1479
this section in accordance with section 111.15 of the Revised 1480
Code. Chapter 119. of the Revised Code does not apply to rules 1481
adopted under the authority of this section. 1482

(C) A rule adopted by the superintendent under the authority 1483
of this section is effective on the later of the following dates: 1484

(1) The date the superintendent issues the rule; 1485

(2) The date the regulation, rule, interpretation, procedure, 1486
or guideline the superintendent's rule is based on becomes 1487
effective. 1488

(D) The superintendent may, upon thirty days' written notice, 1489
revoke any rule adopted under the authority of this section. A 1490
rule adopted under the authority of this section, and not revoked 1491
by the superintendent, lapses and has no further force and effect 1492
eighteen months after the rule's effective date. 1493

Sec. 1321.57. (A) Notwithstanding any other provisions of the 1494
 Revised Code, a registrant may contract for and receive interest, 1495
 calculated according to the actuarial method, at a rate or rates 1496
 not exceeding twenty-one per cent per year on the unpaid principal 1497
 balances of the loan. Loans may be interest-bearing or 1498
 precomputed. 1499

(B) For purposes of computation of time on interest-bearing 1500
 and precomputed loans, including, but not limited to, the 1501
 calculation of interest, a month is considered one-twelfth of a 1502

year, and a day is considered one three hundred sixty-fifth of a
year when calculation is made for a fraction of a month. A year is
as defined in section 1.44 of the Revised Code. A month is that
period described in section 1.45 of the Revised Code.
Alternatively, a registrant may consider a day as one three
hundred sixtieth of a year and each month as having thirty days.

(C) With respect to interest-bearing loans: 1509

(1) (a) Interest shall be computed on unpaid principal 1510
balances outstanding from time to time, for the time outstanding. 1511

(b) As an alternative to the method of computing interest set 1512
forth in division (C) (1) (a) of this section, a registrant may 1513
charge and collect interest for the first installment period based 1514
on elapsed time from the date of the loan to the first scheduled 1515
payment due date, and for each succeeding installment period from 1516
the scheduled payment due date to the next scheduled payment due 1517
date, regardless of the date or dates the payments are actually 1518
made. 1519

(c) Whether a registrant computes interest pursuant to 1520
division (C) (1) (a) or (b) of this section, each payment shall be 1521
applied first to unpaid charges, then to interest, and the 1522
remainder to the unpaid principal balance. However, if the amount 1523
of the payment is insufficient to pay the accumulated interest, 1524
the unpaid interest continues to accumulate to be paid from the 1525
proceeds of subsequent payments and is not added to the principal 1526
balance. 1527

(2) Interest shall not be compounded, collected, or paid in 1528
advance. However, both of the following apply: 1529

(a) Interest may be charged to extend the first monthly 1530
installment period by not more than fifteen days, and the interest 1531
charged for the extension may be added to the principal amount of 1532

the loan. 1533

(b) If part or all of the consideration for a new loan 1534
contract is the unpaid principal balance of a prior loan, the 1535
principal amount payable under the new loan contract may include 1536
any unpaid interest that has accrued. The resulting loan contract 1537
shall be deemed a new and separate loan transaction for purposes 1538
of this section. The unpaid principal balance of a precomputed 1539
loan is the balance due after refund or credit of unearned 1540
interest as provided in division (D) (3) of this section. 1541

(D) With respect to precomputed loans: 1542

(1) Loans shall be repayable in monthly installments of 1543
principal and interest combined, except that the first installment 1544
period may exceed one month by not more than fifteen days, and the 1545
first installment payment amount may be larger than the remaining 1546
payments by the amount of interest charged for the extra days; and 1547
provided further that monthly installment payment dates may be 1548
omitted to accommodate borrowers with seasonal income. 1549

(2) Payments may be applied to the combined total of 1550
principal and precomputed interest until maturity of the loan. A 1551
registrant may charge interest after the original or deferred 1552
maturity of a precomputed loan at the rate specified in division 1553
(A) of this section on all unpaid principal balances for the time 1554
outstanding. 1555

(3) When any loan contract is paid in full by cash, renewal, 1556
refinancing, or a new loan, one month or more before the final 1557
installment due date, the registrant shall refund, or credit the 1558
borrower with, the total of the applicable charges for all fully 1559
unexpired installment periods, as originally scheduled or as 1560
deferred, that follow the day of prepayment. If the prepayment is 1561
made other than on a scheduled installment due date, the nearest 1562
scheduled installment due date shall be used in such computation. 1563

If the prepayment occurs prior to the first installment due date, 1564
the registrant may retain one-thirtieth of the applicable charge 1565
for a first installment period of one month for each day from date 1566
of loan to date of prepayment, and shall refund, or credit the 1567
borrower with, the balance of the total interest contracted for. 1568
If the maturity of the loan is accelerated for any reason and 1569
judgment is entered, the registrant shall credit the borrower with 1570
the same refund as if prepayment in full had been made on the date 1571
the judgment is entered. 1572

(4) If the parties agree in writing, either in the loan 1573
contract or in a subsequent agreement, to a deferment of wholly 1574
unpaid installments, a registrant may grant a deferment and may 1575
collect a deferment charge as provided in this section. A 1576
deferment postpones the scheduled due date of the earliest unpaid 1577
installment and all subsequent installments as originally 1578
scheduled, or as previously deferred, for a period equal to the 1579
deferment period. The deferment period is that period during which 1580
no installment is scheduled to be paid by reason of the deferment. 1581
The deferment charge for a one-month period may not exceed the 1582
applicable charge for the installment period immediately following 1583
the due date of the last undeferred installment. A proportionate 1584
charge may be made for deferment for periods of more or less than 1585
one month. A deferment charge is earned pro rata during the 1586
deferment period and is fully earned on the last day of the 1587
deferment period. If a loan is prepaid in full during a deferment 1588
period, the registrant shall make, or credit to the borrower, a 1589
refund of the unearned deferment charge in addition to any other 1590
refund or credit made for prepayment of the loan in full. 1591

(E) A registrant, at the request of the borrower, may obtain, 1592
on one or more borrowers, credit life insurance, credit accident 1593
and health insurance, and unemployment insurance. The premium or 1594

identifiable charge for the insurance may be included in the
principal amount of the loan and may not exceed the premium rate
filed by the insurer with the superintendent of insurance and not
disapproved by the superintendent. If a registrant obtains the
insurance at the request of the borrower, the borrower shall have
the right to cancel the insurance for a period of twenty-five days
after the loan is made. If the borrower chooses to cancel the
insurance, the borrower shall give the registrant written notice
of this choice and shall return all of the policies or
certificates of insurance or notices of proposed insurance to the
registrant during such period, and the full premium or
identifiable charge for the insurance shall be refunded to the
borrower by the registrant. If the borrower requests, in the
notice to cancel the insurance, that this refund be applied to
reduce the balance of a precomputed loan, the registrant shall
credit the amount of the refund plus the amount of interest
applicable to the refund to the loan balance.

If the registrant obtains the insurance at the request of the
borrower, the registrant shall not charge or collect interest on
any insured amount that remains unpaid after the insured
borrower's date of death.

(F) A registrant may require the borrower to provide
insurance or a loss payable endorsement covering reasonable risks
of loss, damage, and destruction of property used as security for
the loan and with the consent of the borrower such insurance may
cover property other than that which is security for the loan. The
amount and term of required property insurance shall be reasonable
in relation to the amount and term of the loan contract and the
type and value of the security, and the insurance shall be
procured in accordance with the insurance laws of this state. The
purchase of this insurance through the registrant or an agent or

broker designated by the registrant shall not be a condition
precedent to the granting of the loan. If the borrower purchases
the insurance from or through the registrant or from another
source, the premium may be included in the principal amount of the
loan.

(G) On loans secured by an interest in real estate, all of
the following apply:

(1) A registrant, if not prohibited by section 1343.011 of
the Revised Code, may charge and receive up to two points, and a
prepayment penalty not in excess of one per cent of the original
principal amount of the loan. Points may be paid by the borrower
at the time of the loan or may be included in the principal amount
of the loan. On a refinancing, a registrant may not charge under
division (G)(1) of this section either of the following:

(a) Points on the portion of the principal amount that is
applied to the unpaid principal amount of the refinanced loan, if
the refinancing occurs within one year after the date of the
refinanced loan on which points were charged;

(b) A prepayment penalty.

(2) As an alternative to the prepayment penalty described in
division (G)(1) of this section, a registrant may contract for,
charge, and receive the prepayment penalty described in division
(G)(2) of this section for the prepayment of a loan prior to two
years after the date the loan contract is executed. This
prepayment penalty shall not exceed two per cent of the original
principal amount of the loan if the loan is paid in full prior to
one year after the date the loan contract is executed. The penalty
shall not exceed one per cent of the original principal amount of
the loan if the loan is paid in full at any time from one year,
but prior to two years, after the date the loan contract is
executed. A registrant shall not charge or receive a prepayment

penalty under division (G) (2) of this section if any of the following applies:

(a) The loan is a refinancing by the same registrant or a registrant to whom the loan has been assigned;

(b) The loan is paid in full as a result of the sale of the real estate that secures the loan;

(c) The loan is paid in full with the proceeds of an insurance claim against an insurance policy that insures the life of the borrower or an insurance policy that covers loss, damage, or destruction of the real estate that secures the loan.

(3) Division (G) of this section is not a limitation on discount points or other charges for purposes of section 501(b) (4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7 note.

(H) (1) In addition to the interest and charges provided for by this section, no further or other amount, whether in the form of broker fees, placement fees, or any other fees whatsoever, shall be charged or received by the registrant, except costs and disbursements in connection with any suit to collect a loan or any lawful activity to realize on a security interest or mortgage after default, including reasonable attorney fees, as limited by division (H) (3) of this section, incurred by the registrant as a result of the suit or activity and to which the registrant becomes entitled by law, and except the following additional charges which may be included in the principal amount of the loan or collected at any time after the loan is made:

(a) The amounts of fees authorized by law to record, file, or release security interests and mortgages on a loan;

(b) With respect to a loan secured by an interest in real estate, the following closing costs, if they are bona fide,

reasonable in amount, paid to third parties, and not for the purpose of circumvention or evasion of this section:

(i) Fees or premiums for title examination, abstract of title, title insurance, surveys, title endorsements, title binders, title commitments, home inspections, or pest inspections; settlement or closing costs paid by unaffiliated third parties, provided the costs are not for underwriting or processing services; courier fees; and any federally mandated flood plain certification fee;

(ii) If not paid to the registrant, an employee of the registrant, or a person ~~related to~~ affiliated with the registrant, fees for preparation of a mortgage, settlement statement, or other documents, fees for notarizing mortgages and other documents, appraisal fees, and fees for any federally mandated inspection of home improvement work financed by a second mortgage loan;

(c) Fees for credit investigations not exceeding ten dollars.

(2) Division (H)(1) of this section does not limit the rights of registrants to engage in other transactions with borrowers, provided the transactions are not a condition of the loan.

(I) If the loan contract or security instrument contains covenants by the borrower to perform certain duties pertaining to insuring or preserving security and the registrant pursuant to the loan contract or security instrument pays for performance of the duties on behalf of the borrower, the registrant may add the amounts paid to the unpaid principal balance of the loan or collect them separately. A charge for interest may be made for sums advanced not exceeding the rate of interest permitted by division (A) of this section. Within a reasonable time after advancing a sum, the registrant shall notify the borrower in writing of the amount advanced, any interest charged with respect to the amount advanced, any revised payment schedule, and shall

include a brief description of the reason for the advance. 1718

(J) (1) In addition to points authorized under division (G) of 1719
this section, a registrant may charge and receive the following: 1720

(a) With respect to ~~secured~~ loans secured by goods or real 1721
estate: if the principal amount of the loan is ~~less than~~ five 1722
hundred dollars or less, loan origination charges not exceeding 1723
fifteen dollars; if the principal amount of the loan is ~~at least~~ 1724
more than five hundred dollars but less than one thousand dollars, 1725
loan origination charges not exceeding thirty dollars; if the 1726
principal amount of the loan is at least one thousand dollars but 1727
less than two thousand dollars, loan origination charges not 1728
exceeding one hundred dollars; if the principal amount of the loan 1729
is at least two thousand dollars but less than five thousand 1730
dollars, loan origination charges not exceeding two hundred 1731
dollars; and if the principal amount of the loan is at least five 1732
thousand dollars, loan origination charges not exceeding the 1733
greater of two hundred fifty dollars or one per cent of the 1734
principal amount of the loan. 1735

(b) With respect to ~~unsecured~~ loans that are not secured by 1736
goods or real estate: if the principal amount of the loan is ~~less~~ 1737
~~than~~ five hundred dollars or less, loan origination charges not 1738
exceeding fifteen dollars; if the principal amount of the loan is 1739
~~at least~~ more than five hundred dollars but less than one thousand 1740
dollars, loan origination charges not exceeding thirty dollars; if 1741
the principal amount of the loan is at least one thousand dollars 1742
but less than five thousand dollars, loan origination charges not 1743
exceeding one hundred dollars; and if the principal amount of the 1744
loan is at least five thousand dollars, loan origination charges 1745
not exceeding the greater of two hundred fifty dollars or one per 1746
cent of the principal amount of the loan. 1747

(2) If a refinancing occurs within ninety days after the date 1748

of the refinanced loan, a registrant may not impose loan 1749
 origination charges on the portion of the principal amount that is 1750
 applied to the unpaid principal amount of the refinanced loan. 1751

(3) Loan origination charges may be paid by the borrower at 1752
 the time of the loan or may be included in the principal amount of 1753
 the loan. 1754

(K) A registrant may charge and receive check collection 1755
 charges not greater than twenty dollars plus any amount passed on 1756
 from other ~~financial~~ depository institutions for each check, 1757
 negotiable order of withdrawal, share draft, or other negotiable 1758
 instrument returned or dishonored for any reason. 1759

(L) If the loan contract so provides, a registrant may 1760
 collect a default charge on any installment not paid in full 1761
 within ten days after its due date. For this purpose, all 1762
 installments are considered paid in the order in which they become 1763
 due. Any amounts applied to an outstanding loan balance as a 1764
 result of voluntary release of a security interest, sale of 1765
 security on the loan, or cancellation of insurance shall be 1766
 considered payments on the loan, unless the parties otherwise 1767
 agree in writing at the time the amounts are applied. The amount 1768
 of the default charge shall not exceed the greater of five per 1769
 cent of the scheduled installment or fifteen dollars. 1770

Sec. 1321.59. (A) No registrant under sections 1321.51 to 1771
 1321.60 of the Revised Code shall permit any borrower to be 1772
 indebted for a loan made under sections 1321.51 to 1321.60 of the 1773
 Revised Code at any time while the borrower is also indebted to an 1774
 affiliate or agent of the registrant for a loan made under 1775
 sections 1321.01 to 1321.19 of the Revised Code for the purpose or 1776
 with the result of obtaining greater charges than otherwise would 1777
 be permitted by sections 1321.51 to 1321.60 of the Revised Code. 1778

(B) No registrant shall induce or permit any person to become 1779
obligated to the registrant under sections 1321.51 to 1321.60 of 1780
the Revised Code, directly or contingently, or both, under more 1781
than one contract of loan at the same time for the purpose or with 1782
the result of obtaining greater charges than would otherwise be 1783
permitted by sections 1321.51 to 1321.60 of the Revised Code. 1784

(C) No registrant shall refuse to provide information 1785
regarding the amount required to pay in full a loan under sections 1786
1321.51 to 1321.60 of the Revised Code when requested by the 1787
borrower or by another person designated in writing by the 1788
borrower. 1789

(D) On any loan or application for a loan under sections 1790
1321.51 to 1321.60 of the Revised Code secured by a mortgage on a 1791
borrower's real estate which is other than a first lien on the 1792
real estate, no person shall pay or receive, directly or 1793
indirectly, fees or any other type of compensation for services of 1794
a mortgage broker that, in the aggregate, exceed the lesser of one 1795
thousand dollars or one per cent of the principal amount of the 1796
loan. 1797

(E) No registrant or licensee shall obtain a certificate of 1798
registration or license through any false or fraudulent 1799
representation of a material fact or any omission of a material 1800
fact required by state or federal law, or make any substantial 1801
misrepresentation in the registration or license application. 1802

(F) No registrant or licensee shall make false or misleading 1803
statements of a material fact, omissions of statements required by 1804
state or federal law, or false promises regarding a material fact, 1805
through advertising or other means, or engage in a continued 1806
course of misrepresentations. 1807

(G) No registrant, licensee, or person making residential 1808
mortgage loans without a certificate of registration in violation 1809

of division (A) of section 1321.52 of the Revised Code, shall 1810
engage in conduct that constitutes improper, fraudulent, or 1811
dishonest dealings. 1812

(H) No registrant, licensee, or applicant shall fail to 1813
notify the division of financial institutions within thirty days 1814
after any of the following: 1815

(1) Been convicted of or pleading guilty to a felony offense 1816
in a domestic, foreign, or military court; 1817

(2) Been convicted of or pleading guilty to any criminal 1818
offense involving theft, receiving stolen property, embezzlement, 1819
forgery, fraud, passing bad checks, money laundering, breach of 1820
trust, dishonesty, or drug trafficking, or any criminal offense 1821
involving money or securities, in a domestic, foreign, or military 1822
court; 1823

(3) Having a mortgage lender registration or mortgage loan 1824
originator license, or comparable authority, revoked in any 1825
governmental jurisdiction. 1826

(I) No registrant or licensee shall knowingly make, propose, 1827
or solicit fraudulent, false, or misleading statements on any 1828
mortgage document or on any document related to a mortgage loan, 1829
including a mortgage application, real estate appraisal, or real 1830
estate settlement or closing document. For purposes of this 1831
division, "fraudulent, false, or misleading statements" does not 1832
include mathematical errors, inadvertent transposition of numbers, 1833
typographical errors, or any other bona fide error. 1834

(J) No registrant or licensee shall knowingly instruct, 1835
solicit, propose, or otherwise cause a borrower to sign in blank a 1836
loan related document. 1837

(K) No registrant or licensee shall knowingly compensate, 1838
instruct, induce, coerce, or intimidate, or attempt to compensate, 1839

instruct, induce, coerce, or intimidate, a person licensed or certified as an appraiser under Chapter 4763. of the Revised Code for the purpose of corrupting or improperly influencing the independent judgment of the person with respect to the value of the dwelling offered as security for repayment of a mortgage loan.

(L) No registrant or licensee shall retain original documents provided to the registrant or licensee by the borrower in connection with the residential mortgage loan application, including income tax returns, account statements, or other financial related documents.

(M) No registrant or licensee shall receive, directly or indirectly, a premium on the fees charged for services performed by a bona fide third party.

(N) No registrant or licensee shall pay or receive, directly or indirectly, a referral fee or kickback of any kind to or from a bona fide third party or other party with a related interest in the transaction, including a home improvement builder, real estate developer, or real estate broker or agent, for the referral of business.

Sec. 1321.591. (A) No registrant or licensee shall use unfair, deceptive, or unconscionable means to collect or attempt to collect any claim.

(B) Conduct or activities deemed to violate division (A) of this section include, but are not limited to, the following:

(1) Collecting or attempting to collect any interest or other charge, fee, or expense incidental to the principal obligation, unless the interest or other fee, charge, or expense is expressly authorized by the agreement creating the obligation and by law;

(2) Communicating with a consumer whenever it is known that

the consumer is represented by an attorney and the attorney's name 1869
and address are known, or could be easily ascertained, unless the 1870
attorney fails to answer correspondence, return phone calls, or 1871
discuss the obligation in question or unless the attorney consents 1872
to direct communication with the consumer; 1873

(3) Placing a telephone call or otherwise communicating by 1874
telephone with a consumer or third party at any location, 1875
including a place of employment, and falsely stating that the call 1876
is urgent or an emergency; 1877

(4) Using profane or obscene language or language that is 1878
intended to unreasonably abuse the listener or reader; 1879

(5) Placing telephone calls without disclosure of the 1880
caller's identity and with the intent to annoy, harass, or 1881
threaten any person at the number called; 1882

(6) Causing expense to any person in the form of long 1883
distance telephone tolls, text messaging fees, or other charges 1884
incurred by a form of communication, by concealing the true 1885
purpose of the communication; 1886

(7) Causing a telephone to ring or engaging any person in 1887
telephone conversation repeatedly or continuously, or at unusual 1888
times or at times known to be inconvenient, with the intent to 1889
annoy, abuse, oppress, or threaten any person at the called 1890
number. 1891

Sec. 1321.592. (A) In connection with providing a 1892
non-brokered loan secured by a lien on real property, a registrant 1893
or licensee shall, not earlier than three business days nor later 1894
than twenty-four hours before the loan is closed, deliver to the 1895
borrower a written disclosure that includes the following: 1896

(1) A statement indicating whether property taxes will be 1897

<u>escrowed;</u>	1898
<u>(2) A description of what is covered by the regular monthly payment, including principal, interest, taxes, and insurance, as applicable.</u>	1899 1900 1901
<u>(B) If a residential mortgage loan applied for will exceed ninety per cent of the value of the real property, the registrant shall provide a statement to the borrower within three business days after taking the loan application, printed in boldface type of the minimum size of sixteen points, as follows: "You are applying for a loan that is more than 90% of your home's value. It will be hard for you to refinance this loan. If you sell your home, you might owe more money on the loan than you get from the sale."</u>	1902 1903 1904 1905 1906 1907 1908 1909 1910
<u>(C) No registrant or licensee shall fail to comply with this section.</u>	1911 1912
<u>Sec. 1321.593. (A) A registrant, licensee, and any person required to be registered or licensed under sections 1321.51 to 1321.60 of the Revised Code, in addition to duties imposed by other statutes or common law, shall do all of the following:</u>	1913 1914 1915 1916
<u>(1) Safeguard and account for any money handled for the borrower;</u>	1917 1918
<u>(2) Follow reasonable and lawful instructions from the borrower;</u>	1919 1920
<u>(3) Act with reasonable skill, care, and diligence;</u>	1921
<u>(4) Act in good faith and with fair dealing in any transaction, practice, or course of business in connection with making or originating any loan under sections 1321.51 to 1321.60 of the Revised Code;</u>	1922 1923 1924 1925
<u>(5) In connection with providing a loan secured by a lien on</u>	1926

real property, make reasonable efforts to provide a residential mortgage loan with rates, charges, and repayment terms that are advantageous to the borrower. 1927
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(B) Division (A) of this section shall not apply to wholesale lenders. However, wholesale lender registrants are subject to all other requirements applicable to registrants. For purposes of this division, "wholesale lender" means a company that has been issued a certificate of registration and that enters into transactions with borrowers exclusively through unaffiliated third-party mortgage brokers or lenders. 1930
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(C) The duties and standards of care created in this section cannot be waived or modified. 1937
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(D) (1) A borrower injured by a failure to comply with this section may bring an action for recovery of damages. 1939
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(2) Damages awarded under division (D) (1) of this section shall not be less than all compensation paid directly or indirectly to a registrant from any source, plus reasonable attorney's fees and court costs. 1941
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(3) The borrower may be awarded punitive damages. 1945

(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision. 1946
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Sec. 1321.594. (A) In connection with making a non-brokered residential mortgage, no registrant or licensee shall fail to do 1954
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<u>either of the following:</u>	1956
<u>(1) Timely inform the borrower of any material change in the terms of the residential mortgage loan. For purposes of division (A) (1) of this section, "material change" means the following:</u>	1957 1958 1959
<u>(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;</u>	1960 1961 1962
<u>(b) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;</u>	1963 1964 1965
<u>(c) A change in the interest rate of more than 0.15%;</u>	1966
<u>(d) A change in the regular total monthly payment, including principal, interest, any required mortgage insurance, and any escrowed taxes or property insurance, of more than five per cent;</u>	1967 1968 1969
<u>(e) A change regarding whether the escrow of taxes or insurance will be required;</u>	1970 1971
<u>(f) A change regarding whether private mortgage insurance will be required.</u>	1972 1973
<u>(2) Timely inform the borrower if any fees payable by the borrower to the licensee, registrant, or lender increase by more than ten per cent or one hundred dollars, whichever is greater.</u>	1974 1975 1976
<u>(B) The disclosures required by this section shall be deemed timely if the registrant or licensee provides the borrower with the revised information not later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier.</u>	1977 1978 1979 1980 1981
<u>(C) If an increase in the total amount of the fee to be paid by the borrower to the registrant or licensee is not disclosed in</u>	1982 1983

accordance with division (A)(2) of this section, the registrant or licensees shall refund to the borrower the amount by which the fee was increased. If the fee is financed into the loan, the registrant or licensee shall also refund to the borrower the interest that would accrue over the term of the loan on that excess amount.

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Sec. 1321.595. (A)(1) A borrower injured by a violation of or failure to comply with section 1321.59, 1321.592, 1321.594, or 1321.60 of the Revised Code may bring an action for the recovery of damages.

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(2) Damages awarded under division (A)(1) of this section shall not be less than all compensation paid directly and indirectly to a lender or mortgage loan originator from any source, plus reasonable attorney's fees and court costs.

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(3) The borrower may be awarded punitive damages.

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(B) Nothing in this section prevents the recovery of damages under division (D) or (G) of section 1321.52, section 1321.56, or section 1321.593 of the Revised Code.

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(C) A borrower injured by a violation of or failure to comply with any of the sections specified in division (A)(1) of this section is precluded from recovering any damages, plus reasonable attorney's fees and costs, if the borrower has also recovered any damages in a cause of action initiated under section 1321.593 of the Revised Code and the recovery of damages for a violation of or failure to comply with any of the sections specified in division (A)(1) of this section is based on the same acts or circumstances as the recovery of damages under division (D) or (G) of section 1321.52, section 1321.56, or section 1321.593 of the Revised Code.

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Sec. 1321.60. (A)(1) Advertising for loans subject to

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sections 1321.51 to 1321.60 of the Revised Code shall not be 2013
false, misleading, or deceptive. 2014

(2) False, misleading, or deceptive advertising includes, but 2015
is not limited to, the following: 2016

(a) Any advertisement indicating that special terms, reduced 2017
rates, guaranteed rates, particular rates, or any other special 2018
feature of mortgage loans is available unless the advertisement 2019
clearly states any limitations that apply: 2020

(b) Any advertisement containing a rate or special fee offer 2021
that is not a bona fide available rate or fee. 2022

(B) In making any advertisement, a registrant shall comply 2023
with 12 C.F.R. 226.16, as amended. 2024

Sec. 1321.99. (A) Whoever violates section 1321.02 of the 2025
Revised Code is guilty of a felony of the fifth degree. 2026

(B) Whoever violates section 1321.13 of the Revised Code 2027
shall be fined not less than one hundred nor more than five 2028
hundred dollars or imprisoned not more than six months, or both. 2029

(C) Whoever violates section 1321.14 of the Revised Code 2030
shall be fined not less than fifty nor more than two hundred 2031
dollars for a first offense; for a second offense such person 2032
shall be fined not less than two hundred nor more than five 2033
hundred dollars and imprisoned for not more than six months. 2034

(D) Whoever willfully violates section 1321.57, 1321.58, 2035
division (A), (B), (C), or (D) of section 1321.59, 1321.591, or 2036
1321.60 of the Revised Code is guilty of a minor misdemeanor and 2037
shall be fined not less than one nor more than five hundred 2038
dollars. 2039

(E) Whoever violates section 1321.52 or division (I), (J), 2040
(K), (L), or (M) of section 1321.59 of the Revised Code is guilty 2041

of a felony of the fifth degree. 2042

(F) Whoever violates division (A) of section 1321.73 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than six months, or both. 2043
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(G) Whoever violates section 1321.41 of the Revised Code is guilty of a misdemeanor of the first degree. 2046
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(H) Whoever violates division (N) of section 1321.59 of the Revised Code is guilty of a felony of the fourth degree. 2048
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(I) The imposition of fines pursuant to this section does not preclude the imposition of any administrative fines or civil penalties authorized under section 1321.54 or any other section of the Revised Code. 2050
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Sec. 1322.01. As used in sections 1322.01 to 1322.12 of the Revised Code: 2054
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(A) "Buyer" means an individual who is solicited to purchase or who purchases the services of a mortgage broker for purposes other than of obtaining a business residential mortgage loan as described in division (B)(6) of section 1343.01 of the Revised Code. 2056
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(B) "Consumer reporting agency" has the same meaning as in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended. 2061
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(C) "Employee" means an individual for whom a mortgage broker, in addition to providing a wage or salary, pays social security and unemployment taxes, provides workers' compensation coverage, and withholds local, state, and federal income taxes. 2064
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"Employee" also includes any ~~shareholder, member, or partner of a registrant~~ individual who acts as a loan ~~officer~~ originator or operations manager of ~~the~~ a registrant, but for whom the 2068
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registrant is prevented by law from making income tax
withholdings. 2071
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(D) "Licensee" means any ~~person that~~ individual who has been
issued a loan ~~officer~~ originator license under sections 1322.01 to
1322.12 of the Revised Code. 2073
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(E) (1) "Loan officer originator" means an employee individual
who originates mortgage loans in consideration of direct for
compensation or indirect gain, profit, fees, or charges. "Loan
officer" also includes an employee who solicits financial and
mortgage information from the public for sale to another mortgage
broker or in anticipation of compensation or gain, does any of the
following: 2076
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(a) Takes or offers to take a residential mortgage loan
application; 2083
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(b) Assists or offers to assist a buyer in obtaining or
applying to obtain a residential mortgage loan by, among other
things, advising on loan terms, including rates, fees, and other
costs; 2085
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(c) Offers or negotiates terms of a residential mortgage
loan; 2089
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(d) Issues or offers to issue a commitment for a residential
mortgage loan to a buyer. 2091
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(2) "Loan originator" does not include any of the following: 2093

(a) An individual who performs purely administrative or
clerical tasks on behalf of a loan originator; 2094
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(b) A person licensed under Chapter 4735. of the Revised
Code, or under the similar law of another state, who performs only
real estate brokerage activities permitted by that license,
provided the person is not compensated by a mortgage lender,
mortgage broker, loan originator, or by any agent thereof; 2096
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(c) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. 101 in effect on January 1, 2008; 2101
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(d) An employee of a registrant who acts solely as a loan processor or underwriter and who does not represent to the public, through advertising or other means of communicating, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the employee can or will perform any of the activities of a loan originator; 2104
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(e) A mortgage loan originator licensed under sections 1321.51 to 1321.60 of the Revised Code, when acting solely under that authority; 2110
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(f) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or another loan originator, or by any agent thereof; 2113
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(g) Any person engaged in the retail sale of manufactured or mobile homes if, in connection with obtaining financing by others for those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following: 2118
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(i) Offer or negotiate the residential mortgage loan rates or terms; 2123
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(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms; 2125
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(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured or mobile home; 2127
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(iv) Assist the borrower in completing a residential mortgage 2130

<u>loan application.</u>	2131
(F) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property.	2132 2133
(G) <u>(1)</u> "Mortgage broker" means any of the following:	2134
(1) <u>(a)</u> A person that holds that person out as being able to assist a buyer in obtaining a mortgage and charges or receives from either the buyer or lender money or other valuable consideration readily convertible into money for providing this assistance;	2135 2136 2137 2138 2139
(2) <u>(b)</u> A person that solicits financial and mortgage information from the public, provides that information to a mortgage broker <u>or a person that makes residential mortgage loans,</u> and charges or receives from the mortgage broker <u>either of them</u> money or other valuable consideration readily convertible into money for providing the information;	2140 2141 2142 2143 2144 2145
(3) <u>(c)</u> A person engaged in table-funding or warehouse-lending mortgage loans that are first lien <u>residential</u> mortgage loans.	2146 2147
<u>(2) "Mortgage broker" does not include any of the following:</u>	2148
<u>(a) A person that makes residential mortgage loans and receives a scheduled payment on each of those mortgage loans;</u>	2149 2150
<u>(b) Any entity chartered and lawfully doing business under the authority of any law of this state, another state, or the United States as a bank, savings bank, trust company, savings and loan association, or credit union, or a subsidiary of any such entity, which subsidiary is regulated by a federal banking agency and is owned and controlled by a depository institution;</u>	2151 2152 2153 2154 2155 2156
<u>(c) A consumer reporting agency that is in substantial compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended;</u>	2157 2158 2159

(d) Any political subdivision, or any governmental or other public entity, corporation, instrumentality, or agency, in or of the United States or any state; 2160
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(e) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code; 2163
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(f) Any entity created solely for the purpose of securitizing loans secured by an interest in real estate, provided the entity does not service the loans. For purposes of division (G) (2) (f) of this section "securitizing" means the packaging and sale of mortgage loans as a unit for sale as investment securities, but only to the extent of those activities. 2166
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(g) Any person engaged in the retail sale of manufactured or mobile homes if, in connection with obtaining financing by others for those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following: 2172
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(i) Offer or negotiate the residential mortgage loan rates or terms; 2177
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(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms; 2179
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(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured or mobile home; 2181
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(iv) Assist the borrower in completing the residential mortgage loan application. 2184
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(h) A mortgage banker, provided it complies with section 1322.022 of the Revised Code and holds a valid letter of exemption issued by the superintendent. For purposes of this section, "mortgage banker" means any person that makes, services, buys, or 2186
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sells only residential mortgage loans secured by a first lien, 2190
that underwrites the loans, and that meets at least one of the 2191
following criteria: 2192

(i) The person has been directly approved by the United 2193
States department of housing and urban development as a 2194
nonsupervised mortgagee with participation in the direct 2195
endorsement program. Division (G)(2)(h)(i) of this section 2196
includes a person that has been directly approved by the United 2197
States department of housing and urban development as a 2198
nonsupervised mortgagee with participation in the direct 2199
endorsement program and that makes loans in excess of the 2200
applicable loan limit set by the federal national mortgage 2201
association, provided that the loans in all respects, except loan 2202
amounts, comply with the underwriting and documentation 2203
requirements of the United States department of housing and urban 2204
development. Division (G)(2)(h)(i) of this section does not 2205
include a mortgagee approved as a loan correspondent. 2206

(ii) The person has been directly approved by the federal 2207
national mortgage association as a seller/servicer. Division 2208
(G)(2)(h)(ii) of this section includes a person that has been 2209
directly approved by the federal national mortgage association as 2210
a seller/servicer and that makes loans in excess of the applicable 2211
loan limit set by the federal national mortgage association, 2212
provided that the loans in all respects, except loan amounts, 2213
comply with the underwriting and documentation requirements of the 2214
federal national mortgage association. 2215

(iii) The person has been directly approved by the federal 2216
home loan mortgage corporation as a seller/servicer. Division 2217
(G)(2)(h)(iii) of this section includes a person that has been 2218
directly approved by the federal home loan mortgage corporation as 2219
a seller/servicer and that makes loans in excess of the applicable 2220

loan limit set by the federal home loan mortgage corporation, 2221
provided that the loans in all respects, except loan amounts, 2222
comply with the underwriting and documentation requirements of the 2223
federal home loan mortgage corporation. 2224

(iv) The person has been directly approved by the United 2225
States department of veterans affairs as a nonsupervised automatic 2226
lender. Division (G) (2) (h) (iv) of this section does not include a 2227
person directly approved by the United States department of 2228
veterans affairs as a nonsupervised lender, an agent of a 2229
nonsupervised automatic lender, or an agent of a nonsupervised 2230
lender. 2231

(H) "Operations manager" means the individual employee or 2232
owner responsible for the everyday operations, compliance 2233
 requirements, and management of a mortgage broker business. 2234

(I) "Originate Registered loan originator" means ~~to do any an~~ 2235
individual to whom both of the following apply: 2236

(1) ~~Negotiate or arrange, or offer to negotiate or arrange, a~~ 2237
~~mortgage loan between a person that makes or funds mortgage loans~~ 2238
~~and a buyer;~~ The individual is a loan originator and an employee 2239
of a depository institution, a subsidiary that is owned and 2240
controlled by a depository institution and regulated by a federal 2241
banking agency, or an institution regulated by the farm credit 2242
administration. 2243

(2) ~~Issue a commitment for a mortgage loan to a buyer;~~ 2244

(3) ~~Place, assist in placement, or find a mortgage loan for a~~ 2245
~~buyer~~ The individual is registered with, and maintains a unique 2246
identifier through, the nationwide mortgage licensing system and 2247
registry. 2248

(J) "Registrant" means any person that has been issued a 2249
 mortgage broker certificate of registration under sections 1322.01 2250

to 1322.12 of the Revised Code. 2251

(K) "Superintendent of financial institutions" includes the 2252
deputy superintendent for consumer finance as provided in section 2253
1181.21 of the Revised Code. 2254

(L) "Table-funding mortgage loan" means a residential 2255
mortgage loan transaction in which the residential mortgage loan 2256
is initially payable to the mortgage broker, the mortgage broker 2257
does not use the mortgage broker's own funds to fund the 2258
transaction, and, by the terms of the mortgage or other agreement, 2259
the mortgage is simultaneously assigned to another person. 2260

(M) "Warehouse-lending mortgage loan" means a residential 2261
mortgage loan transaction in which the residential mortgage loan 2262
is initially payable to the mortgage broker, the mortgage broker 2263
uses the mortgage broker's own funds to fund the transaction, and 2264
the mortgage is sold or assigned before the mortgage broker 2265
receives a scheduled payment on the residential mortgage loan. 2266

(N) "Administrative or clerical tasks" means the receipt, 2267
collection, and distribution of information common for the 2268
processing or underwriting of a loan in the mortgage industry, and 2269
communication with a consumer to obtain information necessary for 2270
the processing or underwriting of a residential mortgage loan. 2271

(O) "Appraisal company" means a sole proprietorship, 2272
partnership, corporation, limited liability company, or any other 2273
business entity or association, that employs or retains the 2274
services of a person licensed or certified under Chapter 4763. of 2275
the Revised Code for purposes of performing residential real 2276
estate appraisals for mortgage loans. 2277

(P) "Depository institution" has the same meaning as in 2278
section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 2279
U.S.C. 1813, and includes any credit union. 2280

(O) "Federal banking agency" means the board of governors of the federal reserve system, the comptroller of the currency, the director of the office of thrift supervision, the national credit union administration, and the federal deposit insurance corporation. 2281
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(R) "Immediate family" means an individual's spouse, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, or sister-in-law. 2286
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(S) "Individual" means a natural person. 2289

(T) "Loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of a loan originator or registered loan originator. For purposes of this division, "clerical or support duties" includes the following activities: 2290
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(1) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; 2295
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(2) Communicating with a buyer to obtain the information necessary for the processing or underwriting of a loan, to the extent the communication does not include offering or negotiating loan rates or terms or counseling buyers about residential mortgage loan rates or terms. 2298
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(U) "Nationwide mortgage licensing system and registry" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators, or their successor entities, for the licensing and registration of loan originators, or any system established by the secretary of housing and urban development pursuant to the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 2303
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(V) "Nontraditional mortgage product" means any mortgage product other than a thirty-year fixed rate mortgage. 2311
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(W) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including all of the following: 2313
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(1) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property; 2316
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(2) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing for any such transaction; 2318
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(3) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing for any such transaction; 2321
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(4) Engaging in any activity for which a person engaged in that activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; 2325
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(5) Offering to engage in any activity, or to act in any capacity, described in division (W) of this section. 2328
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(X) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage on a dwelling or on residential real estate in this state upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in section 103 of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C 1602. 2330
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(Y) "State," in the context of referring to states in addition to Ohio, means any state of the United States, the district of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the trust territory of the Pacific 2337
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islands, the virgin islands, and the northern Mariana islands; 2341

(Z) "Unique identifier" means a number or other identifier 2342
that permanently identifies a loan originator and is assigned by 2343
protocols established by the nationwide mortgage licensing system 2344
and registry or federal banking agencies to facilitate electronic 2345
tracking of loan originators and uniform identification of, and 2346
public access to, the employment history of and the publicly 2347
adjudicated disciplinary and enforcement actions against loan 2348
originators. 2349

Sec. 1322.02. (A) (1) No person, on the person's own behalf or 2350
on behalf of any other person, shall act as a mortgage broker 2351
without first having obtained a certificate of registration from 2352
the superintendent of financial institutions for every office to 2353
be maintained by the person for the transaction of business as a 2354
mortgage broker in this state. A registrant shall maintain an 2355
office location in this state for the transaction of business as a 2356
mortgage broker in this state. 2357

(2) No person shall act or hold that person's self out as a 2358
mortgage broker under the authority or name of a registrant or 2359
person exempt from sections 1322.01 to 1322.12 of the Revised Code 2360
without first having obtained a certificate of registration from 2361
the superintendent for every office to be maintained by the person 2362
for the transaction of business as a mortgage broker in this 2363
state. 2364

(B) (1) No person, on the person's own behalf or on behalf of 2365
any other person, individual shall act as a loan officer 2366
originator employed by or associated with a mortgage broker 2367
without first having obtained a license from the superintendent. A 2368
loan officer originator shall be employed by or associated with a 2369
mortgage broker or any person or entity listed in division (G) (2) 2370

of section 1322.01 of the Revised Code, but shall not be employed 2371
by or associated with more than one mortgage broker or person or 2372
entity at any one time. 2373

(2) An individual acting under the individual's authority as 2374
a registered loan originator shall not be required to be licensed 2375
under division (B)(1) of this section. 2376

~~(C) (1) The following persons are exempt from sections 1322.01~~ 2377
~~to 1322.12 of the Revised Code only with respect to business~~ 2378
~~engaged in or authorized by their charter, license, authority,~~ 2379
~~approval, or certificate, or as otherwise authorized by division~~ 2380
~~(C) (1) (g) of this section:~~ 2381

~~(a) A bank, savings bank, savings and loan association,~~ 2382
~~credit union, or credit union service organization organized under~~ 2383
~~the laws of this state, another state, or the United States, or a~~ 2384
~~subsidiary or affiliate of a bank, savings bank, savings and loan~~ 2385
~~association, credit union, or credit union service organization.~~ 2386
~~As used in this division, "affiliate" means an entity that~~ 2387
~~controls, is controlled by, or is under common control with, a~~ 2388
~~bank, savings bank, savings and loan association, credit union, or~~ 2389
~~credit union service organization and that the board of governors~~ 2390
~~of the federal reserve system, the comptroller of the currency,~~ 2391
~~the office of thrift supervision, the federal deposit insurance~~ 2392
~~corporation, or the national credit union administration has the~~ 2393
~~authority to examine, supervise, and regulate including with~~ 2394
~~respect to the affiliate's compliance with applicable consumer~~ 2395
~~protection requirements.~~ 2396

~~(b) A budget and debt counseling service, as defined in~~ 2397
~~division (D) of section 2716.03 of the Revised Code, provided that~~ 2398
~~the service is a nonprofit organization exempt from taxation under~~ 2399
~~section 501(c)(3) of the "Internal Revenue Code of 1986," 100~~ 2400
~~Stat. 2085, 26 U.S.C.A. 501, as amended, and that the service is~~ 2401

~~in compliance with Chapter 4710. of the Revised Code;~~ 2402

~~(c) A consumer reporting agency that is in substantial 2403
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 2404
U.S.C.A. 1681a, as amended;~~ 2405

~~(d) Any political subdivision, or any governmental or other 2406
public entity, corporation, or agency, in or of the United States 2407
or any state of the United States;~~ 2408

~~(e) A college or university, or controlled entity of a 2409
college or university, as defined in section 1713.05 of the 2410
Revised Code;~~ 2411

~~(f) A person registered under sections 1321.51 to 1321.60 of 2412
the Revised Code, provided that not more than five per cent of the 2413
person's mortgage loans constitute table funding mortgage loans or 2414
warehouse lending mortgage loans. Division (C) (1) (f) of this 2415
section does not include any person that is also registered or 2416
licensed under sections 1322.01 to 1322.12 of the Revised Code.~~ 2417

~~(g) A mortgage banker. For purposes of division (C) (1) (g) of 2418
this section, "mortgage banker" means any person that makes, 2419
services, buys, or sells mortgage loans, that underwrites the 2420
loans, and that meets at least one of the following criteria: 2421~~

~~(i) The person has been directly approved by the United 2422
States department of housing and urban development as a 2423
nonsupervised mortgagee with participation in the direct 2424
endorsement program. Division (C) (1) (g) (i) of this section 2425
includes a person that has been directly approved by the United 2426
States department of housing and urban development as a 2427
nonsupervised mortgagee with participation in the direct 2428
endorsement program and that makes loans in excess of the 2429
applicable loan limit set by the federal national mortgage 2430
association, provided that the loans in all respects, except loan 2431~~

~~amounts, comply with the underwriting and documentation requirements of the United States department of housing and urban development. Division (C) (1) (g) (i) of this section does not include a mortgagee approved as a loan correspondent.~~

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~~(ii) The person has been directly approved by the federal national mortgage association as a seller/servicer. Division (C) (1) (g) (ii) of this section includes a person that has been directly approved by the federal national mortgage association as a seller/servicer and that makes loans in excess of the applicable loan limit set by the federal national mortgage association, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the federal national mortgage association.~~

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~~(iii) The person has been directly approved by the federal home loan mortgage corporation as a seller/servicer. Division (C) (1) (g) (iii) of this section includes a person that has been directly approved by the federal home loan mortgage corporation as a seller/servicer and that makes loans in excess of the applicable loan limit set by the federal home loan mortgage corporation, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the federal home loan mortgage corporation.~~

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~~(iv) The person has been directly approved by the United States department of veterans affairs as a nonsupervised automatic lender. Division (C) (1) (g) (iv) of this section does not include a person directly approved by the United States department of veterans affairs as a nonsupervised lender, an agent of a nonsupervised automatic lender, or an agent of a nonsupervised lender.~~

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~~(h) A person created solely for the purpose of securitizing loans secured by an interest in real estate, provided the person~~

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~~does not service the loans. For purposes of division (C) (1) (h) of this section, "securitizing" means the packaging and sale of mortgage loans as a unit for sale as investment securities, but only to the extent of those activities~~ Each licensee shall register with, and maintain a valid unique identifier issued by, the nationwide mortgage licensing system and registry.

~~(2) Any individual who is employed by a person exempt from sections 1322.01 to 1322.12 of the Revised Code is also exempt from those sections to the extent the individual is acting within the scope of the individual's employment and within the scope of the exempt person's charter, license, authority, approval, or certificate~~ No person shall use a licensee's unique identifier for any purpose other than as set forth in the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.

Sec. 1322.022. (A) A mortgage banker seeking exemption from registration pursuant to division (G) (2) (h) of section 1322.01 of the Revised Code shall submit an application to the superintendent of financial institutions along with a nonrefundable fee of three hundred fifty dollars for each location of an office to be maintained by the mortgage banker. The application shall be in a form prescribed by the superintendent and shall include all of the following:

(1) The mortgage banker's business name and state of incorporation or business registration;

(2) The names of the owners, officers, or partners having control of the business;

(3) An attestation to all of the following:

(a) That the mortgage banker and its owners, officers, or partners identified in division (A) (2) of this section have not

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had a mortgage banker license, mortgage broker certificate of 2493
registration, or loan originator license, or any comparable 2494
authority, revoked in any governmental jurisdiction; 2495

(b) That the mortgage banker and its owners, officers, or 2496
partners identified in division (A) (2) of this section have not 2497
been convicted of, or pleaded guilty to, any of the following: 2498

(i) During the seven-year period immediately preceding the 2499
date of application for exemption, a felony in a domestic, 2500
foreign, or military court; 2501

(ii) At any time prior to the date of application for 2502
exemption, a felony involving an act of fraud, dishonesty, a 2503
breach of trust, theft, or money laundering in a domestic, 2504
foreign, or military court; 2505

(iii) During the seven-year period immediately preceding the 2506
date of application for exemption, a misdemeanor involving theft 2507
in a domestic, foreign, or military court. 2508

(c) That, with respect to financing residential mortgage 2509
loans, the mortgage banker only conducts business with residents 2510
of this state, or secures its loans with property located in this 2511
state, under authority of an approval described in division 2512
(G) (2) (h) of section 1322.01 of the Revised Code. 2513

(4) The names of all loan originators or licensees under the 2514
mortgage banker's control and direction; 2515

(5) An acknowledgment of understanding that the mortgage 2516
banker is subject to the regulatory authority of the division of 2517
financial institutions; 2518

(6) Any further information that the superintendent may 2519
require. 2520

(B) (1) If the superintendent determines that the mortgage 2521

banker honestly made the attestation required under division 2522
(A) (3) of this section and otherwise qualifies for exemption, the 2523
superintendent shall issue a letter of exemption. Additional 2524
certified copies of a letter of exemption shall be provided upon 2525
request and the payment of seventy-five dollars per copy. 2526

(2) If the superintendent determines that the mortgage banker 2527
does not qualify for exemption, the superintendent shall issue a 2528
notice of denial, and the mortgage banker may request a hearing in 2529
accordance with Chapter 119. of the Revised Code. 2530

(C) All of the following conditions apply to any mortgage 2531
banker holding a valid letter of exemption: 2532

(1) The mortgage banker shall be subject to examination in 2533
the same manner as a registrant with respect to the conduct of the 2534
mortgage banker's loan originators. In conducting any out-of-state 2535
examination, a mortgage banker shall be responsible for paying the 2536
costs of the division in the same manner as a registrant. 2537

(2) The mortgage banker shall have an affirmative duty to 2538
supervise the conduct of its loan originators, and to cooperate 2539
with investigations by the division with respect to that conduct, 2540
in the same manner as is required of registrants. 2541

(3) The mortgage banker shall keep and maintain records of 2542
all transactions relating to the conduct of its loan originators 2543
in the same manner as is required of registrants. 2544

(4) The mortgage banker may provide the surety bond for its 2545
licensees in the same manner as is permitted for registrants. 2546

(D) A letter of exemption expires annually on the 2547
thirty-first day of December and may be renewed on or before that 2548
date by submitting an application that meets the requirements of 2549
division (A) of this section and a nonrefundable renewal fee of 2550
three hundred fifty dollars for each location of an office to be 2551

maintained by the mortgage banker.

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(E) The superintendent may issue a notice to revoke or suspend a letter of exemption if the superintendent finds that the letter was obtained through a false or fraudulent representation of a material fact, or the omission of a material fact, required by law, or that a condition for exemption is no longer being met. Prior to issuing an order of revocation or suspension, the mortgage banker shall be given an opportunity for a hearing in accordance with Chapter 119. of the Revised Code.

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(F) All information obtained by the division pursuant to an examination or investigation under this section shall be subject to the confidentiality requirements set forth in section 1322.061 of the Revised Code.

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(G) All money collected under this section shall be deposited into the state treasury to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.

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Sec. 1322.023. The superintendent of financial institutions may, by rule, expand the definition of loan originator or mortgage broker in section 1322.01 of the Revised Code by adding individuals, persons, or entities, or may exempt additional individuals, persons, or entities from those definitions, if the superintendent finds that the addition or exemption is consistent with the purposes fairly intended by the policy and provisions of sections 1322.01 to 1322.12 of the Revised Code and the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.

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Rules authorized by this section shall be adopted in accordance with Chapter 119. of the Revised Code.

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Sec. 1322.024. (A) Notwithstanding any provision of sections

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1322.01 to 1322.12 of the Revised Code, or any rule adopted 2581
thereunder, if the "Secure and Fair Enforcement for Mortgage 2582
Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as 2583
amended, is modified after the effective date of this section, or 2584
any regulation, statement, or position is adopted under that act, 2585
and the item modified or adopted affects any matter within the 2586
scope of sections 1322.01 to 1322.12 of the Revised Code, the 2587
superintendent of financial institutions may by rule adopt a 2588
similar provision. 2589

(B) The superintendent shall adopt the rules authorized by 2590
this section in accordance with section 111.15 of the Revised 2591
Code. Chapter 119. of the Revised Code does not apply to rules 2592
adopted under the authority of this section. 2593

(C) A rule adopted by the superintendent under the authority 2594
of this section is effective on the later of the following dates: 2595

(1) The date the superintendent issues the rule; 2596

(2) The date the regulation, rule, interpretation, procedure, 2597
or guideline the superintendent's rule is based on becomes 2598
effective. 2599

(D) The superintendent may, upon thirty days' written notice, 2600
revoke any rule adopted under the authority of this section. A 2601
rule adopted under the authority of this section, and not revoked 2602
by the superintendent, lapses and has no further force and effect 2603
eighteen months after the rule's effective date." 2604

In line 16965, after "fee" insert "and any additional fee 2605
required by the nationwide mortgage licensing system and registry" 2606

In line 16970, after "the" insert "superintendent may require 2607
that the"; strike through "shall"; strike through "certified" 2608

In line 16972, strike through "shall be accompanied" 2609

In line 16976, strike through everything after the period	2610
Strike through line 16977	2611
In line 16978, strike through "will be transacted."	2612
In line 16988, strike through everything after "(3)"	2613
Strike through line 16989	2614
In line 16990, strike through the first "the" and insert	2615
" <u>Each</u> "	2616
In line 16992, after "owner" insert " <u>shall be licensed as a</u>	2617
<u>loan originator under sections 1322.01 to 1322.12 of the Revised</u>	2618
<u>Code and</u> "	2619
In line 16994, strike through "sole proprietor or the"	2620
In line 16997, after "the" insert " <u>residential</u> "	2621
In line 16999, strike through "financial" and insert	2622
" <u>depository</u> "	2623
In line 17001, after "of" insert " <u>residential</u> "	2624
In line 17004, strike through "On or after January 1, 2007,	2625
evidence" and insert " <u>Evidence</u> "; strike through "sole"	2626
In line 17005, strike through "proprietor or the"	2627
In line 17006, strike through "either"	2628
In line 17007, strike through "of"; strike through	2629
"following:"	2630
In line 17008, strike through everything before "instruction"	2631
and insert " <u>pre-licensing</u> "	2632
Strike through lines 17009 through 17041	2633
In line 17042, strike through "superintendent's request" and	2634
insert " <u>requirements set forth in section 1322.031 of the Revised</u>	2635
<u>Code</u> "	2636

In line 17050, strike through everything after "(8)"	2637
Strike through lines 17051 through 17062	2638
In line 17063, strike through "(10)"	2639
In line 17064, strike through "examination" and insert " <u>written test</u> "	2640 2641
In line 17066, strike through "(11)" and insert " <u>(9)</u> "	2642
In line 17068, after the third "the" insert " <u>non-refundable</u> "	2643
In line 17069, after "fee" insert " <u>and any fee required by the nationwide mortgage licensing system and registry</u> "	2644 2645
In line 17070, after "applicant" insert " <u>, and any individual whose identity is required to be disclosed in the application,</u> "	2646 2647
In line 17072, strike through "The" and insert " <u>(a)</u> <u>Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the</u> "; strike through "request" and insert " <u>do either of the following:</u> "	2648 2649 2650 2651 2652 2653 2654
<u>(i) Request</u> "	2655
In line 17075, after "fingerprints" insert " <u>or, if the fingerprints are unreadable, based on the applicant's social security number,</u> "	2656 2657 2658
In line 17076, strike through "(11)" and insert " <u>(12)</u> "; strike through ". Notwithstanding"	2659 2660
Strike through line 17077	2661
In line 17078, strike through "superintendent of financial institutions shall" and insert ";	2662 2663
<u>(ii) Authorize the nationwide mortgage licensing system and</u>	2664

registry to"; strike through "that" 2665

Strike through line 17079 2666

In line 17080, strike through "investigation be obtained as part of the" and insert "a"; strike through "records" and insert "history background" 2667
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In line 17081, strike through "Any" and insert: 2670

"(b) Any" 2671

In line 17082, after "Code" insert "or by the nationwide mortgage licensing system and registry" 2672
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In line 17098, after "a" insert "mortgage broker" 2674

In line 17104, after "A" insert "mortgage broker" 2675

Between lines 17110 and 17111, insert: 2676

"(G) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage broker certificates of registration or the persons associated with a mortgage broker." 2677
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In line 17112, strike through "officer" and insert "originator" 2683
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In line 17115, strike through "shall provide all of the" 2685

Strike through lines 17116 through 17127 2686

In line 17128, strike through "January 1, 2007, proof" and insert "any additional fee required by the nationwide mortgage licensing system and registry." 2687
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(B) (1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting 2690
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<u>of all of the following:</u>	2693
<u>(a) Twenty hours of instruction in a course or program of</u>	2694
<u>study reviewed and approved by the nationwide mortgage licensing</u>	2695
<u>system and registry;</u>	2696
<u>(b) Four hours of instruction in a course or program of study</u>	2697
<u>reviewed and approved by the superintendent concerning state</u>	2698
<u>landing laws and the Ohio consumer sales practices act, Chapter</u>	2699
<u>1345. of the Revised Code, as it applies to registrants and</u>	2700
<u>licensees.</u>	2701
<u>(2) Notwithstanding division (B)(1) of this section, until</u>	2702
<u>the nationwide mortgage licensing system and registry implements a</u>	2703
<u>review and approval program, the application shall provide</u>	2704
<u>evidence"</u>	2705
In line 17130, strike through "live classroom"	2706
In line 17150, after "a" insert " <u>registrant and a</u> "	2707
Strike through lines 17153 through 17161	2708
In line 17162, strike through "(5)" and insert " <u>(3) For</u>	2709
<u>purposes of division (B)(1)(a) of this section, the review and</u>	2710
<u>approval of a course or program of study includes the review and</u>	2711
<u>approval of the provider of the course or program of study.</u>	2712
<u>(4) If an applicant held a valid loan originator license</u>	2713
<u>issued by this state at any time during the immediately preceding</u>	2714
<u>five-year period, the applicant shall not be required to complete</u>	2715
<u>any additional pre-licensing instruction.</u>	2716
<u>(C) In addition to the information required under division</u>	2717
<u>(B) of this section, the application shall provide both of the</u>	2718
<u>following:</u>	2719
<u>(1) Evidence that the applicant passed a written test that</u>	2720
<u>meets the requirements described in division (B) of section</u>	2721

<u>1322.051 of the Revised Code;</u>	2722
<u>(2)</u> "	2723
In line 17163, strike through "(B)" and insert " <u>(D)</u> "	2724
In line 17164, after "fee" insert " <u>and any fee required by the nationwide mortgage licensing system and registry</u> "	2725 2726
In line 17165, strike through "(B)" and insert " <u>(D)</u> "	2727
In line 17167, strike through "The" and insert " <u>(a)</u>	2728
<u>Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of the records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the</u> ; strike through "request" and insert " <u>do either of the following:</u>	2729 2730 2731 2732 2733 2734
<u>(i) Request</u> "	2735
In line 17170, after "fingerprints" insert " <u>or, if the fingerprints are unreadable, based on the applicant's social security number,</u> "	2736 2737 2738
In line 17171, strike through "(11)" and insert " <u>(12)</u> "; strike through ". Notwithstanding"	2739 2740
Strike through line 17172	2741
In line 17173, strike through "superintendent of financial institutions shall" and insert " <u>i</u>	2742 2743
<u>(ii) Authorize the nationwide mortgage licensing system and registry to</u> ; strike through "that"	2744 2745
Strike through line 17174	2746
In line 17175, strike through "investigation be obtained as part of the" and insert " <u>a</u> "; strike through "records" and insert " <u>history background</u> "	2747 2748 2749

In line 17176, strike through "Any" and insert:	2750
" <u>(b) Any</u> "	2751
In line 17177, after "Code" insert " <u>or by the nationwide mortgage licensing system and registry</u> "	2752
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In line 17187, strike through "(C)" and insert " <u>(E) (1) In connection with applying for a loan originator license, the applicant shall furnish to the nationwide mortgage licensing system and registry the following information concerning the applicant's identity:</u> "	2754
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<u>(a) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check;</u>	2759
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<u>(b) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain the following:</u>	2764
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<u>(i) An independent credit report from a consumer reporting agency;</u>	2768
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<u>(ii) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.</u>	2770
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<u>(2) In order to effectuate the purposes of divisions (E) (1) (a) and (E) (1) (b) (ii) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and</u>	2772
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<u>distributing information to any source related to matters subject</u>	2780
<u>to those divisions of this section.</u>	2781
<u>(F)</u> "	2782
In line 17193, strike through "(D)" and insert " <u>(G)</u> "; after	2783
"a" insert " <u>loan originator</u> "	2784
In line 17194, strike through "division (A) of"	2785
In line 17199, strike through "(E)" and insert " <u>(H)</u> "; strike	2786
through "officer" and insert " <u>originator</u> "	2787
In line 17200, strike through "employing"; after "broker"	2788
insert " <u>with whom the licensee is employed or associated</u> "	2789
In line 17202, after "original" insert " <u>loan originator</u> "	2790
In line 17203, strike through "employing"	2791
In line 17205, strike through "officer" and insert	2792
" <u>originator</u> "	2793
In line 17207, strike through "officer's" and insert	2794
" <u>originator's</u> "; after "employment" insert " <u>or association</u> "; after	2795
"terminated" insert " <u>for any reason</u> "	2796
In line 17208, after "original" insert " <u>loan originator</u> "	2797
In line 17211, strike through "relocation" and insert	2798
" <u>transfer</u> "	2799
In line 17212, after "fee" insert " <u>and any fee required by</u>	2800
<u>the national mortgage licensing system and registry</u> "	2801
In line 17213, strike through "for a"	2802
In line 17214, strike through "period not to exceed one year"	2803
In line 17215, strike through "officer" and insert	2804
" <u>originator. A licensee whose license is held in escrow shall be</u>	2805
<u>required to apply for renewal annually and to comply with the</u>	2806

annual continuing education requirement 2807

In line 17216, before "A" insert "(3)"; after "employ" insert 2808
"or be associated with"; strike through "officer" and insert 2809
"originator" 2810

In line 17217, strike through "officer's" and insert 2811
"originator's" 2812

In line 17219, strike through "officer" and insert 2813
"originator" 2814

In line 17221, strike through "(F)" and insert "(4)" 2815

Notwithstanding divisions (H) (1) to (3) of this section, if a 2816
licensee is employed by or associated with a person or entity 2817
listed in division (G) (2) of section 1322.01 of the Revised Code, 2818
all of the following apply: 2819

(a) The licensee shall maintain and display the original loan 2820
originator license at the office where the licensee principally 2821
transacts business; 2822

(b) If the loan originator's employment or association is 2823
terminated, the loan originator shall return the original loan 2824
originator license to the superintendent within five business days 2825
after termination. The licensee may request the transfer of the 2826
license to a mortgage broker or another person or entity listed in 2827
division (G) (2) of section 1322.01 of the Revised Code by 2828
submitting a transfer application, along with a fifteen dollar fee 2829
and any fee required by the national mortgage licensing system and 2830
registry, to the superintendent or may request the superintendent 2831
in writing to hold the license in escrow. A licensee whose license 2832
is held in escrow shall cease activity as a loan originator. A 2833
licensee whose license is held in escrow shall be required to 2834
apply for renewal annually and to comply with the annual 2835
continuing education requirement. 2836

(c) The licensee may seek to be employed or associated with a mortgage broker or person or entity listed in division (G)(2) of section 1322.01 of the Revised Code if the mortgage broker or person or entity receives written confirmation from the superintendent that the loan originator is licensed under sections 1322.01 to 1322.12 of the Revised Code.

(I) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to loan originator licenses or the persons associated with a licensee.

(J)"; after "A" insert "loan originator"

In line 17231, after "fee" insert "and any fee required by the nationwide mortgage licensing system and registry"; strike through "If" and insert:

"(a) If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the applicant by certified mail, return receipt requested, that the application will be withdrawn unless the applicant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the applicant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the application shall be withdrawn immediately without a hearing.

(b) If"

In line 17232, after "funds" insert "after the certificate of registration has been issued"

Strike through lines 17246 through 17248	2867
Strike through line 17249 and insert " <u>evidence</u> "	2868
In line 17251, strike through "by the county or political subdivision."	2869 2870
Strike through lines 17252 and 17253	2871
In line 17254, strike through "transacted"	2872
In line 17255, strike through "sole proprietor or the"	2873
In line 17257, strike through ", as applicable,"	2874
In line 17261, strike through "licenses" and insert " <u>necessary filings</u> "; strike through "registrations" and insert " <u>approvals</u> "	2875 2876 2877
In line 17266, after "Code" insert " <u>and the rules adopted thereunder</u> "	2878 2879
In line 17267, strike through "shareholder, member,"	2880
In line 17268, strike through everything before "has" and insert " <u>person whose identity is required to be disclosed on an application for a mortgage broker certificate of registration has had a mortgage broker certificate of registration or loan originator license, or any comparable authority, revoked in any governmental jurisdiction or</u> "	2881 2882 2883 2884 2885 2886
In line 17269, strike through "criminal offense"	2887
Strike through lines 17270 through 17281	2888
In line 17282, strike through everything before the period and insert " <u>of the following:</u> "	2889 2890
(a) <u>During the seven-year period immediately preceding the date of application for the certificate of registration, a felony in a domestic, foreign, or military court;</u>	2891 2892 2893

<u>(b) At any time prior to the date of application for the</u>	2894
<u>certificate of registration, a felony involving an act of fraud,</u>	2895
<u>dishonesty, a breach of trust, theft, or money laundering in a</u>	2896
<u>domestic, foreign, or military court;</u>	2897
<u>(c) During the seven-year period immediately preceding the</u>	2898
<u>date of application for the certificate of registration, a</u>	2899
<u>misdemeanor involving theft in a domestic, foreign, or military</u>	2900
<u>court"</u>	2901
In line 17283, strike through everything after "(8)"	2902
Strike through lines 17284 through 17287	2903
In line 17288, strike through everything before the comma and	2904
insert " <u>Based on the totality of the circumstances and information</u>	2905
<u>submitted in the application"</u>	2906
In line 17290, strike through everything after "the"	2907
In line 17291, strike through everything before "applicant";	2908
strike through "or"	2909
In line 17292, strike through "other person"; strike through	2910
"honest, truthful, and"; strike through "reputation," and insert	2911
" <u>business repute"</u>	2912
Strike through line 17293	2913
In line 17294, strike through everything before the period	2914
and insert " <u>appears qualified to act as a mortgage broker"</u>	2915
In line 17302, after "Code" insert " <u>and the rules adopted</u>	2916
<u>thereunder. The superintendent shall not use a credit score as the</u>	2917
<u>sole basis for registration denial"</u>	2918
In line 17303, before "For" insert " <u>(B)"</u>	2919
In line 17313, after "applicant" insert " <u>and on whether the</u>	2920
<u>person is in a position to direct, control, or adversely influence</u>	2921

<u>the operations of the applicant"</u>	2922
In line 17314, strike through "(B)" and insert " <u>(C)</u> "	2923
In line 17316, strike through "thirtieth" and insert " <u>thirty-first</u> "; strike through "April" and insert " <u>December</u> "	2924 2925
In line 17323, after "fee" insert " <u>and any fee required by the nationwide mortgage licensing system and registry</u> "	2926 2927
In line 17337, strike through "On and after January 1, 2003, the" and insert " <u>The</u> "	2928 2929
In line 17339, strike through everything after "completed"	2930
In line 17340, strike through "year,"; strike through "six" and insert " <u>eight</u> "	2931 2932
In line 17344, after "applicant's" insert " <u>mortgage broker</u> "	2933
In line 17345, strike through "revocation" and insert " <u>an unpaid and past due fine imposed</u> "	2934 2935
In line 17347, strike through "(C)" and insert " <u>(D)</u> " in both places	2936 2937
In line 17348, after "fee" insert " <u>or additional fee required by the nationwide mortgage licensing system and registry</u> "; strike through "thirtieth" and insert " <u>thirty-first</u> "	2938 2939 2940
In line 17349, strike though "April" and insert " <u>December</u> "; after "the" insert " <u>mortgage broker</u> "	2941 2942
In line 17351, strike through everything after "broker"	2943
In line 17352, strike through "mortgage broker"	2944
In line 17353, strike though "(C)" and insert " <u>(D)</u> "	2945
In line 17354, strike though "May" and insert " <u>January</u> "	2946
In line 17355, after "fee" insert " <u>or additional fee</u> "	2947
In line 17357, strike though "(D)" and insert " <u>(E)</u> "	2948

In line 17361, strike through "Designate" and insert "Within 2949
ninety days after the departure of the operations manager, 2950
designate" 2951

In line 17363, strike though "(D)" and insert "(E)" 2952

In line 17367, strike through "experience"; strike though 2953
"division" 2954

In line 17368, strike through "(A) (4) of" 2955

Between lines 17368 and 17369, insert: 2956

"(F) The registrant shall cease operations if it is without 2957
an operations manager approved by the superintendent for more than 2958
one hundred eighty days unless otherwise authorized in writing by 2959
the superintendent due to exigent circumstances. 2960

(G) Mortgage broker certificates of registration issued on or 2961
after May 1, 2009, annually expire on the thirty-first day of 2962
December." 2963

In line 17370, strike through "(B)" and insert "(D)" 2964

In line 17372, strike through "officer" and insert 2965
"originator" 2966

In line 17374, after "fee" insert "and any fee required by 2967
the nationwide mortgage licensing system and registry"; strike 2968
through "If" and insert: 2969

"(a) If a check or other draft instrument is returned to the 2970
superintendent for insufficient funds, the superintendent shall 2971
notify the applicant by certified mail, return receipt requested, 2972
that the application will be withdrawn unless the applicant, 2973
within thirty days after receipt of the notice, submits the 2974
application fee and a one-hundred-dollar penalty to the 2975
superintendent. If the applicant does not submit the application 2976
fee and penalty within that time period, or if any check or other 2977

draft instrument used to pay the fee or penalty is returned to the 2978
superintendent for insufficient funds, the application shall be 2979
withdrawn immediately without a hearing. 2980

(b) If" 2981

In line 17376, after "funds" insert "after the license has 2982
been issued" 2983

In line 17387, strike through "officer" and insert 2984
"originator" 2985

In line 17389, after "Code" insert "and the rules adopted 2986
thereunder" 2987

In line 17390, strike through "The" and insert "(a) During 2988
the seven-year period immediately preceding the date of 2989
application for the license, the" 2990

In line 17391, strike through everything after "to" 2991

Strike through lines 17392 through 17395 2992

In line 17396, strike through "in that division. However, if" 2993
and insert "a felony in a domestic, foreign, or military court. 2994

(b) At any time prior to the date of application for the 2995
license,; after "has" insert "not" 2996

In line 17397, strike through everything after "to" 2997

Strike through lines 17398 through 17402 2998

In line 17403, strike through everything before the period 2999
and insert "a felony involving an act of fraud, dishonesty, a 3000
breach of trust, theft, or money laundering in a domestic, 3001
foreign, or military court. 3002

(c) During the seven-year period immediately preceding the 3003
date of application for the license, the applicant has not been 3004
convicted of or pleaded guilty to a misdemeanor involving theft in 3005

<u>a domestic, foreign, or military court"</u>	3006
In line 17404, strike through everything after "(4)"	3007
Strike through lines 17405 and 17406	3008
In line 17407, strike through everything before the comma and	3009
insert " <u>Based on the totality of the circumstances and information</u>	3010
<u>submitted in the application"</u>	3011
In line 17409, strike through everything after "the"	3012
In line 17410, strike through "since the judgment show that	3013
the"; strike through "honest, truthful,"	3014
In line 17411, strike through the first "and"; strike through	3015
"reputation," and insert " <u>business repute</u> "; strike through "there	3016
is no basis in fact for"	3017
Strike through line 17412	3018
In line 17413, strike through "again" and insert " <u>appears</u>	3019
<u>qualified to act as a loan originator"</u>	3020
In line 17414, strike through "examination" and insert	3021
" <u>written test</u> "	3022
In line 17416, after "and" insert " <u>completed</u> "; strike through	3023
"education requirements" and insert " <u>pre-licensing instruction</u> ";	3024
strike through "(A)(4)" and insert " <u>(B)</u> "	3025
In line 17418, after "applicant's" insert " <u>financial</u>	3026
<u>responsibility,</u> "; after "character" insert an underlined comma	3027
In line 17421, after the period insert " <u>The superintendent</u>	3028
<u>shall not use a credit score as the sole basis for a license</u>	3029
<u>denial.</u>	3030
<u>(7) The applicant is in compliance with the surety bond</u>	3031
<u>requirements of section 1322.05 of the Revised Code."</u>	3032
In line 17423, strike through "thirtieth" and insert	3033

"thirty-first"; strike through "April" and insert "December" 3034

In line 17426, after "dollars" insert "and any fee required 3035
by the nationwide mortgage licensing system and registry" 3036

In line 17438, strike through "officer" and insert 3037
"originator" 3038

In line 17439, strike through "On and after January 1, 2003," 3039
the loan officer" and insert "The applicant" 3040

In line 17440, strike through ", during the immediately 3041
preceding calendar year," 3042

In line 17441, strike through "six" and insert "eight" 3043

In line 17444, strike through "(6)" and insert "(7)" 3044

In line 17446, strike through "revocation" and insert "an 3045
unpaid and past due fine imposed" 3046

In line 17448, after "fee" insert ", including any fee 3047
required by the nationwide mortgage licensing system and 3048
registry." 3049

In line 17449, strike through "thirtieth" and insert 3050
"thirty-first"; strike through "April" and insert "December" 3051

In line 17451, strike through "officer" and insert 3052
"originator" 3053

In line 17453, strike through "May" and insert "January" 3054

In line 17454, strike through "fee" and insert "fees" 3055

Between lines 17455 and 17456, insert: 3056

"(D) Loan originator licenses issued on or after May 1, 2009, 3057
annually expire on the thirty-first day of December." 3058

Between lines 17455 and 17456, insert: 3059

"Sec. 1322.05. (A) (1) No registrant shall conduct business in 3060

this state, unless the registrant has obtained and maintains in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state. The bond shall be in favor of the superintendent of financial institutions and in the penal sum of ~~at least the~~ greater of the following: (a) fifty thousand dollars and an additional penal sum of ten thousand dollars for each location, in excess of one, at which the registrant conducts business or (b) one-half per cent of the aggregate loan amount of residential mortgage loans originated in the immediately preceding calendar year, but not exceeding two hundred fifty thousand dollars. The term of the bond shall coincide with the term of registration. A copy of the bond shall be filed with the superintendent. The bond shall be for the exclusive benefit of any buyer injured by a violation by an employee of the registrant, licensee loan originator employed by or associated with the registrant, or registrant of any provision of sections 1322.01 to 1322.12 of the Revised Code or any rule adopted thereunder. The aggregate liability of the corporate surety for any and all breaches of the conditions of the bond shall not exceed the penal sum of the bond.

(2) No licensee who is employed by or associated with a person or entity listed in division (G)(2) of section 1322.01 of the Revised Code shall conduct business in this state, unless the licensee has obtained and maintains in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state. The bond shall be in favor of the superintendent of financial institutions and in the penal sum of the greater of the following: (a) fifty thousand dollars or (b) one-half per cent of the aggregate loan amount of residential mortgage loans originated in the immediately preceding calendar year, but not exceeding two hundred fifty thousand dollars. The term of the bond shall coincide with the term of

licensure. A copy of the bond shall be filed with the 3093
superintendent. The bond shall be for the exclusive benefit of any 3094
buyer injured by a violation by the licensee of any provision of 3095
sections 1322.01 to 1322.12 of the Revised Code or any rule 3096
adopted thereunder. The aggregate liability of the corporate 3097
surety for any and all breaches of the conditions of the bond 3098
shall not exceed the penal sum of the bond. 3099

(B) (1) (a) The registrant shall give notice to the 3100
superintendent by certified mail of any action that is brought by 3101
a buyer against the registrant ~~or, loan officer of the registrant~~ 3102
originator, or employee alleging injury by a violation of any 3103
provision of sections 1322.01 to 1322.12 of the Revised Code or 3104
any rule adopted thereunder, and of any judgment that is entered 3105
against the registrant ~~or, loan officer of the registrant~~ 3106
originator, or employee by a buyer injured by a violation of any 3107
provision of sections 1322.01 to 1322.12 of the Revised Code or 3108
any rule adopted thereunder. The notice shall provide details 3109
sufficient to identify the action or judgment, and shall be filed 3110
with the superintendent within ten days after the commencement of 3111
the action or notice to the registrant of entry of a judgment. 3112

(b) The licensee shall give notice to the superintendent by 3113
certified mail of any action that is brought by a buyer against 3114
the licensee alleging injury by a violation of any provision of 3115
sections 1322.01 to 1322.12 of the Revised Code or any rule 3116
adopted thereunder, and of any judgment that is entered against 3117
the licensee by a buyer injured by a violation of any provision of 3118
sections 1322.01 to 1322.12 of the Revised Code or any rule 3119
adopted thereunder. The notice shall provide details sufficient to 3120
identify the action or judgment, and shall be filed with the 3121
superintendent within ten days after the commencement of the 3122
action or notice to the licensee of entry of a judgment. A person 3123

or entity listed in division (G) (2) of section 1322.01 of the 3124
Revised Code that secures bonding for the licensees employed by or 3125
associated with the person or entity shall report such actions or 3126
judgments in the same manner as is required of registrants. 3127

(2) A corporate surety, within ten days after it pays any 3128
claim or judgment, shall give notice to the superintendent by 3129
certified mail of the payment, with details sufficient to identify 3130
the person and the claim or judgment paid. 3131

(C) Whenever the penal sum of the corporate surety bond is 3132
reduced by one or more recoveries or payments, the registrant or 3133
licensee shall furnish a new or additional bond under this 3134
section, so that the total or aggregate penal sum of the bond or 3135
bonds equals the sum required by this section, or shall furnish an 3136
endorsement executed by the corporate surety reinstating the bond 3137
to the required penal sum of it. 3138

(D) The liability of the corporate surety on the bond to the 3139
superintendent and to any buyer injured by a violation of any 3140
provision of sections 1322.01 to 1322.12 of the Revised Code or 3141
any rule adopted thereunder shall not be affected in any way by 3142
any misrepresentation, breach of warranty, or failure to pay the 3143
premium, by any act or omission upon the part of the registrant or 3144
licensee, by the insolvency or bankruptcy of the registrant or 3145
licensee, or by the insolvency of the registrant's or licensee's 3146
estate. The liability for any act or omission that occurs during 3147
the term of the corporate surety bond shall be maintained and in 3148
effect for at least two years after the date on which the 3149
corporate surety bond is terminated or canceled. 3150

(E) The corporate surety bond shall not be canceled by the 3151
registrant, the licensee, or the corporate surety except upon 3152
notice to the superintendent by certified mail, return receipt 3153
requested. The cancellation shall not be effective prior to thirty 3154

days after the superintendent receives the notice. 3155

(F) No registrant or licensee employed by or associated with 3156
a person or entity listed in division (G)(2) of section 1322.01 of 3157
the Revised Code shall fail to comply with this section. Any 3158
 registrant or licensee that fails to comply with this section 3159
 shall cease all mortgage broker or loan originator activity in 3160
 this state until the registrant or licensee complies with this 3161
 section. 3162

Sec. 1322.051. (A) Each person designated under division 3163
 (A) (3) of section 1322.03 of the Revised Code to act as operations 3164
 manager for a mortgage broker business shall submit to an 3165
~~examination~~ a written test approved by the superintendent of 3166
 financial institutions. An individual shall not be considered to 3167
have passed the written test unless the individual achieves a test 3168
score of at least seventy-five per cent correct answers to all 3169
questions. 3170

(B) Each applicant for a loan ~~officer~~ originator license 3171
 shall submit to an ~~examination~~ approved by the superintendent a 3172
written test that is developed and approved by the nationwide 3173
mortgage licensing system and registry and administered by a test 3174
provider approved by the nationwide mortgage licensing system and 3175
registry based on reasonable standards. 3176

(1) The test shall adequately measure the applicant's 3177
knowledge and comprehension in appropriate subject areas, 3178
including ethics, federal and state law related to mortgage 3179
origination, fraud, consumer protection, and the nontraditional 3180
mortgage marketplace, and fair lending issues. 3181

(2) An individual shall not be considered to have passed the 3182
written test unless the individual achieves a test score of at 3183
least seventy-five per cent correct answers on all questions and 3184

at least seventy-five per cent correct answers on all questions 3185
relating to state mortgage lending laws and the Ohio consumer 3186
sales practices act, Chapter 1345. of the Revised Code, as it 3187
applies to registrants and licensees. 3188

(3) An individual may retake the test three consecutive times 3189
provided the period between taking the tests is at least thirty 3190
days. If an individual fails three consecutive tests, the 3191
individual shall be required to wait at least six months before 3192
taking the test again. 3193

(4) If a loan originator fails to maintain a valid loan 3194
originator license for a period of five years or longer, the 3195
individual shall be required to retake the test. 3196

(C) Notwithstanding division (B) of this section, until the 3197
nationwide mortgage licensing system and registry implements a 3198
testing process that meets the criteria set forth in that 3199
division, the superintendent shall require each applicant to pass 3200
a written test acceptable to the superintendent. 3201

Sec. 1322.052. ~~On and after January 1, 2002, each~~ (A) Each 3202
licensee and each person designated under division (A) (3) of 3203
section 1322.03 of the Revised Code to act as operations manager 3204
for a mortgage broker business shall complete at least ~~six~~ eight 3205
hours of continuing education every calendar year. To fulfill this 3206
requirement, the ~~six~~ eight hours of continuing education must be 3207
offered in a course or program of study reviewed and approved by 3208
the ~~superintendent of financial institutions~~ nationwide mortgage 3209
licensing system and registry. The course or program of study 3210
shall include all of the following: 3211

(1) Three hours of applicable federal law and regulations; 3212

(2) Two hours of ethics, which shall include instruction on 3213
fraud, consumer protection, and fair lending issues; 3214

<u>(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace.</u>	3215
	3216
<u>(B) Continuing education courses shall be reviewed and approved by the nationwide mortgage licensing system and registry based upon reasonable standards.</u>	3217
	3218
	3219
<u>(C) The following conditions apply to the continuing education required by this section:</u>	3220
	3221
<u>(1) An individual cannot take the same approved course in the same or successive years to meet the annual requirement for continuing education.</u>	3222
	3223
	3224
<u>(2) An individual can only receive credit for a continuing education course in the year in which the course is taken, unless the individual is making up a deficiency in continuing education pursuant to a rule or order of the superintendent of financial institutions.</u>	3225
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	3228
	3229
<u>(3) A licensee who subsequently becomes unlicensed must complete the continuing education requirement for the last year in which the license was held prior to the issuance of a new or renewed license.</u>	3230
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	3232
	3233
<u>(4) An individual who is approved as an instructor of a continuing education course receives credit for the individual's own annual continuing education requirement at the rate of two credit hours for every one hour taught.</u>	3234
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	3237
<u>(5) If an individual successfully completed a continuing education course reviewed and approved by the nationwide mortgage licensing system and registry as required by another state, the individual can receive credit toward completion of the continuing education requirement of this state.</u>	3238
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	3242
<u>(D) Notwithstanding division (A) of this section, until the nationwide mortgage licensing system and registry implements a</u>	3243
	3244

review and approval process, each licensee or person designated 3245
under division (A) (3) of section 1322.03 of the Revised Code shall 3246
provide evidence that the licensee or person has successfully 3247
completed at least eight hours of continuing education in a course 3248
or program of study approved by the superintendent of financial 3249
institutions. 3250

Sec. 1322.06. (A) As often as the superintendent of financial 3251
institutions considers it necessary, the superintendent may 3252
examine the registrant's or licensee's records, including all 3253
records created or processed by a licensee, pertaining to business 3254
transacted pursuant to sections 1322.01 to 1322.12 of the Revised 3255
Code. 3256

(B) A registrant or licensee shall maintain records 3257
pertaining to business transacted pursuant to sections 1322.01 to 3258
1322.12 of the Revised Code, including copies of all mortgage loan 3259
origination disclosure statements prepared in accordance with 3260
section 1322.062 of the Revised Code, for four years. No For 3261
purposes of this division, "registrant or licensee" includes any 3262
person whose certificate of registration or license is cancelled, 3263
surrendered, or revoked or who otherwise ceases to engage in 3264
business as a mortgage broker or loan originator. 3265

No registrant shall fail to comply with this division. 3266

(C) Each registrant and licensee shall submit to the 3267
nationwide mortgage licensing system and registry call reports or 3268
other reports of condition, which reports shall be in such form 3269
and shall contain such information as the nationwide mortgage 3270
licensing system and registry may require. 3271

(D) (1) As required by the superintendent, each registrant 3272
shall file with the division of financial institutions an annual 3273
report under oath or affirmation, on forms supplied by the 3274

division, concerning the business and operations of the registrant 3275
for the preceding calendar year. If a registrant operates two or 3276
more registered offices or two or more affiliated registrants 3277
operate registered offices, a composite report of the group of 3278
registered offices may be filed in lieu of individual reports. 3279

(2) The division shall publish annually an analysis of the 3280
information required under division (D)(1) of this section, but 3281
the individual reports shall not be public records and shall not 3282
be open to public inspection or otherwise be subject to section 3283
149.43 of the Revised Code. 3284

Sec. 1322.061. (A)(1) The following information is 3285
 confidential: 3286

(a) Examination information, and any information leading to 3287
 or arising from an examination; 3288

(b) Investigation information, and any information arising 3289
 from or leading to an investigation. 3290

(2) The information described in division (A)(1) of this 3291
 section shall remain confidential for all purposes except when it 3292
 is necessary for the superintendent of financial institutions to 3293
 take official action regarding the affairs of a registrant or 3294
 licensee, or in connection with criminal or civil proceedings to 3295
 be initiated by a prosecuting attorney or the attorney general. 3296
 This information may also be introduced into evidence or disclosed 3297
 when and in the manner authorized by section 1181.25 of the 3298
 Revised Code. 3299

(B) All application information, except social security 3300
 numbers, employer identification numbers, financial account 3301
 numbers, the identity of the institution where financial accounts 3302
 are maintained, personal financial information, fingerprint cards 3303
 and the information contained on such cards, and criminal 3304

background information, is a public record as defined in section 3305
 149.43 of the Revised Code. 3306

(C) This section does not prevent the division of financial 3307
 institutions from releasing to or exchanging with other financial 3308
 institution regulatory authorities information relating to 3309
 registrants and licensees. For this purpose, a "financial 3310
 institution regulatory authority" includes a regulator of a 3311
 business activity in which a registrant or licensee is engaged, or 3312
 has applied to engage in, to the extent that the regulator has 3313
 jurisdiction over a registrant or licensee engaged in that 3314
 business activity. A registrant or licensee is engaged in a 3315
 business activity, and a regulator of that business activity has 3316
 jurisdiction over the registrant or licensee, whether the 3317
 registrant or licensee conducts the activity directly or a 3318
 subsidiary or affiliate of the registrant or licensee conducts the 3319
 activity. 3320

(D) The superintendent shall, on a regular basis, report 3321
violations of sections 1322.01 to 1322.12 of the Revised Code, as 3322
well as enforcement actions and other relevant information, to the 3323
nationwide mortgage licensing system and registry. 3324

(E) (1) Any confidentiality or privilege arising under federal 3325
or state law with respect to any information or material provided 3326
to the nationwide mortgage licensing system and registry shall 3327
continue to apply to the information or material after the 3328
information or material is provided to the nationwide mortgage 3329
licensing system and registry. The information and material so 3330
provided may be released to any state or federal regulatory 3331
official with mortgage industry oversight authority without the 3332
loss of confidentiality or privilege protections provided by 3333
federal law or the law of any state. Information or material 3334
described in division (E)(1) of this section to which 3335

confidentiality or privilege applies shall not be subject to any 3336
of the following: 3337

(a) Disclosure under any federal or state law governing 3338
disclosure to the public of information held by an officer or an 3339
agency of the federal government or of the respective state; 3340

(b) Subpoena or discovery, or admission into evidence, in any 3341
private civil action or administrative process, unless the person 3342
to whom such information or material pertains waives, in whole or 3343
in part and at the discretion of the person, any privilege held by 3344
the nationwide mortgage licensing system and registry with respect 3345
to that information or material. 3346

(2) The superintendent, in order to promote more effective 3347
regulation and reduce regulatory burden through supervisory 3348
information sharing, may enter into sharing arrangements with 3349
other governmental agencies, the conference of state bank 3350
supervisors, and the American association of residential mortgage 3351
regulators. 3352

(3) Any state law, including the public records law, relating 3353
to the disclosure of confidential supervisory information or any 3354
information or material described in division (E)(1) of this 3355
section that is inconsistent with that division shall be 3356
superseded by the requirements of that division. 3357

(F) This section shall not apply with respect to information 3358
or material relating to the employment history of, and publicly 3359
adjudicated disciplinary and enforcement actions against, loan 3360
originators that is included in the nationwide mortgage licensing 3361
system and registry for access by the public. 3362

(G) This section does not prevent the division from releasing 3363
information relating to registrants and licensees to the attorney 3364
general, to the superintendent of real estate and professional 3365

licensing for purposes relating to the administration of Chapters 3366
 4735. and 4763. of the Revised Code, to the superintendent of 3367
 insurance for purposes relating to the administration of Chapter 3368
 3953. of the Revised Code, to the commissioner of securities for 3369
purposes relating to the administration of Chapter 1707. of the 3370
Revised Code, or to local law enforcement agencies and local 3371
 prosecutors. Information the division releases pursuant to this 3372
 section remains confidential. 3373

(H) The superintendent of financial institutions shall, by 3374
rule adopted in accordance with Chapter 119. of the Revised Code, 3375
establish a process by which loan originators may challenge any 3376
information provided to the nationwide mortgage licensing system 3377
and registry by the superintendent. 3378

Sec. 1322.062. (A) (1) Within three business days after taking 3379
 an application for a residential mortgage loan from a buyer, a 3380
 registrant or licensee shall deliver to the buyer a residential 3381
 mortgage loan origination disclosure statement that contains all 3382
 of the following: 3383

(a) The name, address, and telephone number of the buyer; 3384

(b) The typewritten name of the loan ~~officer~~ originator and 3385
 the number designated on the loan ~~officer's~~ originator's license; 3386

(c) The street address, telephone number, and facsimile 3387
 number of the registrant and the number designated on the 3388
 registrant's certificate of registration; 3389

(d) The signature of the loan ~~officer~~ originator or 3390
 registrant; 3391

(e) A statement indicating whether the buyer is to pay for 3392
 the services of a bona fide third party if the registrant is 3393
 unable to assist the buyer in obtaining a mortgage; 3394

- (f) A statement that describes the method by which the fee to be paid by the buyer to the registrant will be calculated and a good faith estimate of the total amount of that fee; 3395
3396
3397
- (g) A statement that the lender may pay compensation to the registrant; 3398
3399
- (h) A description of all the services the registrant has agreed to perform for the buyer; 3400
3401
- (i) A statement that the buyer has not entered into an exclusive agreement for brokerage services; 3402
3403
- (j) If the residential mortgage loan applied for will exceed ninety per cent of the value of the real property, a statement, printed in boldface type of the minimum size of sixteen points, as follows: "You are applying for a loan that is more than 90% of your home's value. It will be hard for you to refinance this loan. If you sell your home, you might owe more money on the loan than you get from the sale." 3404
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- (k) To acknowledge receipt, the signature of the buyer. 3411
- (2) If the loan is a covered loan as defined in section 1349.25 of the Revised Code, the registrant shall also deliver a copy of the residential mortgage loan origination disclosure statement to the lender. 3412
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- (B) If there is any change in the information provided under division (A)(1) of this section, the registrant or licensee shall provide the buyer with the revised residential mortgage loan origination disclosure statement and a written explanation of why the change occurred no later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier. 3416
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- (C) A registrant or licensee shall deliver to the buyer, immediately upon receipt, a copy of any nonproprietary or publicly 3423
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available credit score and report obtained regarding the buyer by 3425
 the registrant or licensee for the purpose of the residential 3426
 mortgage loan application; 3427

If the loan ~~officer~~ originator or registrant uses an 3428
 automated valuation model to determine an appraisal report, the 3429
 registrant or licensee also shall include a copy of the automated 3430
 valuation model report. 3431

(D) A registrant or licensee shall deliver to the buyer, at 3432
 the same time that the registrant or licensee delivers the 3433
residential mortgage loan origination disclosure statement 3434
 pursuant to division (A) of this section, a good faith estimate 3435
 statement that discloses the amount of or range of charges for the 3436
 specific settlement services the buyer is likely to incur in 3437
 connection with the residential mortgage loan. The good faith 3438
 estimate statement shall meet the requirements of the "Real Estate 3439
 Settlement Procedures Act," 88 Stat. 1724 (1974)-, 12 U.S.C.A. 3440
 2601 et seq., and shall include the following underlined notice in 3441
 at least ten-point type, new roman style: 3442

"Nature of Relationship: In connection with this residential 3443
 mortgage loan, you, the borrower(s), has/have requested assistance 3444
 from (company name) in arranging credit. We do not 3445
 distribute all products in the marketplace and cannot guarantee 3446
 the lowest rate. 3447

Termination: This agreement will continue until one of the 3448
 following events occur: 3449

1. The loan closes. 3450
2. The request is denied. 3451
3. The borrower withdraws the request. 3452
4. The borrower decides to use another source for 3453
 origination. 3454

5. The borrower is provided a revised good faith estimate statement. 3455
3456

Notice to borrower(s): Signing this document does not obligate you to obtain a residential mortgage loan through this mortgage originator nor is this a loan commitment or an approval; nor is your interest rate locked at this time unless otherwise disclosed on a separate Rate Lock Disclosure Form. Do not sign this document until you have read and understood the information in it. You will receive a ~~re-disclosure~~ redisclosure of any increase in interest rate or if the total sum of disclosed settlement/closing costs increases by 10% or more of the original estimate. Should any such increase occur, ~~mandatory re-disclosure~~ redisclosure must occur prior to the settlement or close of escrow." 3457
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(E) No registrant or licensee shall fail to comply with this section. 3468
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Sec. 1322.063. (A) In addition to the disclosures required under section 1322.062 of the Revised Code, a registrant or licensee shall, not earlier than three business days nor later than twenty-four hours before a loan is closed, deliver to the buyer a written disclosure that includes the following: 3471
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(1) A statement indicating whether property taxes will be escrowed; 3476
3477

(2) A description of what is covered by the regular monthly payment, including principal, interest, taxes, and insurance, as applicable. 3478
3479
3480

(B) No registrant or licensee shall fail to comply with this section. 3481
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Sec. 1322.064. (A) No registrant or licensee shall fail to do 3483

either of the following:	3484
(1) Timely inform the buyer of any material change in the terms of the <u>residential mortgage</u> loan. For purposes of division (A)(1) of this section, "material change" means the following:	3485 3486 3487
(a) A change in the type of <u>residential mortgage</u> loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;	3488 3489 3490
(b) A change in the term of the <u>residential mortgage</u> loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;	3491 3492 3493
(c) A change in the interest rate of more than 0.15%;	3494
(d) A change in the regular <u>total</u> monthly payment of , <u>including principal and, interest, any required mortgage insurance, and any escrowed taxes or property insurance,</u> of more than five per cent;	3495 3496 3497 3498
(e) A change regarding <u>whether</u> the escrow of taxes or insurance <u>is required</u> ;	3499 3500
(f) A change regarding the payment of <u>whether</u> private mortgage insurance <u>is required</u> .	3501 3502
(2) Timely inform the buyer if any fees payable by the buyer to the <u>licensee</u> , registrant, or lender increase by more than ten per cent or one hundred dollars, whichever is greater.	3503 3504 3505
(B) The disclosures required by this section shall be deemed timely if the registrant <u>or licensee</u> provides the buyer with the revised information not later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier.	3506 3507 3508 3509 3510
(C) If an increase in the total amount of the fee to be paid by the buyer to the registrant <u>or licensee</u> is not disclosed in	3511 3512

accordance with division (A)(2) of this section, the registrant or 3513
licensee shall refund to the buyer the amount by which the fee was 3514
increased. If the fee is financed into the loan, the registrant or 3515
licensee shall also refund to the buyer the interest that would 3516
accrue over the term of the loan on that excess amount. 3517

Sec. 1322.065. A person registered as a mortgage broker 3518
solely to sell leads of potential buyers to residential mortgage 3519
lenders or mortgage brokers, or solely to match buyers with 3520
residential mortgage lenders or mortgage brokers through a 3521
computerized loan origination system recognized by the United 3522
States department of housing and urban development, shall be 3523
required to make only those disclosures under sections 1322.01 to 3524
1322.12 of the Revised Code that apply to the portion of the 3525
transaction during which they have direct buyer contact, and shall 3526
be subject to all fair conduct and prohibition requirements in 3527
their dealing with buyers. 3528

Sec. 1322.07. No ~~mortgage broker~~, registrant, licensee, or 3529
applicant for a certificate of registration person required to be 3530
registered or license licensed under sections 1322.01 to 1322.12 3531
of the Revised Code, or individual disclosed in an application as 3532
required by division (A)(2) of section 1322.03 of the Revised Code 3533
shall do any of the following: 3534

(A) Obtain a mortgage broker certificate of registration or 3535
loan originator license through any false or fraudulent 3536
representation of a material fact or any omission of a material 3537
fact required by state law, or make any substantial 3538
misrepresentation in any registration or license application; 3539

(B) Make false or misleading statements of a material fact, 3540
omissions of statements required by state or federal law, or false 3541
promises regarding a material fact, through advertising or other 3542

means, or engage in a continued course of misrepresentations; 3543

(C) Engage in conduct that constitutes improper, fraudulent, 3544
or dishonest dealings; 3545

(D) Fail to notify the division of financial institutions 3546
within thirty days after ~~the registrant, licensee, or applicant,~~ 3547
~~in a court of competent jurisdiction of this state or any other~~ 3548
~~state, is any of the following:~~ 3549

(1) Being convicted of or pleading guilty to a felony in a 3550
domestic, foreign, or military court; 3551

(2) Being convicted of or pleads pleading guilty to any 3552
criminal offense involving theft, receiving stolen property, 3553
embezzlement, forgery, fraud, passing bad checks, money 3554
laundering, breach of trust, dishonesty, or drug trafficking, or 3555
any criminal offense involving money or securities; 3556

(3) Having a mortgage broker certificate of registration or 3557
loan originator license, or any comparable authority, revoked in 3558
any governmental jurisdiction. 3559

(E) Knowingly make, propose, or solicit fraudulent, false, or 3560
misleading statements on any mortgage loan document or on any 3561
document related to a mortgage loan, including a mortgage 3562
application, real estate appraisal, or real estate settlement or 3563
closing document. For purposes of this division, "fraudulent, 3564
false, or misleading statements" does not include mathematical 3565
errors, inadvertent transposition of numbers, typographical 3566
errors, or any other bona fide error. 3567

(F) Knowingly instruct, solicit, propose, or otherwise cause 3568
a buyer to sign in blank a mortgage related document; 3569

(G) Knowingly compensate, instruct, induce, coerce, or 3570
intimidate, or attempt to compensate, instruct, induce, coerce, or 3571
intimidate, a person licensed or certified under Chapter 4763. of 3572

the Revised Code for the purpose of corrupting or improperly
influencing the independent judgment of the person with respect to
the value of the dwelling offered as security for repayment of a
mortgage loan; 3573
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(H) Promise to refinance a loan in the future at a lower 3577
interest rate or with more favorable terms, unless the promise is 3578
set forth in writing and is initialed by the buyer. 3579

Sec. 1322.071. (A) As used in this section, "bona fide third 3580
party" has the same meaning as in section 1322.08 of the Revised 3581
Code. 3582

(B) No mortgage broker, registrant, loan originator, or 3583
licensee shall do any of the following: 3584

(1) Retain original documents provided to the mortgage 3585
broker, registrant, loan originator, or licensee by the buyer in 3586
connection with the residential mortgage loan application, 3587
including income tax returns, account statements, or other 3588
financial related documents; 3589

(2) Receive, directly or indirectly, a premium on the fees 3590
charged for services performed by a bona fide third party; 3591

(3) Pay or receive, directly or indirectly, a referral fee or 3592
kickback of any kind to or from a bona fide third party or other 3593
party with a related interest in the transaction, ~~such as~~ 3594
including a home improvement builder, real estate developer, or 3595
real estate broker or agent, for the referral of business. 3596

(C) (1) No registrant, through its operations manager or 3597
otherwise, shall fail to reasonably supervise a loan originator or 3598
other persons employed by or associated with the registrant. 3599

(2) No registrant shall fail to establish reasonable 3600
procedures designed to avoid violations of sections 1322.01 to 3601

1322.12 of the Revised Code or rules adopted thereunder, or 3602
violations of applicable state and federal consumer and lending 3603
laws or rules, by loan originators or other persons employed by or 3604
associated with the registrant. 3605

Sec. 1322.072. No person, in connection with any examination 3606
or investigation conducted by the superintendent of financial 3607
institutions under sections 1322.01 to 1322.12 of the Revised 3608
Code, shall knowingly do either any of the following: 3609

(A) Circumvent, interfere with, obstruct, or fail to 3610
cooperate, including making a false or misleading statement, 3611
failing to produce records, or intimidating or suborning any 3612
witness; 3613

(B) Tamper with, alter, or manufacture any evidence; 3614

(C) Withhold, abstract, remove, mutilate, destroy, or secrete 3615
any books, records, computer records, or other information. 3616

Sec. 1322.074. (A) ~~As used in this section and section~~ 3617
~~1322.075 of the Revised Code.~~ 3618

~~(1) "Appraisal company" means a sole proprietorship,~~ 3619
~~partnership, corporation, limited liability company, or any other~~ 3620
~~business entity or association, that employs or retains the~~ 3621
~~services of a person licensed or certified under Chapter 4763. of~~ 3622
~~the Revised Code for purposes of performing residential real~~ 3623
~~estate appraisals for mortgage loans.~~ 3624

~~(2) "Immediate family" means a spouse residing in the~~ 3625
~~person's household and any dependent child.~~ 3626

~~(B)~~ Except as otherwise provided in division ~~(C)~~(B) of this 3627
section, no registrant, or any member of the ~~registrant's~~ 3628
immediate family of an owner of a registrant, shall own or control 3629

a majority interest in an appraisal company. 3630

~~(C)~~(B) Division ~~(B)~~(A) of this section shall not apply to any 3631
 registrant, or any member of the ~~registrant's~~ immediate family of 3632
an owner of a registrant, who, on the effective date of this 3633
~~section~~ amendment, owns or controls a majority interest in an 3634
 appraisal company. However, such ownership or control is subject 3635
 to the following conditions: 3636

(1) The registrant and members of the ~~registrant's~~ immediate 3637
 family of an owner of a registrant shall not increase their 3638
 interest in the company. 3639

(2) The interest is not transferable to a member of the 3640
~~registrant's~~ immediate family of an owner of a registrant. 3641

(3) If the registrant is convicted of or pleads guilty to a 3642
 criminal violation of sections 1322.01 to 1322.12 of the Revised 3643
 Code or any criminal offense described in division (A) (1) (b) of 3644
 section 1322.10 of the Revised Code, the superintendent of 3645
 financial institutions may, ~~as an alternative~~ in addition to any 3646
 of the actions authorized under section 1322.10 of the Revised 3647
 Code, order the registrant or members of the ~~registrant's~~ 3648
 immediate family of an owner of a registrant to divest their 3649
 interest in the company. 3650

Sec. 1322.075. (A) No registrant or licensee or person 3651
 required to be registered or licensed under ~~this chapter~~ sections 3652
1322.01 to 1322.12 of the Revised Code shall refer a buyer to any 3653
 settlement service provider, including any title insurance 3654
 company, without providing the buyer with written notice 3655
 disclosing all of the following: 3656

(1) Any business relationship that exists between the 3657
 registrant, licensee, or person required to be registered or 3658
 licensed under ~~this chapter~~ sections 1322.01 to 1322.12 of the 3659

Revised Code, and the provider to which the buyer is being 3660
referred, and any financial benefit that the registrant, licensee, 3661
or person may be provided because of the relationship; 3662

(2) The percentage of ownership interest the registrant, 3663
licensee, or person required to be registered or licensed under 3664
~~this chapter~~ sections 1322.01 to 1322.12 of the Revised Code has 3665
in the provider to which the buyer is being referred; 3666

(3) The estimated charge or range of charges for the 3667
settlement service listed; 3668

(4) The following statement, printed in boldface type of the 3669
minimum size of sixteen points: "There are frequently other 3670
settlement service providers available with similar services. You 3671
are free to shop around to determine that you are receiving the 3672
best services and the best rate for these services." 3673

(B) No registrant or licensee shall refer a buyer to an 3674
appraisal company, if the registrant or licensee, a member of the 3675
immediate family of an owner of the registrant, or a member of the 3676
~~registrant's or licensee's~~ immediate family, has either of the 3677
following financial relationships with the appraisal company: 3678

(1) An ownership or investment interest in the company, 3679
whether through debt, equity, or other means; 3680

(2) Any compensation arrangement involving any remuneration, 3681
directly or indirectly, overtly or covertly, in cash or in kind. 3682

(C) No registrant or licensee shall knowingly enter into an 3683
arrangement or scheme, including a cross-referral arrangement, 3684
that has a principal purpose of assuring referrals by a registrant 3685
or licensee to a particular appraisal company that would violate 3686
division (B) of this section. 3687

(D) The registrant, licensee, or person required to be 3688
registered or licensed under ~~this chapter~~ sections 1322.01 to 3689

1322.12 of the Revised Code shall retain proof that the buyer 3690
 received the written disclosures required by division (A) of this 3691
 section for four years. 3692

Sec. 1322.08. (A) No registrant shall fail to do any of the 3693
 following: 3694

(1) Maintain a special account; 3695

(2) Deposit into the registrant's special account any bona 3696
 fide third-party fee the registrant receives; 3697

(3) Pay bona fide third-party fees to a bona fide third party 3698
 from the registrant's special account. 3699

(B) Except as otherwise provided in ~~this division~~ sections 3700
1322.01 to 1322.12 of the Revised Code, no registrant shall charge 3701
 or receive, directly or indirectly, fees for assisting a buyer in 3702
 obtaining a residential mortgage loan, until all of the services 3703
 that the registrant has agreed to perform for the buyer are 3704
 completed, and the proceeds of the residential mortgage loan have 3705
 been disbursed to or on behalf of the buyer. However, prior to 3706
 completion of such services the following fees may be paid for 3707
 services performed by a bona fide third party in assisting the 3708
 buyer to obtain a residential mortgage loan if the fees are either 3709
 paid directly by the buyer to the bona fide third party or, except 3710
 as provided in division (B) (5) of this section, the fees are 3711
 deposited by the registrant into the registrant's special account 3712
 for services performed by the bona fide third party: 3713

(1) Fees to obtain a report from a credit reporting agency; 3714

(2) Fees for notary services; 3715

(3) Fees for the performance of a title search, appraisal of 3716
 the real estate, or survey of the real estate; 3717

(4) Fees charged by a lender for locking in an interest rate 3718

in connection with obtaining or refinancing a residential mortgage 3719
loan, provided that the fees do not exceed an amount equal to one 3720
and one-half per cent of the mortgage loan amount; 3721

(5) Fees not exceeding five hundred dollars paid directly by 3722
the buyer to a state or federal government agency or 3723
instrumentality for purposes of processing a mortgage application 3724
relating to a government sponsored or guaranteed mortgage program. 3725

(C) If fees are paid by a buyer for the performance of any of 3726
the services described in division (B) (3) of this section and the 3727
registrant is unable to assist in obtaining a mortgage for the 3728
buyer, the registrant shall return to the buyer the original 3729
documents prepared by the bona fide third party at the time that 3730
the request for the mortgage is refused or denied. With respect to 3731
any appraisal, however, the registrant may return either the 3732
original or a copy. No registrant shall fail to comply with this 3733
division. 3734

(D) For purposes of this section: 3735

(1) "Bona fide third party" means a person that is not an 3736
employee of, related to, or affiliated with, the registrant, and 3737
that is not used for the purpose of circumvention or evasion of 3738
this section. 3739

(2) "Special account" means a an insured depository account 3740
with a financial depository institution, ~~the deposits of which are~~ 3741
~~insured by the federal deposit insurance corporation,~~ that is 3742
separate and distinct from any personal or other account of the 3743
registrant, and that is maintained solely for the holding and 3744
payment of fees described in this section for services performed 3745
by bona fide third parties and received by the registrant from 3746
buyers that the registrant assists in obtaining mortgages. 3747

Sec. 1322.081. (A) A registrant, licensee, and any person 3748

required to be registered or licensed under ~~this chapter~~ sections 3749
1322.01 to 1322.12 of the Revised Code, in addition to duties 3750
imposed by other statutes or common law, shall do all of the 3751
following: 3752

(1) Safeguard and account for any money handled for the 3753
~~borrower~~ buyer; 3754

(2) Follow reasonable and lawful instructions from the 3755
~~borrower~~ buyer; 3756

(3) Act with reasonable skill, care, and diligence; 3757

(4) Act in good faith and with fair dealing in any 3758
transaction, practice, or course of business in connection with 3759
the brokering or originating of any residential mortgage loan; 3760

(5) Make reasonable efforts to secure a residential mortgage 3761
loan, from lenders with whom the registrant, licensee, or person 3762
regularly does business, with rates, charges, and repayment terms 3763
that are advantageous to the ~~borrower~~ buyer. 3764

(B) Division (A) of this section shall not apply to wholesale 3765
lenders. However, wholesale lenders are subject to all other 3766
requirements applicable to mortgage brokers and nonbank mortgage 3767
lenders. For purposes of this division, "wholesale lender" means a 3768
company that has been issued a mortgage broker certificate of 3769
registration and that enters into transactions with buyers 3770
exclusively through unaffiliated third-party mortgage brokers. 3771

(C) The duties and standards of care created in this section 3772
cannot be waived or modified. 3773

(D) (1) A buyer injured by a violation of this section may 3774
bring an action for recovery of damages. 3775

(2) Damages awarded under division (D) (1) of this section 3776
shall not be less than all compensation paid directly or 3777

indirectly to a mortgage broker from any source, plus reasonable attorney's fees and court costs. 3778
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(3) The buyer may be awarded punitive damages. 3780

(E) A buyer injured by a violation of this section is precluded from recovering any damages, plus reasonable attorney's fees and costs, if the buyer has also recovered any damages in a cause of action initiated under section 1322.11 of the Revised Code and the recovery of damages for a violation of this section is based on the same acts or circumstances as the basis for recovery of damages in section 1322.11 of the Revised Code. 3781
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Sec. 1322.09. (A) A mortgage broker or loan originator shall disclose in any printed, televised, broadcast, electronically transmitted, or published advertisement relating to the mortgage broker's or loan's originator services, including on any electronic site accessible through the internet, the name and street address of the mortgage broker or loan's originator and the number designated on the certificate of registration or license that is issued to the mortgage broker or loan originator by the superintendent of financial institutions under sections 1322.01 to 1322.12 of the Revised Code. 3788
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(B) In making any advertisement, a mortgage broker shall comply with 12 C.F.R. 226.16, as amended. 3798
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(C) No mortgage broker or loan originator shall fail to comply with this section. 3800
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Sec. 1322.10. (A) After notice and opportunity for a hearing conducted in accordance with Chapter 119. of the Revised Code, the superintendent of financial institutions may do the following: 3802
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(1) Suspend, revoke, or refuse to issue or renew a certificate of registration or license if the superintendent finds 3805
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either <u>any</u> of the following:	3807
(a) A violation of or failure to comply with any provision of	3808
sections 1322.01 to 1322.12 of the Revised Code or the rules	3809
adopted under those sections, <u>federal lending law</u> , or any other	3810
law applicable to the business conducted under a certificate of	3811
registration <u>or license</u> ;	3812
(b) A conviction of or guilty plea to <u>a felony in a domestic,</u>	3813
<u>foreign, or military court</u> ;	3814
(c) <u>A conviction of or guilty plea to any criminal offense</u>	3815
involving theft, receiving stolen property, embezzlement, forgery,	3816
fraud, passing bad checks, money laundering, <u>breach of trust,</u>	3817
<u>dishonesty,</u> or drug trafficking, or any criminal offense involving	3818
money or securities, <u>in a domestic, foreign, or military court</u> ;	3819
(d) <u>The revocation of a mortgage broker certificate of</u>	3820
<u>registration or loan originator license, or any comparable</u>	3821
<u>authority, in any governmental jurisdiction.</u>	3822
(2) Impose a fine of not more than one thousand dollars, for	3823
each day a violation of a law or rule is committed, repeated, or	3824
continued. If the registrant or licensee engages in a pattern of	3825
repeated violations of a law or rule, the superintendent may	3826
impose a fine of not more than two thousand dollars for each day	3827
the violation is committed, repeated, or continued. All fines	3828
collected pursuant to this division shall be paid to the treasurer	3829
of state to the credit of the consumer finance fund created in	3830
section 1321.21 of the Revised Code. In determining the amount of	3831
a fine to be imposed pursuant to this division, the superintendent	3832
shall <u>may</u> consider all of the following, <u>to the extent known by</u>	3833
<u>the division of financial institutions</u> :	3834
(a) The seriousness of the violation;	3835
(b) The registrant's or licensee's good faith efforts to	3836

prevent the violation; 3837

(c) The registrant's or licensee's history regarding 3838
violations and compliance with division orders; 3839

(d) The registrant's or licensee's financial resources; 3840

(e) Any other matters the superintendent considers 3841
appropriate in enforcing sections 1322.01 to 1322.12 of the 3842
Revised Code. 3843

(B) The superintendent may investigate alleged violations of 3844
sections 1322.01 to 1322.12 of the Revised Code or the rules 3845
adopted under those sections or complaints concerning any ~~such~~ 3846
violation. ~~The~~ 3847

(1) The superintendent may make application to the court of 3848
common pleas for an order enjoining any ~~such~~ violation, and, upon 3849
a showing by the superintendent that a person has committed or is 3850
about to commit ~~such~~ a that violation, the court shall grant an 3851
injunction, restraining order, or other appropriate relief. 3852

(2) The superintendent may make application to the court of 3853
common pleas for an order enjoining any person from acting as a 3854
mortgage broker, registrant, loan originator, or licensee in 3855
violation of division (A) or (B) of section 1322.02 of the Revised 3856
Code, and may seek and obtain civil penalties for unregistered or 3857
unlicensed conduct of not more than five thousand dollars per 3858
violation. 3859

(C) In conducting any investigation pursuant to this section, 3860
the superintendent may compel, by subpoena, witnesses to testify 3861
in relation to any matter over which the superintendent has 3862
jurisdiction and may require the production of any book, record, 3863
or other document pertaining to that matter. If a person fails to 3864
file any statement or report, obey any subpoena, give testimony, 3865
produce any book, record, or other document as required by a 3866

subpoena, or permit photocopying of any book, record, or other document subpoenaed, the court of common pleas of any county in this state, upon application made to it by the superintendent, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein.

(D) If the superintendent determines that a person is engaged in or is believed to be engaged in activities that may constitute a violation of sections 1322.01 to 1322.12 of the Revised Code or any rule adopted thereunder, the superintendent, after notice and a hearing conducted in accordance with Chapter 119. of the Revised Code, may issue a cease and desist order or seek or impose fines of not more than five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

(E) If the superintendent revokes ~~the~~ a mortgage broker certificate of registration or loan originator license ~~of a registrant or licensee who is convicted of or pleads guilty to a criminal violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A) (1) (b) of this section~~, the revocation shall be permanent and with prejudice.

(F) (1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:

(a) Suspend the mortgage broker certificate of registration or loan originator license of a registrant or licensee who is convicted of or pleads guilty to a criminal violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A) (1) (b) or (c) of this section;

(b) Suspend the mortgage broker certificate of registration of a registrant who violates division (F) of section 1322.05 of

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the Revised Code;

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(c) Suspend the mortgage broker certificate of registration or loan originator license of a registrant or licensee who fails to comply with a request made by the superintendent under section 1322.03 or 1322.031 of the Revised Code to inspect qualifying education transcripts located at the registrant's or licensee's place of business.

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~~(2) The superintendent shall, without a prior hearing, suspend the certificate of registration of a registrant whose operations manager has failed to fulfill the continuing education requirements of section 1322.052 of the Revised Code and suspend the license of a licensee who has failed to fulfill those continuing education requirements. The suspension shall continue until such time as the required continuing education is completed and a fine of five hundred dollars is paid to the treasurer of state to the credit of the consumer finance fund.~~

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~~(3) The superintendent may, in accordance with Chapter 119. of the Revised Code, subsequently revoke any registration or license suspended under division (F)(1) of this section.~~

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~~(4)(3) The superintendent shall, in accordance with Chapter 119. of the Revised Code, adopt rules establishing the maximum amount of time a suspension under division (F)(1) of this section may continue before a hearing is conducted.~~

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(G) The imposition of fines under this section does not preclude any penalty imposed under section 1322.99 of the Revised Code.

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Sec. 1322.11. (A) (1) A buyer injured by a violation of section 1322.02, 1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 1322.08, or 1322.09 of the Revised Code may bring an action for recovery of damages.

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(2) Damages awarded under division (A) (1) of this section 3928
 shall not be less than all compensation paid directly and 3929
 indirectly to a mortgage broker or loan originator from any 3930
 source, plus reasonable attorney's fees and court costs. 3931

(3) The buyer may be awarded punitive damages. 3932

(B) (1) The superintendent of financial institutions or a 3933
 buyer may directly bring an action to enjoin a violation of 3934
 sections 1322.01 to 1322.12 of the Revised Code. The attorney 3935
 general may directly bring an action to enjoin a violation of 3936
 sections 1322.01 to 1322.12 of the Revised Code with the same 3937
 rights, privileges, and powers as those described in section 3938
 1345.06 of the Revised Code. The prosecuting attorney of the 3939
 county in which the action may be brought may bring an action to 3940
 enjoin a violation of sections 1322.01 to 1322.12 of the Revised 3941
 Code only if the prosecuting attorney first presents any evidence 3942
 of the violation to the attorney general and, within a reasonable 3943
 period of time, the attorney general has not agreed to bring the 3944
 action. 3945

(2) The superintendent may initiate criminal proceedings 3946
 under sections 1322.01 to 1322.12 of the Revised Code by 3947
 presenting any evidence of criminal violation to the prosecuting 3948
 attorney of the county in which the offense may be prosecuted. If 3949
 the prosecuting attorney does not prosecute the violations, or at 3950
 the request of the prosecuting attorney, the superintendent shall 3951
 present any evidence of criminal violations to the attorney 3952
 general, who may proceed in the prosecution with all the rights, 3953
 privileges, and powers conferred by law on prosecuting attorneys, 3954
 including the power to appear before grand juries and to 3955
 interrogate witnesses before such grand juries. These powers of 3956
 the attorney general shall be in addition to any other applicable 3957
 powers of the attorney general. 3958

- (3) The prosecuting attorney of the county in which an alleged offense may be prosecuted may initiate criminal proceedings under sections 1322.01 to 1322.12 of the Revised Code. 3959
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- (4) In order to initiate criminal proceedings under sections 1322.01 to 1322.12 of the Revised Code, the attorney general shall first present any evidence of criminal violations to the prosecuting attorney of the county in which the alleged offense may be prosecuted. If, within a reasonable period of time, the prosecuting attorney has not agreed to prosecute the violations, the attorney general may proceed in the prosecution with all the rights, privileges, and powers described in division (B)(2) of this section. 3962
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- (5) When a judgment under this section becomes final, the clerk of court shall mail a copy of the judgment, including supporting opinions, to the superintendent. 3971
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- (C) The remedies provided by this section are in addition to any other remedy provided by law. 3974
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- (D) In any proceeding or action brought under sections 1322.01 to 1322.12 of the Revised Code, the burden of proving an exemption under those sections is on the person claiming the benefit of the exemption. 3976
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- (E) No person shall be deemed to violate sections 1322.01 to 1322.12 of the Revised Code with respect to any act taken or omission made in reliance on a written notice, written interpretation, or written report from the superintendent, unless there is a subsequent amendment to those sections, or rules promulgated thereunder, that affects the superintendent's notice, interpretation, or report. 3980
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- (F) Upon disbursement of mortgage loan proceeds to or on behalf of the buyer, the registrant that assisted the buyer to 3987
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obtain the mortgage loan is deemed to have completed the 3989
 performance of the registrant's services for the buyer and owes no 3990
 additional duties or obligations to the buyer with respect to the 3991
 mortgage loan. However, nothing in this division shall be 3992
 construed to limit or preclude the civil or criminal liability of 3993
 a registrant for failing to comply with sections 1322.01 to 3994
 1322.12 of the Revised Code or any rule adopted under those 3995
 sections, for failing to comply with any provision of or duty 3996
 arising under an agreement with a buyer or lender under sections 3997
 1322.01 to 1322.12 of the Revised Code, or for violating any other 3998
 provision of state or federal law. 3999

(G) A buyer injured by a violation of any of the sections 4000
 specified in division (A) (1) of this section is precluded from 4001
 recovering any damages, plus reasonable attorney's fees and costs, 4002
 if the buyer has also recovered any damages in a cause of action 4003
 initiated under section 1322.081 of the Revised Code and the 4004
 recovery of damages for a violation of any of the sections 4005
 specified in division (A) (1) of this section is based on the same 4006
 acts or circumstances as the basis for recovery of damages in 4007
 section 1322.081 of the Revised Code." 4008

Between lines 18038 and 18039, insert: 4009

"Sec. 1343.011. (A) As used in this section: 4010

(1) "Discount points" means any charges, whether or not 4011
 actually denominated as "discount points," that are paid by the 4012
 seller or the buyer of residential real property to a residential 4013
 mortgage lender or that are deducted and retained by a residential 4014
 mortgage lender from the proceeds of the residential mortgage. 4015
 "Discount points" does not include the costs associated with 4016
 settlement services as defined in the "Real Estate Settlement 4017
 Procedures Act of 1974," 88 Stat. 1724, 12 U.S.C. 2601, amendments 4018

thereto, reenactments thereof, enactments parallel thereto, or in substitution therefor, or regulations issued thereunder.

(2) "Residential mortgage" means an obligation to pay a sum of money evidenced by a note and secured by a lien upon real property located within this state containing two or fewer residential units or on which two or fewer residential units are to be constructed and includes such an obligation on a residential condominium or cooperative unit.

(3) "Residential mortgage lender" means any person, bank, or savings and loan association that lends money or extends or grants credit and obtains a residential mortgage to assure payment of the debt. The term also includes the holder at any time of a residential mortgage obligation.

(B) Except residential mortgage loans described in division (B) (3) of section 1343.01 of the Revised Code, no residential mortgage lender shall receive either directly or indirectly from a seller or buyer of real estate any discount points in excess of two per cent of the original principal amount of the residential mortgage. This division is not a limitation on discount points or other charges for purposes of section 501(b) (4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7a.

(C) (1) Except as provided in division (C) (2) of this section, residential mortgage obligations may be prepaid or refinanced without penalty at any time after five years from the execution date of the mortgage. Prior to such time a prepayment or refinancing penalty may be provided not in excess of one per cent of the original principal amount of the residential mortgage.

(2) (a) No penalty may be charged for the prepayment or refinancing of a residential mortgage obligation of less than seventy-five thousand dollars that is made or arranged by a

mortgage broker, loan ~~officer~~ originator, or nonbank mortgage lender, as those terms are defined in section 1345.01 of the Revised Code, and that is secured by a mortgage on a borrower's real estate that is a first lien on the real estate.

(b) The amount specified in division (C)(2)(a) of this section shall be adjusted annually on the first day of January by the annual percentage change in the consumer price index for all urban consumers, midwest region, all items, as determined by the bureau of labor statistics of the United States department of labor or, if that index is no longer published, a generally available comparable index, as reported on the first day of June of the year preceding the adjustment. The department of commerce shall publish the adjusted amounts on its official web site.

Sec. 1345.01. As used in sections 1345.01 to 1345.13 of the Revised Code:

(A) "Consumer transaction" means a sale, lease, assignment, award by chance, or other transfer of an item of goods, a service, a franchise, or an intangible, to an individual for purposes that are primarily personal, family, or household, or solicitation to supply any of these things. "Consumer transaction" does not include transactions between persons, defined in sections 4905.03 and 5725.01 of the Revised Code, and their customers, except for transactions involving a loan made pursuant to sections 1321.35 to 1321.48 of the Revised Code and transactions in connection with residential mortgages between loan ~~officers~~ originators, mortgage brokers, or nonbank mortgage lenders and their customers; transactions between certified public accountants or public accountants and their clients; transactions between attorneys, physicians, or dentists and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services.

(B) "Person" includes an individual, corporation, government, 4081
governmental subdivision or agency, business trust, estate, trust, 4082
partnership, association, cooperative, or other legal entity. 4083

(C) "Supplier" means a seller, lessor, assignor, franchisor, 4084
or other person engaged in the business of effecting or soliciting 4085
consumer transactions, whether or not the person deals directly 4086
with the consumer. If the consumer transaction is in connection 4087
with a residential mortgage, "supplier" does not include an 4088
assignee or purchaser of the loan for value, except as otherwise 4089
provided in section 1345.091 of the Revised Code. For purposes of 4090
this division, in a consumer transaction in connection with a 4091
residential mortgage, "seller" means a loan ~~officer~~ originator, 4092
mortgage broker, or nonbank mortgage lender. 4093

(D) "Consumer" means a person who engages in a consumer 4094
transaction with a supplier. 4095

(E) "Knowledge" means actual awareness, but such actual 4096
awareness may be inferred where objective manifestations indicate 4097
that the individual involved acted with such awareness. 4098

(F) "Natural gas service" means the sale of natural gas, 4099
exclusive of any distribution or ancillary service. 4100

(G) "Public telecommunications service" means the 4101
transmission by electromagnetic or other means, other than by a 4102
telephone company as defined in section 4927.01 of the Revised 4103
Code, of signs, signals, writings, images, sounds, messages, or 4104
data originating in this state regardless of actual call routing. 4105
"Public telecommunications service" excludes a system, including 4106
its construction, maintenance, or operation, for the provision of 4107
telecommunications service, or any portion of such service, by any 4108
entity for the sole and exclusive use of that entity, its parent, 4109
a subsidiary, or an affiliated entity, and not for resale, 4110
directly or indirectly; the provision of terminal equipment used 4111

to originate telecommunications service; broadcast transmission by 4112
 radio, television, or satellite broadcast stations regulated by 4113
 the federal government; or cable television service. 4114

(H) "~~Loan officer~~ originator" has the same meaning as in 4115
 section 1322.01 of the Revised Code, and includes a "mortgage loan 4116
originator" as defined in section 1321.51 of the Revised Code, 4117
 except that it does not include an employee of a bank, savings 4118
 bank, savings and loan association, credit union, or credit union 4119
 service organization organized under the laws of this state, 4120
 another state, or the United States; an employee of a subsidiary 4121
 of such a bank, savings bank, savings and loan association, or 4122
 credit union; or an employee of an affiliate that (1) controls, is 4123
 controlled by, or is under common control with, such a bank, 4124
 savings bank, savings and loan association, or credit union and 4125
 (2) is subject to examination, supervision, and regulation, 4126
 including with respect to the affiliate's compliance with 4127
 applicable consumer protection requirements, by the board of 4128
 governors of the federal reserve system, the comptroller of the 4129
 currency, the office of thrift supervision, the federal deposit 4130
 insurance corporation, or the national credit union 4131
 administration. 4132

(I) "Residential mortgage" or "mortgage" means an obligation 4133
 to pay a sum of money evidenced by a note and secured by a lien 4134
 upon real property located within this state containing two or 4135
 fewer residential units or on which two or fewer residential units 4136
 are to be constructed and includes such an obligation on a 4137
 residential condominium or cooperative unit. 4138

(J) "Mortgage broker" has the same meaning as in section 4139
 1322.01 of the Revised Code, except that it does not include a 4140
 bank, savings bank, savings and loan association, credit union, or 4141
 credit union service organization organized under the laws of this 4142

state, another state, or the United States; a subsidiary of such a
bank, savings bank, savings and loan association, or credit union;
an affiliate that (1) controls, is controlled by, or is under
common control with, such a bank, savings bank, savings and loan
association, or credit union and (2) is subject to examination,
supervision, and regulation, including with respect to the
affiliate's compliance with applicable consumer protection
requirements, by the board of governors of the federal reserve
system, the comptroller of the currency, the office of thrift
supervision, the federal deposit insurance corporation, or the
national credit union administration; or an employee of any such
entity.

(K) "Nonbank mortgage lender" means any person that engages
in a consumer transaction in connection with a residential
mortgage, except for a bank, savings bank, savings and loan
association, credit union, or credit union service organization
organized under the laws of this state, another state, or the
United States; a subsidiary of such a bank, savings bank, savings
and loan association, or credit union; or an affiliate that (1)
controls, is controlled by, or is under common control with, such
a bank, savings bank, savings and loan association, or credit
union and (2) is subject to examination, supervision, and
regulation, including with respect to the affiliate's compliance
with applicable consumer protection requirements, by the board of
governors of the federal reserve system, the comptroller of the
currency, the office of thrift supervision, the federal deposit
insurance corporation, or the national credit union
administration.

(L) For purposes of divisions (H), (J), and (K) of this
section:

(1) "Control" of another entity means ownership, control, or

power to vote twenty-five per cent or more of the outstanding 4174
shares of any class of voting securities of the other entity, 4175
directly or indirectly or acting through one or more other 4176
persons. 4177

(2) "Credit union service organization" means a CUSO as 4178
defined in 12 C.F.R. 702.2. 4179

Sec. 1345.05. (A) The attorney general shall: 4180

(1) Adopt, amend, and repeal procedural rules; 4181

(2) Adopt as a rule a description of the organization of the 4182
attorney general's office, stating the general courses and methods 4183
of operation of the section of the office of the attorney general, 4184
which is to administer Chapter 1345. of the Revised Code and 4185
methods whereby the public may obtain information or make 4186
submissions or requests, including a description of all forms and 4187
instructions used by that office; 4188

(3) Make available for public inspection all rules and all 4189
other written statements of policy or interpretations adopted or 4190
used by the attorney general in the discharge of the attorney 4191
general's functions, together with all judgments, including 4192
supporting opinions, by courts of this state that determine the 4193
rights of the parties and concerning which appellate remedies have 4194
been exhausted, or lost by the expiration of the time for appeal, 4195
determining that specific acts or practices violate section 4196
1345.02, 1345.03, or 1345.031 of the Revised Code; 4197

(4) Inform consumers and suppliers on a continuing basis of 4198
acts or practices that violate Chapter 1345. of the Revised Code 4199
by, among other things, publishing an informational document 4200
describing acts and practices in connection with residential 4201
mortgages that are unfair, deceptive, or unconscionable, and by 4202
making that information available on the attorney general's 4203

official web site; 4204

(5) Cooperate with state and local officials, officials of 4205
other states, and officials of the federal government in the 4206
administration of comparable statutes; 4207

(6) Report annually on or before the first day of January to 4208
the governor and the general assembly on the operations of the 4209
attorney general in respect to Chapter 1345. of the Revised Code, 4210
and on the acts or practices occurring in this state that violate 4211
such chapter. The report shall include a statement of 4212
investigatory and enforcement procedures and policies, of the 4213
number of investigations and enforcement proceedings instituted 4214
and of their disposition, and of other activities of the state and 4215
of other persons to promote the purposes of Chapter 1345. of the 4216
Revised Code. 4217

(7) In carrying out official duties, the attorney general 4218
shall not disclose publicly the identity of suppliers investigated 4219
or the facts developed in investigations unless these matters have 4220
become a matter of public record in enforcement proceedings, in 4221
public hearings conducted pursuant to division (B)(1) of this 4222
section, or the suppliers investigated have consented in writing 4223
to public disclosure. 4224

(B) The attorney general may: 4225

(1) Conduct research, make inquiries, hold public hearings, 4226
and publish studies relating to consumer transactions; 4227

(2) Adopt, amend, and repeal substantive rules defining with 4228
reasonable specificity acts or practices that violate sections 4229
1345.02, 1345.03, and 1345.031 of the Revised Code. In adopting, 4230
amending, or repealing substantive rules defining acts or 4231
practices that violate section 1345.02 of the Revised Code, due 4232
consideration and great weight shall be given to federal trade 4233

commission orders, trade regulation rules and guides, and the 4234
federal courts' interpretations of subsection 45 (a) (1) of the 4235
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 4236
41, as amended. 4237

In adopting, amending, or repealing such rules concerning a 4238
consumer transaction in connection with a residential mortgage, 4239
the attorney general shall consult with the superintendent of 4240
financial institutions and shall give due consideration to state 4241
and federal statutes, regulations, administrative agency 4242
interpretations, and case law. 4243

(C) In the conduct of public hearings authorized by this 4244
section, the attorney general may administer oaths, subpoena 4245
witnesses, adduce evidence, and require the production of relevant 4246
material. Upon failure of a person without lawful excuse to obey a 4247
subpoena or to produce relevant matter, the attorney general may 4248
apply to a court of common pleas for an order compelling 4249
compliance. 4250

(D) The attorney general may request that an individual who 4251
refuses to testify or to produce relevant material on the ground 4252
that the testimony or matter may incriminate the individual be 4253
ordered by the court to provide the testimony or matter. With the 4254
exception of a prosecution for perjury and an action for damages 4255
under section 1345.07 or 1345.09 of the Revised Code, an 4256
individual who complies with a court order to provide testimony or 4257
matter, after asserting a privilege against self incrimination to 4258
which the individual is entitled by law, shall not be subjected to 4259
a criminal proceeding on the basis of the testimony or matter 4260
discovered through that testimony or matter. 4261

(E) Any person may petition the attorney general requesting 4262
the adoption, amendment, or repeal of a rule. The attorney general 4263
shall prescribe by rule the form for such petitions and the 4264

procedure for their submission, consideration, and disposition. 4265
 Within sixty days of submission of a petition, the attorney 4266
 general shall either deny the petition in writing, stating the 4267
 reasons for the denial, or initiate rule-making proceedings. There 4268
 is no right to appeal from such denial of a petition. 4269

(F) All rules shall be adopted subject to Chapter 119. of the 4270
 Revised Code. 4271

(G) The informational document published in accordance with 4272
 division (A) (4) of this section shall be made available for 4273
 distribution to consumers who are applying for a mortgage loan. An 4274
 acknowledgement of receipt shall be retained by the lender, 4275
 mortgage broker, and loan ~~officer~~ originator, as applicable, 4276
 subject to review by the attorney general and the department of 4277
 commerce. 4278

Sec. 1345.09. For a violation of Chapter 1345. of the Revised 4279
 Code, a consumer has a cause of action and is entitled to relief 4280
 as follows: 4281

(A) Where the violation was an act prohibited by section 4282
 1345.02, 1345.03, or 1345.031 of the Revised Code, the consumer 4283
 may, in an individual action, rescind the transaction or recover 4284
 the consumer's actual economic damages plus an amount not 4285
 exceeding five thousand dollars in noneconomic damages. 4286

(B) Where the violation was an act or practice declared to be 4287
 deceptive or unconscionable by rule adopted under division (B) (2) 4288
 of section 1345.05 of the Revised Code before the consumer 4289
 transaction on which the action is based, or an act or practice 4290
 determined by a court of this state to violate section 1345.02, 4291
 1345.03, or 1345.031 of the Revised Code and committed after the 4292
 decision containing the determination has been made available for 4293
 public inspection under division (A) (3) of section 1345.05 of the 4294

Revised Code, the consumer may rescind the transaction or recover, 4295
 but not in a class action, three times the amount of the 4296
 consumer's actual economic damages or two hundred dollars, 4297
 whichever is greater, plus an amount not exceeding five thousand 4298
 dollars in noneconomic damages or recover damages or other 4299
 appropriate relief in a class action under Civil Rule 23, as 4300
 amended. 4301

(C) (1) Except as otherwise provided in division (C) (2) of 4302
 this section, in any action for rescission, revocation of the 4303
 consumer transaction must occur within a reasonable time after the 4304
 consumer discovers or should have discovered the ground for it and 4305
 before any substantial change in condition of the subject of the 4306
 consumer transaction. 4307

(2) If a consumer transaction between a loan officer 4308
originator, mortgage broker, or nonbank mortgage lender and a 4309
 customer is in connection with a residential mortgage, revocation 4310
 of the consumer transaction in an action for rescission is only 4311
 available to a consumer in an individual action, and shall occur 4312
 for no reason other than one or more of the reasons set forth in 4313
 the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C. 1635, 4314
 not later than the time limit within which the right of rescission 4315
 under section 125(f) of the "Truth in Lending Act" expires. 4316

(D) Any consumer may seek a declaratory judgment, an 4317
 injunction, or other appropriate relief against an act or practice 4318
 that violates this chapter. 4319
 4320

(E) When a consumer commences an individual action for a 4321
 declaratory judgment or an injunction or a class action under this 4322
 section, the clerk of court shall immediately mail a copy of the 4323
 complaint to the attorney general. Upon timely application, the 4324
 attorney general may be permitted to intervene in any private 4325

action or appeal pending under this section. When a judgment under
 this section becomes final, the clerk of court shall mail a copy
 of the judgment including supporting opinions to the attorney
 general for inclusion in the public file maintained under division
 (A) (3) of section 1345.05 of the Revised Code.

(F) The court may award to the prevailing party a reasonable
 attorney's fee limited to the work reasonably performed, if either
 of the following apply:

(1) The consumer complaining of the act or practice that
 violated this chapter has brought or maintained an action that is
 groundless, and the consumer filed or maintained the action in bad
 faith;

(2) The supplier has knowingly committed an act or practice
 that violates this chapter.

(G) As used in this section, "actual economic damages" means
 damages for direct, incidental, or consequential pecuniary losses
 resulting from a violation of Chapter 1345. of the Revised Code
 and does not include damages for noneconomic loss as defined in
 section 2315.18 of the Revised Code.

(H) Nothing in this section shall preclude a consumer from
 also proceeding with a cause of action under any other theory of
 law."

Between lines 18129 and 18130, insert:

"Sec. 1349.31. (A) (1) No creditor shall willfully and
 knowingly fail to comply with section 1349.26 or 1349.27 of the
 Revised Code. For purposes of division (A) (1) of this section,
 "willfully and knowingly" has the same meaning as in section 112
 of the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C.A.
 1611, as amended.

(2) Whoever violates division (A) (1) of this section is 4355
guilty of a felony of the fifth degree. 4356

(B) The superintendent of financial institutions may directly 4357
bring an action to enjoin a violation of this section. The 4358
attorney general may directly bring an action against a mortgage 4359
broker, loan ~~officer~~ originator, or nonbank mortgage lender to 4360
enjoin a violation of this section with the same rights, 4361
privileges, and powers as those described in section 1345.06 of 4362
the Revised Code. The prosecuting attorney of the county in which 4363
the action may be brought may bring an action against a mortgage 4364
broker, loan ~~officer~~ originator, or nonbank mortgage lender to 4365
enjoin a violation of this section only if the prosecuting 4366
attorney first presents any evidence of the violation to the 4367
attorney general and, within a reasonable period of time, the 4368
attorney general has not agreed to bring the action. 4369

For purposes of this division, "loan ~~officer~~ originator," 4370
"mortgage broker," and "nonbank mortgage lender" have the same 4371
meanings as in section 1345.01 of the Revised Code. 4372

(C) (1) The superintendent of financial institutions may 4373
initiate criminal proceedings under this section by presenting any 4374
evidence of criminal violations to the prosecuting attorney of the 4375
county in which the offense may be prosecuted. If the prosecuting 4376
attorney does not prosecute the violations, or at the request of 4377
the prosecuting attorney, the superintendent shall present any 4378
evidence of criminal violations to the attorney general, who may 4379
proceed in the prosecution with all the rights, privileges, and 4380
powers conferred by law on prosecuting attorneys, including the 4381
power to appear before grand juries and to interrogate witnesses 4382
before such grand juries. These powers of the attorney general 4383
shall be in addition to any other applicable powers of the 4384
attorney general. 4385

(2) The prosecuting attorney of the county in which an
alleged offense may be prosecuted may initiate criminal
proceedings under this section.

(3) In order to initiate criminal proceedings under this
section, the attorney general shall first present any evidence of
criminal violations to the prosecuting attorney of the county in
which the alleged offense may be prosecuted. If, within a
reasonable period of time, the prosecuting attorney has not agreed
to prosecute the violations, the attorney general may proceed in
the prosecution with all the rights, privileges, and powers
described in division (C)(1) of this section.

Sec. 1349.43. (A) As used in this section, "~~loan officer~~
originator," "mortgage broker," and "nonbank mortgage lender" have
the same meanings as in section 1345.01 of the Revised Code.

(B) The department of commerce shall establish and maintain
an electronic database accessible through the internet that
contains information on all of the following:

(1) The enforcement actions taken by the superintendent of
financial institutions for each violation of or failure to comply
with any provision of sections 1322.01 to 1322.12 of the Revised
Code, upon final disposition of the action;

(2) The enforcement actions taken by the attorney general
under Chapter 1345. of the Revised Code against ~~loan officers~~
originators, mortgage brokers, and nonbank mortgage lenders, upon
final disposition of each action;

(3) All judgments by courts of this state, concerning which
appellate remedies have been exhausted or lost by the expiration
of the time for appeal, finding either of the following:

(a) A violation of any provision of sections 1322.01 to

1322.12 of the Revised Code; 4415

(b) That specific acts or practices by a loan officer 4416
originator, mortgage broker, or nonbank mortgage lender violate 4417
section 1345.02, 1345.03, or 1345.031 of the Revised Code. 4418

(C) The attorney general shall submit to the department, on 4419
the first day of each January, April, July, and October, a list of 4420
all enforcement actions and judgments described in divisions 4421
(B) (2) and (3) (b) of this section. 4422

(D) The department may adopt rules in accordance with Chapter 4423
119. of the Revised Code that are necessary to implement this 4424
section. 4425

(E) The electronic database maintained by the department in 4426
accordance with this section shall not include information that, 4427
pursuant to section 1322.061 of the Revised Code, is 4428
confidential." 4429

In line 98861, after "121.04," insert "121.07," 4430

In line 98882, after "955.201," insert "1321.20, 1321.51, 4431
1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 1321.59, 4432
1321.60, 1321.99, 1322.01, 1322.02,"; after "1322.041," insert 4433
"1322.05, 1322.051, 1322.052, 1322.06, 1322.061, 1322.062, 4434
1322.063, 1322.064, 1322.07, 1322.071, 1322.072, 1322.074, 4435
1322.075, 1322.08, 1322.081, 1322.09, 1322.10, 1322.11," 4436

In line 98884, after "1332.25," insert "1343.011, 1345.01, 4437
1345.05, 1345.09,"; after "1347.08," insert "1349.31, 1349.43," 4438

Between lines 111754 and 111755, insert: 4439

"Section 701.70. It is the intent of the General Assembly 4440
that the Superintendent of Financial Institutions take any action 4441
necessary to provide for an orderly transition for those persons 4442
who, on the effective date of this section, hold mortgage lender 4443

certificates of registration under sections 1321.51 to 1321.60 of 4444
 the Revised Code, mortgage broker certificates of registration 4445
 under sections 1322.01 to 1322.12 of the Revised Code, or loan 4446
 officer licenses under sections 1322.01 to 1322.12 of the Revised 4447
 Code, and for those persons who, on the effective date of this 4448
 section, perform the functions or duties of loan originators, as 4449
 specified in this act." 4450

In line 112445, after "701.20," insert "701.70," 4451

In line 2 of the title, after "121.04," insert "121.07," 4452

In line 30 of the title, after "955.201," insert "1321.20, 4453
 1321.51, 1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 4454
 1321.59, 1321.60, 1321.99, 1322.01, 1322.02," 4455

In line 31 of the title, after "1322.041," insert "1322.05, 4456
 1322.051, 1322.052, 1322.06, 1322.061, 1322.062, 1322.063, 4457
 1322.064, 1322.07, 1322.071, 1322.072, 1322.074, 1322.075, 4458
 1322.08, 1322.081, 1322.09, 1322.10, 1322.11," 4459

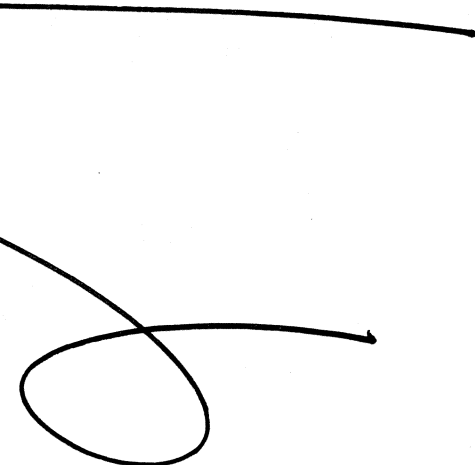
In line 33 of the title, after "1332.25," insert "1343.011, 4460
 1345.01, 1345.05, 1345.09," 4461

In line 34 of the title, after "1347.08," insert "1349.31, 4462
 1349.43," 4463

In line 223 of the title, after "943.031," insert "1321.521, 4464
 1321.531, 1321.532, 1321.533, 1321.534, 1321.535, 1321.536, 4465
 1321.552, 1321.591, 1321.592, 1321.593, 1321.594, 1321.595, 4466
 1322.022, 1322.023, 1322.024, 1322.065," 4467

The motion was _____ agreed to.

SYNOPSIS



4468

Mortgage Lending Laws

4469

R.C. 109.572, 121.07, 1321.20, 1321.51, 1321.52, 1321.521, 4470
 1321.53, 1321.531, 1321.532, 1321.533, 1321.534, 1321.535, 4471
 1321.536, 1321.54, 1321.55, 1321.551, 1321.552, 1321.57, 1321.59, 4472
 1321.591, 1321.592, 1321.593, 1321.594, 1321.595, 1321.60, 4473
 1321.99, 1322.01, 1322.02, 1322.022, 1322.023, 1322.024, 1322.03, 4474
 1322.031, 1322.04, 1322.041, 1322.05, 1322.051, 1322.052, 1322.06, 4475
 1322.061, 1322.062, 1322.063, 1322.064, 1322.065, 1322.07, 4476
 1322.071, 1322.072, 1322.074, 1322.075, 1322.08, 1322.081, 4477
 1322.09, 1322.10, 1322.11, 1343.011, 1345.01, 1345.05, 1345.09, 4478
 1349.31, and 1349.43; Section 701.70 4479

Makes revisions to the Mortgage Loan Law (R.C. 1321.51 to 4480
 1321.60), including with respect to the registration of mortgage 4481
 lenders and the licensing of mortgage loan originators who are 4482
 employed by or associated with mortgage lenders. 4483

Makes revisions to the Mortgage Broker/Loan Officers Law 4484
 (R.C. 1322.01 to 1322.12), including with respect to the 4485
 registration of mortgage brokers and the licensing of loan 4486
 originators who are employed by or associated with mortgage 4487
 brokers, eliminates the licensing of loan officers. 4488

Requires participation in the Nationwide Mortgage Licensing 4489
 System and Registry in accordance with the federal "Secure and 4490
 Fair Enforcement for Mortgage Licensing Act of 2008." 4491

1 128HB1-HC1876X1.docx/ss

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3
4

Sub. H.B. 1
LSC 128 0516-4
HC-1876-1

5 _____ moved to amend as follows:

6 In line 38820, after the first "the" insert "Ohio"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Community School Sponsors**

10 **R.C. 3314.015(B)(2)**

11 Specifies that the bill's prohibition against a sponsor
12 initially entering into a sponsorship contract with a community
13 school if more than 33% of the sponsor's existing schools are in
14 academic watch or academic emergency is based on the percentage
15 of the sponsor's *Ohio* schools with those ratings.

1 128HB1-HC2020X1.docx/mlp

2
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Sub. H.B. 1
LSC 128 0516-4
HC-2020-1

5 _____ moved to amend as follows:

6 In line 8306, delete everything after "management" and
7 insert an underlined period

8 Delete lines 8307 and 8308

9 In line 8309, delete everything after "In" and insert
10 "consultation with the director of administrative services"

11 In line 8310, delete everything before the second
12 underlined comma

13 Delete lines 100819 through 100822

14 The motion was _____ agreed to.

15 SYNOPSIS

16 **Removal of Authority for Director of Budget and Management**
17 **to Enter into Contracts Relating to the Consolidation of**
18 **Statewide Financing Functions and Common Transactional Processes**

19 **R.C. 126.21 and Section 229.10**

20 Removes from the pending version of the bill the authority
21 for the Director of Budget and Management to enter into
22 contracts relating to the consolidation of statewide financing
23 functions and common transactional processes.

24 Requires the Director of Budget and Management to consult
25 with the Director of Administrative Services in appointing and
26 fixing the compensation of employees of the office whose primary
27 duties include the consolidation of statewide financing
28 functions and common transactional processes.

5 _____ moved to amend as follows:

6 Between lines 105025 and 105026, insert:

7 "**Section** ____ . URBAN DISEASE COMMISSION

8 (A) There is hereby established in the Department of
9 Health the Urban Disease Commission. The Commission shall be
10 composed of individuals selected by the Director of Health who
11 are both of the following:

12 (1) Representatives of boards of health of city health
13 districts or general health districts, or the authorities having
14 the duties of a board of health under section 3709.05 of the
15 Revised Code;

16 (2) Located in an urban area in which the Director of
17 Health determines there is a high prevalence of one of the
18 following:

- 19 (a) Colorectal cancer;
- 20 (b) Prostate cancer;
- 21 (c) Sickle cell anemia.

22 (B) The Director or the Director's designee shall serve as
23 the chairperson of the Commission and shall establish the
24 meeting time and locations for the Commission.

25 (C) The Commission shall study colorectal cancer, prostate
26 cancer, and sickle cell anemia in urban areas of the state in
27 which the Director determines such conditions are prevalent.
28 Not later than June 30, 2011, the Commission shall submit a
29 report to the Governor, Speaker and Minority Leader of the House
30 of Representatives, and President and Minority Leader of the
31 Senate describing its findings on the prevalence of colorectal
32 cancer, prostate cancer, and sickle cell anemia in the urban
33 areas included in the study. The report shall include policy
34 recommendations to combat the prevalence of these conditions in
35 such areas.

36 (D) The Commission shall cease to exist on submission of
37 the report under division (C) of this section."

38 The motion was _____ agreed to.

39 SYNOPSIS

40 **Urban Disease Commission**

41 **Section ____**

42 Requires the Department of Health to establish an Urban
43 Disease Commission to study the prevalence of colorectal cancer,
44 prostate cancer, and sickle cell anemia in urban areas of Ohio.

45 Requires the Commission to submit a report, not later than
46 June 30, 2011, on policy recommendations to combat the
47 prevalence of these conditions in Ohio's urban areas.

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Sub. H. B. 1
LSC 128 0516-4
HC-2031-1

5 _____ moved to amend as follows:

6 In line 17831, after the period delete the balance of the
7 line

8 Delete lines 17832 and 17833

9 In line 17837, delete "video service authorization" and
10 insert "division of administration"

11 In line 17838, delete "1332.25" and insert "121.08"; after
12 the underlined period delete the balance of the line

13 Delete lines 17839 and 17840

14 In line 17841, delete "those duties." and insert "The total
15 amount assessed in a fiscal year shall not exceed the lesser of
16 four hundred fifty thousand dollars or, as shall be determined
17 annually by the director, the department's actual, current
18 fiscal year administrative costs in carrying out its duties
19 under sections 1332.21 to 1332.34 of the Revised Code."; after
20 "that" insert "total"

21 In line 17843, delete "established by rule" and insert
22 "based on subscriber counts as of the thirty-first day of
23 December of the preceding calendar year, which counts shall be

24 submitted to the director not later than the thirty-first day of
25 January of each year via a notarized statement signed by an
26 authorized officer"; after the underlined period insert "Any
27 information submitted by a video service provider to the
28 director for the purpose of determining subscriber counts shall
29 be considered trade secret information, shall not be disclosed
30 except by court order, and shall not constitute a public record
31 under section 149.43 of the Revised Code."

32 In line 17844, delete "July" and insert "June"

33 In line 17847, delete "fourteen" and insert "thirty"

34 In line 17849, delete "department's actual" and insert
35 "total, current amount assessed pursuant to this section"

36 Delete line 17850

37 In line 17851, delete "sections 1332.21 to 1332.34 of the
38 Revised Code"

39 In line 17854, delete "The total"

40 Delete lines 17855 through 17858

41 Between lines 111754 and 111755, insert:

42 "**Section** _____. In accordance with section 1332.24 of the
43 Revised Code, as amended by this act, the Director of Commerce
44 may impose upon and collect an annual assessment on video
45 service providers for fiscal year 2010. Notwithstanding the
46 dates otherwise specified in that section, video service
47 providers shall submit subscriber counts for the preceding

48 calendar year not later than October 9, 2009; the Director shall
49 send to each provider to be assessed written notice of its
50 proportional amount of the total assessment by October 16, 2009;
51 and the provider shall pay that amount not later than October
52 30, 2009."

53 The motion was _____ agreed to.

54 SYNOPSIS

55 **Rulemaking and Assessments for Video Service Authorizations**

56 **R.C. 1332.24 and 1332.25; Section _____**

57 Removes express authority for the Director of Commerce to
58 adopt rules to carry out the Director's authority regarding
59 video service authorizations.

60 Provides that money collected from assessments the bill
61 authorizes on video service providers will be deposited to the
62 credit of the Department's Division of Administration Fund,
63 instead of its Video Service Authorization Fund.

64 Changes the bill's provision that the total assessment on
65 all video service providers in a fiscal year cannot exceed the
66 Department's actual, video service authorization administrative
67 costs, by capping that amount at the lesser of \$450,000 per
68 fiscal year or the department's actual administrative costs.

69 Requires that the formula the Director uses to determine
70 individual assessment amounts be based on subscriber counts.

71 Requires the Director to send out assessment notices by
72 June 1, instead of July 1, each year, and requires payment of
73 the assessment within 30, instead of 14, days after receipt of
74 that notice.

Sub. H.B. 1

LSC 128 0516-4

HC 2032

_____ moved to amend as follows:

In line 385, after "3313.65," insert "3313.671,"

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Between lines 37772 and 37773, insert:

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"Sec. 3313.671. (A) (1) Except as otherwise provided in
division (B) of this section, no pupil, at the time of initial
entry or at the beginning of each school year, to an elementary or
high school for which the state board of education prescribes
minimum standards pursuant to division (D) of section 3301.07 of
the Revised Code, shall be permitted to remain in school for more
than fourteen days unless the pupil presents written evidence
satisfactory to the person in charge of admission, that the pupil
has been immunized by a method of immunization approved by the
department of health pursuant to section 3701.13 of the Revised
Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus,
rubeola, and rubella or is in the process of being immunized.

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(2) Except as provided in division (B) of this section, no
pupil who begins kindergarten at an elementary school subject to
the state board of education's minimum standards shall be
permitted to remain in school for more than fourteen days unless
the pupil presents written evidence satisfactory to the person in
charge of admission that the pupil has been immunized by a
department of health-approved method of immunization or is in the

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process of being immunized against both of the following: 22

(a) During or after the school year beginning in 1999, 23
hepatitis B; 24

(b) During or after the school year beginning in 2006, 25
chicken pox. 26

(3) As used in divisions (A) (1) and (2) of this section, "in 27
the process of being immunized" means the pupil has been immunized 28
against mumps, rubeola, rubella, and chicken pox, and if the pupil 29
has not been immunized against poliomyelitis, diphtheria, 30
pertussis, tetanus, and hepatitis B, the pupil has received at 31
least the first dose of the immunization sequence, and presents 32
written evidence to the pupil's building principal or chief 33
administrative officer of each subsequent dose required to obtain 34
immunization at the intervals prescribed by the director of 35
health. Any student previously admitted under the "in process of 36
being immunized" provision and who has not complied with the 37
immunization intervals prescribed by the director of health shall 38
be excluded from school on the fifteenth day of the following 39
school year. Any student so excluded shall be readmitted upon 40
showing evidence to the student's building principal or chief 41
administrative officer of progress on the director of health's 42
interval schedule. 43

(4) Beginning in the 2010-2011 school year, except as 44
provided in division (B) of this section, no pupil who begins 45
seventh grade at a school subject to the state board of 46
education's minimum standards shall be permitted to remain in 47
school for more than fourteen days unless the pupil presents 48
written evidence satisfactory to the person in charge of admission 49
that the pupil has received a department of health-approved 50
tetanus, diphtheria, and acellular pertussis booster vaccination. 51

(B) (1) A pupil who has had natural rubeola, and presents a 52

signed statement from the pupil's parent, guardian, or physician
to that effect, is not required to be immunized against rubeola.

(2) A pupil who has had natural mumps, and presents a signed
statement from the pupil's parent, guardian, or physician to that
effect, is not required to be immunized against mumps.

(3) A pupil who has had natural chicken pox, and presents a
signed statement from the pupil's parent, guardian, or physician
to that effect, is not required to be immunized against chicken
pox.

(4) A pupil who presents a written statement of the pupil's
parent or guardian in which the parent or guardian declines to
have the pupil immunized for reasons of conscience, including
religious convictions, is not required to be immunized.

(5) A child whose physician certifies in writing that such
immunization against any disease is medically contraindicated is
not required to be immunized against that disease.

(C) As used in this division, "chicken pox epidemic" means
the occurrence of cases of chicken pox in numbers greater than
expected in the school's population or for a particular period of
time.

Notwithstanding division. (B) of this section, a school may
deny admission to a pupil otherwise exempted from the chicken pox
immunization requirement if the director of the state department
of health notifies the school's principal or chief administrative
officer that a chicken pox epidemic exists in the school's
population. The denial of admission shall cease when the director
notifies the principal or officer that the epidemic no longer
exists.

The board of education or governing body of each school
subject to this section shall adopt a policy that prescribes

methods whereby the academic standing of a pupil who is denied admission during a chicken pox epidemic may be preserved. 83
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(D) Boards of health, legislative authorities of municipal corporations, and boards of township trustees on application of the board of education of the district or proper authority of any school affected by this section, shall provide at the public expense, without delay, the means of immunization against mumps, poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B, and the booster vaccination required by division (A) (4) of this section, to pupils who are not so provided by their parents or guardians." 85
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In line 98915, after "3313.65," insert "3313.671," 94

In line 75 of the title, after "3313.65," insert "3313.671," 95

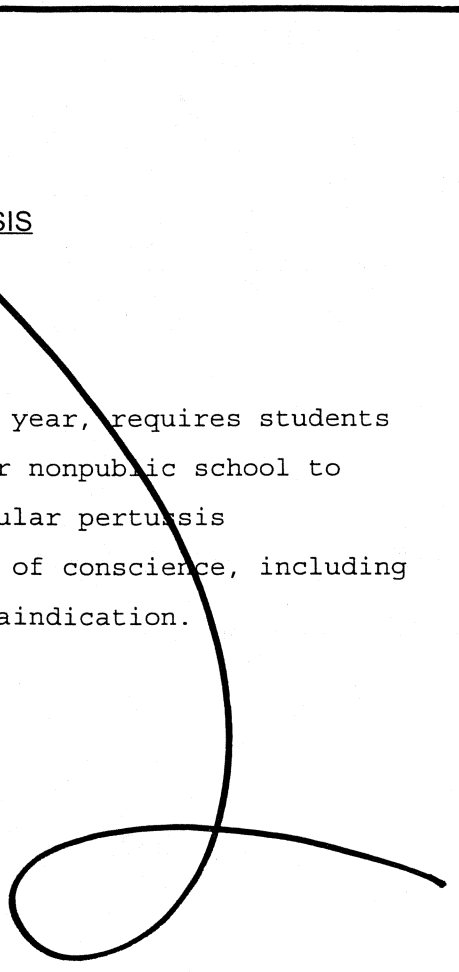
The motion was _____ agreed to.

SYNOPSIS

Booster Vaccinations for Students 96

R.C. 3313.671 97

Beginning with the 2010-2011 school year, requires students entering the seventh grade at a public or nonpublic school to receive a tetanus, diphtheria, and acellular pertussis vaccination, with exceptions for reasons of conscience, including religious convictions, and medical contraindication. 98
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Sub. H.B. 1
LSC 128-0516-4
HC-2037

5 _____ moved to amend as follows:

6 In line 499, after "3306.191," insert "3306.192,"

7 Between lines 32640 and 32641, insert:

8 "Sec. 3306.192. In fiscal year 2012 and in each fiscal
9 year thereafter, the department of education shall pay a city,
10 local, or exempted village school district additional funds
11 computed as follows:

12 (A) The statewide per pupil amount paid for chartered
13 nonpublic school students - (the sum of the district's payments
14 under sections 3306.052, 3306.12, 3306.13, and 3306.19 of the
15 Revised Code/its formula ADM); times

16 (B) The district's formula ADM.

17 If the result is a negative number, no payment shall be
18 made under this section.

19 As used in this section, the "statewide per pupil amount
20 paid for chartered nonpublic school for students" means the
21 statewide per pupil amount paid under sections 3317.06 and
22 3317.063 of the Revised Code, combined, for the current fiscal
23 year, as calculated by the department."

24 In line 89783, delete "and"; after "3306.19" insert ", and
25 3306.192"

26 In line 97003, delete "and"; after "3306.19" insert ", and
27 3306.192"

28 In line 112395, after "3306.191," insert "3306.192,"

29 In line 231 of the title, after "3306.191," insert
30 "3306.192,"

31 The motion was _____ agreed to.

32 SYNOPSIS

33 **Per Pupil Funding Guarantee for School Districts**

34 **R.C. 3306.192, 5727.84, and 5751.20**

35 Beginning with FY 2012, guarantees each city, local, and
36 exempted village school district at least as much per pupil
37 under the bill's evidence-based funding model as the statewide
38 per pupil amount paid for chartered nonpublic schools in
39 Auxiliary Services funds and for administrative cost
40 reimbursement.

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Sub. H.B. 1
LSC 128 0516-4
HC-2049

5 _____ moved to amend as follows:

6 Between lines 104183 and 104184, insert:

7 **"Section ____.** FAMILY CHILD CARE LICENSING WORKGROUP

8 The Early Childhood Advisory Council shall establish a
9 Family Child Care Licensing Workgroup. The Workgroup shall
10 develop recommendations that explore the implementation, costs,
11 and timeline necessary for the creation of a statewide licensing
12 system for family child care providers. Not later than December
13 31, 2009, the Workgroup shall submit its recommendations to the
14 Governor and the General Assembly. Upon the order of the Early
15 Childhood Advisory Council, the Workgroup shall cease to exist."

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Family Child Care Licensing Workgroup**

19 **Section ____**

20 Requires the Early Childhood Advisory Council to establish
21 a Family Child Care Licensing Workgroup to develop
22 recommendations that explore the implementation, costs, and
23 timeline necessary for the creation of a statewide licensing
24 system for family child care providers.

Sub. H.B. 1
LSC 128 0516-4
HC-2058

_____ moved to amend as follows:

In line 342, after "173.392," insert "173.40," 1

In line 467, after "5111.89," insert "5111.891,"; after
"5111.894," insert "5111.971," 2
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In line 517, after "5111.179," insert "5111.861," 4

Delete lines 11545 through 12061 and insert: 5

"Sec. 173.40. There As used in sections 173.40 to 173.402 of
the Revised Code, "PASSPORT program" means the program created
under this section." 6
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There is hereby created a medicaid waiver component, as
defined in section 5111.85 of the Revised Code, to be known as the
preadmission screening system providing options and resources 9
10
today program, or PASSPORT. The PASSPORT program shall provide 11
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home and community-based services as an alternative to nursing 13
14
facility placement for aged and disabled medicaid recipients. The 14
15
program shall be operated pursuant to a home and community based 15
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as a separate medicaid waiver granted by component, as defined in
section 5111.85 of the Revised Code, until the United States 17
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secretary of health and human services approves the consolidated
federal medicaid waiver sought under section 1915 of the "Social 19
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended 20

5111.861 of the Revised Code. The program shall be part of the 21
consolidated federal medicaid waiver sought under that section if 22
the United States secretary approves the waiver. The department of 23
aging shall administer the program through a contract entered into 24
with the department of job and family services under section 25
5111.91 of the Revised Code. The director of job and family 26
services shall adopt rules under section 5111.85 of the Revised 27
Code and the director of aging shall adopt rules in accordance 28
with Chapter 119. of the Revised Code to implement the program. 29

Sec. 173.401. (A) As used in this section: 30

"Area agency on aging" has the same meaning as in section 31
173.14 of the Revised Code. 32

"Long-term care consultation program" means the program the 33
department of aging is required to develop under section 173.42 of 34
the Revised Code. 35

"Long-term care consultation program administrator" or 36
"administrator" means the department of aging or, if the 37
department contracts with an area agency on aging or other entity 38
to administer the long-term care consultation program for a 39
particular area, that agency or entity. 40

"Nursing facility" has the same meaning as in section 5111.20 41
of the Revised Code. 42

~~"PASSPORT program" means the program created under section~~ 43
~~173.40 of the Revised Code.~~ 44

"PASSPORT waiver" means the federal medicaid waiver granted 45
by the United States secretary of health and human services that 46
authorizes the PASSPORT program. 47

(B) The director of job and family services shall submit to 48
the United States secretary of health and human services an 49

amendment to the PASSPORT waiver that authorizes additional
enrollments in the PASSPORT program pursuant to this section.
Beginning with the month following the month in which the United
States secretary approves the amendment and each month thereafter,
each area agency on aging shall determine whether individuals who
reside in the area that the area agency on aging serves and are on
a waiting list for the PASSPORT program have been admitted to a
nursing facility. If an area agency on aging determines that such
an individual has been admitted to a nursing facility, the agency
shall notify the long-term care consultation program administrator
serving the area in which the individual resides about the
determination. The administrator shall determine whether the
PASSPORT program is appropriate for the individual and whether the
individual would rather participate in the PASSPORT program than
continue residing in the nursing facility. If the administrator
determines that the PASSPORT program is appropriate for the
individual and the individual would rather participate in the
PASSPORT program than continue residing in the nursing facility,
the administrator shall so notify the department of aging. On
receipt of the notice from the administrator, the department of
aging shall approve the individual's enrollment in the PASSPORT
program regardless of the PASSPORT program's waiting list and even
though the enrollment causes enrollment in the program to exceed
the limit that would otherwise apply. Each quarter, the department
of aging shall certify to the director of budget and management
the estimated increase in costs of the PASSPORT program resulting
from enrollment of individuals in the PASSPORT program pursuant to
this section.

~~(C) Not later than the last day of each calendar year, the
director of job and family services shall submit to the general
assembly a report regarding the number of individuals enrolled in
the PASSPORT program pursuant to this section and the costs~~

~~incurred and savings achieved as a result of the enrollments.~~ 82

Sec. 173.402. An individual enrolled in the PASSPORT program 83
may not receive any of the following medicaid state plan services 84
unless the services are provided in conjunction with medicaid case 85
management services provided to the individual: 86

(A) Home health services; 87

(B) Private duty nursing services; 88

(C) Durable medical equipment; 89

(D) Services of a clinical nurse specialist; 90

(E) Services of a certified nurse practitioner. 91

Sec. 173.403. "Choices program" means the program created 92
under this section. 93

There is hereby created the choices program. The program 94
shall provide home and community-based services. The choices 95
program shall be operated as a separate medicaid waiver component, 96
as defined in section 5111.85 of the Revised Code, until the 97
United States secretary of health and human services approves the 98
consolidated federal medicaid waiver sought under section 5111.861 99
of the Revised Code. The program shall be part of the consolidated 100
federal medicaid waiver sought under that section if the United 101
States secretary approves the waiver. The department of aging 102
shall administer the program through a contract entered into with 103
the department of job and family services under section 5111.91 of 104
the Revised Code. Subject to federal approval, the program shall 105
be available statewide. 106

Sec. 173.42. (A) As used in ~~this section~~ sections 173.42 to 107
173.434 of the Revised Code: 108

(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.	109 110 111
(2) <u>"Department of aging-administered medicaid waiver component" means each of the following:</u>	112 113
<u>(a) The PASSPORT program created under section 173.40 of the Revised Code;</u>	114 115
<u>(b) The choices program created under section 173.403 of the Revised Code;</u>	116 117
<u>(c) The assisted living program created under section 5111.89 of the Revised Code;</u>	118 119
<u>(d) Any other medicaid waiver component, as defined in section 5111.85 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code.</u>	120 121 122 123 124
(3) <u>"Home and community-based services covered by medicaid components the department of aging administers" means all of the following:</u>	125 126 127
<u>(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;</u>	128 129
<u>(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 of the Revised Code:</u>	130 131 132 133
<u>(i) Home health services;</u>	134
<u>(ii) Private duty nursing services;</u>	135
<u>(iii) Durable medical equipment;</u>	136

<u>(iv) Services of a clinical nurse specialist;</u>	137
<u>(v) Services of a certified nurse practitioner.</u>	138
<u>(c) Services available to a participant of the PACE program.</u>	139
<u>(4) "Long-term care consultation" or "consultation" means the</u>	140
<u>process used to provide services under consultation service made</u>	141
<u>available by the department of aging or a program administrator</u>	142
<u>through the long-term care consultation program established</u>	143
<u>pursuant to this section, including, but not limited to, such</u>	144
<u>services as the provision of information about long term care</u>	145
<u>options and costs, the assessment of an individual's functional</u>	146
<u>capabilities, and the conduct of all or part of the reviews,</u>	147
<u>assessments, and determinations specified in sections 5111.202,</u>	148
<u>5111.204, 5119.061, and 5123.021 of the Revised Code and the rules</u>	149
<u>adopted under those sections.</u>	150
<u>(3)(5) "Medicaid" means the medical assistance program</u>	151
<u>established under Chapter 5111. of the Revised Code.</u>	152
<u>(4)(6) "Nursing facility" has the same meaning as in section</u>	153
<u>5111.20 of the Revised Code.</u>	154
<u>(5)(7) "PACE program" means the component of the medicaid</u>	155
<u>program the department of aging administers pursuant to section</u>	156
<u>173.50 of the Revised Code.</u>	157
<u>(8) "Program administrator" means an area agency on aging or</u>	158
<u>other entity under contract with the department of aging to</u>	159
<u>administer the long-term care consultation program in a geographic</u>	160
<u>region specified in the contract.</u>	161
<u>(9) "Representative" means a person acting on behalf of an</u>	162
<u>individual seeking a long term care consultation, applying for</u>	163
<u>admission to a nursing facility, or residing in a nursing facility</u>	164
<u>specified in division (G) of this section. A representative may be</u>	165
<u>a family member, attorney, hospital social worker, or any other</u>	166

person chosen to act on behalf of the individual. 167

168

(B) The department of aging shall develop a long-term care 169
 consultation program whereby individuals or their representatives 170
 are provided with long-term care consultations and receive through 171
 these professional consultations information about options 172
 available to meet long-term care needs and information about 173
 factors to consider in making long-term care decisions. The 174
 long-term care consultations provided under the program may be 175
 provided at any appropriate time, as permitted or required under 176
 this section and the rules adopted under it, including either 177
 prior to or after the individual who is the subject of a 178
 consultation has been admitted to a nursing facility or granted 179
assistance in receiving home and community-based services covered 180
by medicaid components the department of aging administers. 181

(C) (1) The long-term care consultation program shall be 182
 administered by the department of aging, except that the 183
~~department may enter into a contract with an area agency on aging~~ 184
~~or other entity selected by the department under which the program~~ 185
~~for a particular area is administered by the area agency on aging~~ 186
~~or other entity pursuant to the contract~~ have the program 187
administered on a regional basis by one or more program 188
administrators. The department and each program administrator 189
shall administer the program in such a manner that all of the 190
following are included: 191

(a) Coordination and collaboration with respect to all 192
available funding sources for long-term care services; 193

(b) Assessments of individuals regarding their long-term care 194
service needs; 195

(c) Assessments of individuals regarding their on-going 196
eligibility for long-term care services; 197

<u>(d) Procedures for assisting individuals in obtaining access</u>	198
<u>to, and coordination of, health and supportive services;</u>	199
<u>(e) Procedures for monitoring the quality of long-term care</u>	200
<u>services and supports and the health and welfare of individuals</u>	201
<u>receiving long-term care services and supports;</u>	202
<u>(f) Priorities for using available resources efficiently and</u>	203
<u>effectively.</u>	204
<u>(2) The procedures specified in division (C)(1)(e) of this</u>	205
<u>section shall include procedures for assessing the extent to which</u>	206
<u>long-term care services and supports are provided in a culturally</u>	207
<u>competent manner.</u>	208
(D) The <u>program's</u> long-term care consultations provided for	209
purposes of the program shall be provided by individuals certified	210
by the department under section 173.43 <u>173.422</u> of the Revised	211
Code.	212
(E) The information provided through a long-term care	213
consultation shall be appropriate to the individual's needs and	214
situation and shall address all of the following:	215
(1) The availability of any long-term care options open to	216
the individual;	217
(2) Sources and methods of both public and private payment	218
for long-term care services;	219
(3) Factors to consider when choosing among the available	220
programs, services, and benefits;	221
(4) Opportunities and methods for maximizing independence and	222
self-reliance, including support services provided by the	223
individual's family, friends, and community.	224
(F) An individual's long-term care consultation may include	225
an assessment of the individual's functional capabilities. The	226

consultation may incorporate portions of the determinations 227
 required under sections 5111.202, 5119.061, and 5123.021 of the 228
 Revised Code and may be provided concurrently with the assessment 229
 required under section 5111.204 of the Revised Code. 230

(G) (1) Unless an exemption specified in division (I) of this 231
 section is applicable, each ~~individual in~~ of the following 232
~~categories~~ shall be provided with a long-term care consultation: 233

(a) ~~Individuals~~ An individual who ~~apply~~ applies or ~~indicate~~ 234
indicates an intention to apply for admission to a nursing 235
 facility, regardless of the source of payment to be used for ~~their~~ 236
the individual's care in a nursing facility; 237

(b) ~~Nursing facility residents who apply or indicate an~~ 238
~~intention to apply for medicaid;~~ 239

(c) ~~Nursing facility residents who are likely to spend down~~ 240
~~their resources within six months after admission to a nursing~~ 241
~~facility to a level at which they are financially eligible for~~ 242
~~medicaid;~~ 243

(d) ~~Individuals~~ An individual who ~~request~~ requests a 244
 long-term care consultation; 245

(c) An individual identified by the department or a program 246
administrator as being likely to benefit from a long-term care 247
consultation. 248

(2) In addition to the individuals ~~included in the categories~~ 249
 specified in division (G) (1) of this section, a long-term care 250
~~consultations~~ consultation may be provided to a nursing facility 251
~~residents who have not applied and have not indicated an intention~~ 252
~~to apply for medicaid~~ resident regardless of the source of payment 253
being used for the resident's care in the nursing facility. ~~The~~ 254
~~purpose of the consultations provided to these individuals shall~~ 255
~~be to determine continued need for nursing facility services, to~~ 256

~~provide information on alternative services, and to make referrals~~ 257
~~to alternative services.~~ 258

(H) (1) ~~When~~ Except as provided in division (H) (2) or (3) of 259
this section, a long-term care consultation ~~is required to be~~ 260
provided pursuant to division (G) ~~(1)~~ of this section, ~~the~~ 261
~~consultation~~ shall be provided as follows ~~or pursuant to division~~ 262
~~(H) (2) or (3) of this section:~~ 263

(a) If the individual for whom the consultation is being 264
provided has applied for medicaid and the consultation is being 265
provided concurrently with the assessment required under section 266
5111.204 of the Revised Code, the consultation shall be completed 267
in accordance with the applicable time frames specified in that 268
section for providing a level of care determination based on the 269
assessment. 270

(b) In all other cases, the consultation shall be provided 271
not later than five calendar days after the department or ~~the~~ 272
program administrator ~~under contract with the department~~ receives 273
notice of the reason for which the consultation is ~~required~~ to be 274
provided pursuant to division (G) ~~(1)~~ of this section. 275

(2) An individual or the individual's representative may 276
request that a long-term care consultation be provided on a date 277
that is later than the date required under division (H) (1) (a) or 278
(b) of this section. 279

(3) If a long-term care consultation cannot be completed 280
within the number of days required by division (H) (1) or (2) of 281
this section, the department or ~~the~~ program administrator ~~under~~ 282
~~contract with the department~~ may do any of the following: 283

(a) ~~Exempt~~ In the case of an individual specified in division 284
(G) (1) of this section, exempt the individual from the 285
consultation pursuant to rules that may be adopted under division 286
(L) of this section; 287

(b) In the case of an applicant for admission to a nursing facility, provide the consultation after the individual is admitted to the nursing facility;	288 289 290
(c) In the case of a resident of a nursing facility, provide the consultation as soon as practicable.	291 292
(I) An individual is not required to be provided a long-term care consultation under <u>division (G)(1) of this section</u> if any of the following apply:	293 294 295
(1) The department or program administrator has attempted to provide the consultation, but the individual or the individual's representative chooses to forego participation in the consultation pursuant to criteria specified in rules adopted under division (L) of this section <u>refuses to cooperate;</u>	296 297 298 299 300
(2) The individual is to receive care in a nursing facility under a contract for continuing care as defined in section 173.13 of the Revised Code;	301 302 303
(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility licensed under Chapter 3721. of the Revised Code, an adult care facility licensed under Chapter 3722. of the Revised Code, or an independent living arrangement;	304 305 306 307 308 309 310
(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code;	311 312 313
(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5111.22, <u>5111.671, or 5111.672</u> of the Revised Code;	314 315 316
(6) The individual is to be transferred from another nursing	317

facility; 318

~~(7) The individual is to be readmitted to a nursing facility~~ 319
~~following a period of hospitalization;~~ 320

~~(8) The individual is exempted from the long-term care~~ 321
~~consultation requirement by the department or the program~~ 322
~~administrator pursuant to rules that may be adopted under division~~ 323
~~(L) of this section.~~ 324

~~(J) At the conclusion of an individual's~~ As part of the 325
~~long-term care consultation program,~~ the department or the program 326
~~administrator under contract with the department shall provide the~~ 327
~~assist an individual or individual's representative with a written~~ 328
~~summary of options and resources available to meet the~~ 329
~~individual's needs in accessing all sources of care and services~~ 330
~~that are appropriate for the individual and for which the~~ 331
~~individual is eligible, including all available home and~~ 332
~~community-based services covered by medicaid components the~~ 333
~~department of aging administers. Even though the summary may~~ 334
~~specify that a source of long term care other than care in a~~ 335
~~nursing facility is appropriate and available, the individual is~~ 336
~~not required to seek an alternative source of long term care and~~ 337
~~may be admitted to or continue to reside in a nursing facility~~ The 338
~~assistance shall include providing for the conduct of assessments~~ 339
~~or other evaluations and the development of individualized plans~~ 340
~~of care or services under section 173.424 of the Revised Code.~~ 341
342

(K) No nursing facility for which an operator has a provider 343
agreement under section 5111.22, 5111.671, or 5111.672 of the 344
Revised Code shall admit ~~or retain~~ any individual as a resident, 345
unless the nursing facility has received evidence that a long-term 346
care consultation has been completed for the individual or 347
division (I) of this section is applicable to the individual. 348

- (L) The director of aging may adopt any rules the director considers necessary for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and may specify any or all of the following:
- (1) Procedures for providing long-term care consultations pursuant to this section;
 - (2) Information to be provided through long-term care consultations regarding long-term care services that are available;
 - (3) ~~Criteria under which an individual or the individual's representative may choose to forego participation in and~~ procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;
 - (4) Criteria for exempting individuals from the long-term care consultation requirement;
 - (5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;
 - (6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;
 - (7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;
 - (8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from

being employed by a provider of long-term care services; 379

(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section. 380
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(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of job and family services, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator. 382
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~~(M)~~(N) (1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code ~~if~~ for any of the following reasons: 393
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(a) The nursing facility admits ~~or retains~~ an individual, without evidence that a long-term care consultation has been provided, as required by this section; 398
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(b) The nursing facility denies a person attempting to provide a long-term care consultation access to the facility or a resident of the facility; 401
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(c) The nursing facility denies the department of aging or program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program. 404
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(2) In accordance with section 5111.62 of the Revised Code, 408

all fines collected under ~~this~~ division (N)(1) of this section 409
 shall be deposited into the state treasury to the credit of the 410
 residents protection fund. 411

Sec. 173.421. As part of the long-term care consultation 412
 program established under section 173.42 of the Revised Code, the 413
 department of aging may establish procedures for the conduct of 414
 periodic or follow-up long-term care consultations for residents 415
 of nursing facilities, including annual or more frequent 416
 reassessments of the residents' functional capabilities. If the 417
 procedures are established, the department or program 418
 administrator shall assign individuals to nursing facilities to 419
 serve as care managers within the facilities. The individuals 420
 assigned shall be individuals who are certified under section 421
 173.422 of the Revised Code to provide long-term care 422
 consultations. 423

~~Sec. 173.43~~ 173.422. The department of aging shall certify 424
 individuals who meet certification requirements established by 425
 rule to provide long-term care consultations for purposes of 426
~~section~~ sections 173.42 and 173.421 of the Revised Code. The 427
 director of aging shall adopt rules in accordance with Chapter 428
 119. of the Revised Code governing the certification process and 429
 requirements. The rules shall specify the education, experience, 430
 or training in long-term care a person must have to qualify for 431
 certification. 432

Sec. 173.423. If an individual who is the subject of a 433
 long-term care consultation is eligible for and elects to receive 434
 home and community-based services covered by medicaid components 435
 the department of aging administers, the department of aging or 436
 program administrator shall monitor the individual by doing either 437
 or both of the following at least once each year: 438

(A) Determining whether the services being provided to the individual are appropriate; 439
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(B) Determining whether changes in the types of services being provided to the individual should be made. 441
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Sec. 173.424. If, under federal law, an individual's eligibility for the home and community-based services covered by medicaid components the department of aging administers is dependent on the conduct of an assessment or other evaluation of the individual's needs and capabilities and the development of an individualized plan of care or services, the department shall develop and implement all procedures necessary to comply with the federal law. The procedures shall include the use of long-term care consultations. 443
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Sec. 173.425. Annually, the department of aging shall prepare a report regarding the individuals who are the subjects of long-term care consultations and elect to receive home and community-based services covered by medicaid components the department of aging administers. The department shall prepare the report in consultation with the department of job and family services and office of budget and management. Each annual report shall include all of the following information: 452
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(A) The total savings achieved by providing home and community-based services covered by medicaid components the department of aging administers rather than services that otherwise would be provided in a nursing facility; 460
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(B) The average number of days that individuals receive home and community-based services covered by medicaid components the department of aging administers before and after receiving nursing facility services; 464
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(C) A categorical analysis of the acuity levels of the individuals who receive home and community-based services covered by medicaid components the department of aging administers; 468
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(D) Any other statistical information the department of aging considers appropriate for inclusion in the report. 471
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Sec. 173.43. (A) Subject to section 173.433 of the Revised Code, the department of aging shall enter into an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code under which the department of aging is required to establish for each biennium a unified long-term care budget for home and community-based services covered by medicaid components the department of aging administers. The interagency agreement shall require the department of aging to do all of the following: 473
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(1) Administer the unified long-term care budget in accordance with sections 173.43 to 173.434 of the Revised Code and the general assembly's appropriations for home and community-based services covered by medicaid components the department of aging administers for the applicable biennium; 482
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(2) Contract with each area agency on aging for assistance in the administration of the unified long-term care budget; 487
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(3) Provide individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers a choice of services that meet the individuals' needs and improve their quality of life; 489
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(4) Provide a continuum of services that meet the life-long needs of individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers. 493
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(B) The director of budget and management shall create new 497
appropriation items as necessary for establishment of the unified 498
long-term care budget. 499

Sec. 173.431. Subject to section 173.433 of the Revised Code, 500
the department of aging shall ensure that the unified long-term 501
care budget established under section 173.43 of the Revised Code 502
is administered in a manner that provides medicaid coverage of and 503
expands access to all of the following as necessary to meet the 504
needs of individuals receiving home and community-based services 505
covered by medicaid components the department of aging 506
administers: 507

(A) To the extent permitted by the medicaid waivers 508
authorizing department of aging-administered medicaid waiver 509
components, all of the following medicaid waiver services provided 510
under department of aging-administered medicaid waiver components: 511
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- (1) Personal care services; 513
- (2) Home-delivered meals; 514
- (3) Adult day-care; 515
- (4) Homemaker services; 516
- (5) Emergency response services; 517
- (6) Medical equipment and supplies; 518
- (7) Chore services; 519
- (8) Social work counseling; 520
- (9) Nutritional counseling; 521
- (10) Independent living assistance; 522
- (11) Medical transportation; 523

<u>(12) Nonmedical transportation;</u>	524
<u>(13) Home care attendant services;</u>	525
<u>(14) Assisted living services;</u>	526
<u>(15) Community transition services;</u>	527
<u>(16) Enhanced community living services;</u>	528
<u>(17) All other medicaid waiver services provided under department of aging-administered medicaid waiver components.</u>	529 530
<u>(B) All of the following state medicaid plan services as specified in rules adopted under section 5111.02 of the Revised Code:</u>	531 532 533
<u>(1) Home health services;</u>	534
<u>(2) Private duty nursing services;</u>	535
<u>(3) Durable medical equipment;</u>	536
<u>(4) Services of a clinical nurse specialist;</u>	537
<u>(5) Services of a certified nurse practitioner.</u>	538
<u>(C) The services that the PACE program provides.</u>	539
<u>Sec. 173.432. Subject to section 173.433 of the Revised Code, the department of aging or its designee shall provide care management and authorization services with regard to the state plan services specified in division (B) of section 173.431 of the Revised Code that are provided to participants of department of aging-administered medicaid waiver components.</u>	540 541 542 543 544 545
<u>Sec. 173.433. (A) The director of job and family services shall do one or more of the following as necessary for the implementation of sections 173.43 to 173.432 of the Revised Code:</u>	546 547 548
<u>(1) Submit one or more state medicaid plan amendments to the</u>	549

United States secretary of health and human services; 550

(2) Request one or more federal medicaid waivers from the 551
United States secretary; 552

(3) Submit one or more federal medicaid waiver amendments to 553
the United States secretary. 554

(B) No provision of sections 173.43 to 173.432 of the Revised 555
Code that requires the approval of the United States secretary of 556
health and human services shall be implemented until the United 557
States secretary provides the approval. 558

Sec. 173.434. The director of job and family services shall 559
adopt rules under section 5111.85 of the Revised Code to authorize 560
the director of aging to adopt rules that are needed to implement 561
sections 173.43 to 173.432 of the Revised Code. The director of 562
aging's rules shall be adopted in accordance with Chapter 119. of 563
the Revised Code." 564

Between lines 85391 and 85392, insert: 565

"Sec. 5111.861. (A) As used in this section: 566

(1) "Assisted living program" means the medicaid waiver 567
component created under section 5111.89 of the Revised Code. 568

(2) "Choices program" means the medicaid waiver component 569
created under section 173.403 of the Revised Code. 570

(3) "Medicaid waiver component" has the same meaning as in 571
section 5111.85 of the Revised Code. 572

(4) "PASSPORT program" means the medicaid waiver component 573
created under section 173.40 of the Revised Code. 574

(B) The director of job and family services shall submit a 575
request to the United States secretary of health and human 576

services pursuant to 42 U.S.C. 1396n to obtain a federal medicaid 577
waiver that consolidates the following medicaid waiver components 578
into one medicaid waiver component: 579

(1) The assisted living program; 580

(2) The choices program; 581

(3) The PASSPORT program. 582

(C) In seeking a consolidated federal medicaid waiver under 583
this section, the director of job and family services shall work 584
with the director of aging and provide for the waiver to do all of 585
the following: 586

(1) For the part of the waiver that concerns the assisted 587
living program, include the provisions that sections 5111.89 to 588
5111.894 of the Revised Code establish for the assisted living 589
program: 590

(2) For the part of the waiver that concerns the choices 591
program, include the provisions that section 173.403 of the 592
Revised Code establishes for the choices program; 593

(3) For the part of the waiver that concerns the PASSPORT 594
program, include the provisions that sections 173.40 to 173.402 of 595
the Revised Code establish for the PASSPORT program; 596

(4) For each part of the waiver, including the part that 597
concerns the choices program, be available statewide. 598

(D) If the United States secretary approves the consolidated 599
federal medicaid waiver sought under this section, all of the 600
following shall apply: 601

(1) The department of job and family services shall enter 602
into a contract with the department of aging under section 5111.91 603
of the Revised Code for the department of aging to administer the 604
consolidated federal medicaid waiver, except that the department 605

of job and family services, rather than the department of aging, 606
shall administer the part of the waiver that concerns the assisted 607
living program if the director of budget and management does not 608
approve the contract; 609

(2) The director of job and family services shall adopt rules 610
under section 5111.85 of the Revised Code to authorize the 611
director of aging to adopt rules in accordance with Chapter 119. 612
of the Revised Code that are needed to implement the consolidated 613
federal medicaid waiver, except that the director of job and 614
family services shall adopt rules under section 5111.85 of the 615
Revised Code that are needed to implement the part of the waiver 616
that concerns the assisted living program if the director of 617
budget and management does not approve the contract the 618
departments of job and family services and aging enter into under 619
division (D)(1) of this section; 620

(3) Any statutory reference to the assisted living program 621
shall mean the part of the consolidated federal medicaid waiver 622
that concerns the assisted living program; 623

(4) Any statutory reference to the choices program shall mean 624
the part of the consolidated federal medicaid waiver that concerns 625
the choices program; 626

(5) Any statutory references to the PASSPORT program shall 627
mean the part of the consolidated federal medicaid waiver that 628
concerns the PASSPORT program." 629

Delete lines 85861 through 85955 and insert: 630

"Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of 631
the Revised Code: 632

"Area agency on aging" has the same meaning as in section 633
173.14 of the Revised Code. 634

"Assisted living program" means the ~~medicaid waiver component~~ 635
~~for which the director of job and family services is authorized by~~ 636
~~program created under this section to request a medicaid waiver.~~ 637

"Assisted living services" means the following home and 638
community-based services: personal care, homemaker, chore, 639
attendant care, companion, medication oversight, and therapeutic 640
social and recreational programming. 641

"County or district home" means a county or district home 642
operated under Chapter 5155. of the Revised Code. 643

"Long-term care consultation program" means the program the 644
department of aging is required to develop under section 173.42 of 645
the Revised Code. 646

"Long-term care consultation program administrator" or 647
"administrator" means the department of aging or, if the 648
department contracts with an area agency on aging or other entity 649
to administer the long-term care consultation program for a 650
particular area, that agency or entity. 651

"Medicaid waiver component" has the same meaning as in 652
section 5111.85 of the Revised Code. 653

"Nursing facility" has the same meaning as in section 5111.20 654
of the Revised Code. 655

"Residential care facility" has the same meaning as in 656
section 3721.01 of the Revised Code. 657

"State administrative agency" means the department of job and 658
family services if the department of job and family services 659
administers the assisted living program or the department of aging 660
if the department of aging administers the assisted living 661
program. 662

(B) ~~The director of job and family services may submit a~~ 663

~~request to the United States secretary of health and human~~ 664
~~services under 42 U.S.C. 1396n to obtain a waiver of federal~~ 665
~~medicaid requirements that would otherwise be violated in the~~ 666
~~creation and implementation of a program under which~~ 667
There is 667
hereby created the assisted living program. The program shall 668
provide assisted living services ~~are provided to not more than one~~ 669
~~thousand eight hundred individuals who meet the program's~~ 670
eligibility requirements established under section 5111.891 of the 671
Revised Code. The program may not serve more individuals than the 672
number that is set by the United States secretary of health and 673
human services when the medicaid waiver authorizing the program is 674
approved. The program shall be operated as a separate medicaid 675
waiver component until the United States secretary approves the 676
consolidated federal medicaid waiver sought under section 5111.861 677
of the Revised Code. The program shall be part of the consolidated 678
federal medicaid waiver sought under that section if the United 679
States secretary approves the waiver. 680

If the ~~secretary approves the medicaid waiver requested under~~ 681
~~this section and the director of budget and management approves~~ 682
the contract, the department of job and family services shall 683
enter into a contract with the department of aging under section 684
5111.91 of the Revised Code that provides for the department of 685
aging to administer the assisted living program. The contract 686
shall include an estimate of the program's costs. 687

The director of job and family services may adopt rules under 688
section 5111.85 of the Revised Code regarding the assisted living 689
program. The director of aging may adopt rules under Chapter 119. 690
of the Revised Code regarding the program that the rules adopted 691
by the director of job and family services authorize the director 692
of aging to adopt. 693

Sec. 5111.891. To be eligible for the assisted living 694

program, an individual must meet all of the following	695
requirements:	696
(A) Need an intermediate level of care as determined under	697
rule 5101:3-3-06 of the Administrative Code;	698
(B) At the time the individual applies for the assisted	699
living program, be one of the following:	700
(1) A nursing facility resident who is seeking to move to a	701
residential care facility and would remain in a nursing facility	702
for long term care if not for the assisted living program;	703
(2) A participant of any of the following medicaid waiver	704
components who would move to a nursing facility if not for the	705
assisted living program:	706
(a) The PASSPORT program created under section 173.40 of the	707
Revised Code;	708
(b) The medicaid waiver component called the choices program	709
that the department of aging administers <u>created under section</u>	710
<u>173.403 of the Revised Code;</u>	711
(c) A medicaid waiver component that the department of job	712
and family services administers.	713
(3) A resident of a residential care facility who has resided	714
in a residential care facility for at least six months immediately	715
before the date the individual applies for the assisted living	716
program.	717
(C) At the time the individual receives assisted living	718
services under the assisted living program, reside in a	719
residential care facility that is authorized by a valid medicaid	720
provider agreement to participate in the assisted living program,	721
including both of the following:	722
(1) A residential care facility that is owned or operated by	723

a metropolitan housing authority that has a contract with the
 United States department of housing and urban development to
 receive an operating subsidy or rental assistance for the
 residents of the facility;

(2) A county or district home licensed as a residential care
 facility.

(D) Meet all other eligibility requirements for the assisted
 living program established in rules adopted under section 5111.85
 of the Revised Code.

Sec. 5111.894. The state administrative agency may establish
 one or more waiting lists for the assisted living program. Only
 individuals eligible for the medicaid program may be placed on a
 waiting list.

Each month, each area agency on aging shall determine whether
 any individual who resides in the area that the area agency on
 aging serves and is on a waiting list for the assisted living
 program has been admitted to a nursing facility. If an area agency
 on aging determines that such an individual has been admitted to a
 nursing facility and that there is a vacancy in a residential care
 facility participating in the assisted living program that is
 acceptable to the individual, the agency shall notify the
 long-term care consultation program administrator serving the area
 in which the individual resides about the determination. The
 administrator shall determine whether the assisted living program
 is appropriate for the individual and whether the individual would
 rather participate in the assisted living program than continue
 residing in the nursing facility. If the administrator determines
 that the assisted living program is appropriate for the individual
 and the individual would rather participate in the assisted living
 program than continue residing in the nursing facility, the

administrator shall so notify the state administrative agency. 754

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On receipt of the notice from the administrator, the state 756
 administrative agency shall approve the individual's enrollment in 757
 the assisted living program regardless of any waiting list for the 758
 assisted living program, unless the enrollment would cause the 759
 assisted living program to exceed the any limit on the number of 760
 individuals who may participate in the program as set by ~~section~~ 761
~~5111.89 of the Revised Code~~ the United States secretary of health 762
and human services when the medicaid waiver authorizing the 763
program is approved. Each quarter, the state administrative agency 764
 shall certify to the director of budget and management the 765
 estimated increase in costs of the assisted living program 766
 resulting from enrollment of individuals in the assisted living 767
 program pursuant to this section. 768

~~Not later than the last day of each calendar year, the 769
 director of job and family services shall submit to the general 770
 assembly a report regarding the number of individuals enrolled in 771
 the assisted living program pursuant to this section and the costs 772
 incurred and savings achieved as a result of the enrollments. 773~~

Sec. 5111.971. (A) As used in this section, "long-term care 774
 medicaid waiver component" means any of the following: 775

(1) The PASSPORT program created under section 173.40 of the 776
 Revised Code; 777

(2) ~~The medicaid waiver component called the choices program 778
 that the department of aging administers~~ created under section 779
 173.403 of the Revised Code; 780

(3) A medicaid waiver component that the department of job 781
 and family services administers. 782

(B) The director of job and family services shall submit a 783

request to the United States secretary of health and human 784
 services for a waiver of federal medicaid requirements that would 785
 be otherwise violated in the creation of a pilot program under 786
 which not more than two hundred individuals who meet the pilot 787
 program's eligibility requirements specified in division (D) of 788
 this section receive a spending authorization to pay for the cost 789
 of medically necessary home and community-based services that the 790
 pilot program covers. The spending authorization shall be in an 791
 amount not exceeding seventy per cent of the average cost under 792
 the medicaid program for providing nursing facility services to an 793
 individual. An individual participating in the pilot program shall 794
 also receive necessary support services, including fiscal 795
 intermediary and other case management services, that the pilot 796
 program covers. 797

(C) If the United States secretary of health and human 798
 services approves the waiver submitted under division (B) of this 799
 section, the department of job and family services shall enter 800
 into a contract with the department of aging under section 5111.91 801
 of the Revised Code that provides for the department of aging to 802
 administer the pilot program that the waiver authorizes. 803

(D) To be eligible to participate in the pilot program 804
 created under division (B) of this section, an individual must 805
 meet all of the following requirements: 806

(1) Need an intermediate level of care as determined under 807
 rule 5101:3-3-06 of the Administrative Code or a skilled level of 808
 care as determined under rule 5101:3-3-05 of the Administrative 809
 Code; 810

(2) At the time the individual applies to participate in the 811
 pilot program, be one of the following: 812

(a) A nursing facility resident who would remain in a nursing 813
 facility if not for the pilot program; 814

(b) A participant of any long-term care medicaid waiver component who would move to a nursing facility if not for the pilot program. 815
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(3) Meet all other eligibility requirements for the pilot program established in rules adopted under section 5111.85 of the Revised Code. 818
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(E) The director of job and family services may adopt rules under section 5111.85 of the Revised Code as the director considers necessary to implement the pilot program created under division (B) of this section. The director of aging may adopt rules under Chapter 119. of the Revised Code as the director considers necessary for the pilot program's implementation. The rules may establish a list of medicaid-covered services not covered by the pilot program that an individual participating in the pilot program may not receive if the individual also receives medicaid-covered services outside of the pilot program." 821
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In line 98871, after "173.392," insert "173.40," 831

In line 98996, after "5111.89," insert "5111.891,"; after "5111.894," insert "5111.971," 832
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In line 16 of the title, after "173.392," insert "173.40," 834

In line 187 of the title, after "5111.89," insert "5111.891,"; after "5111.894," insert "5111.971," 835
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In line 254 of the title, after "5111.179," insert "5111.861," 837
838

The motion was _____ agreed to

SYNOPSIS

Long-Term Care Consultation Program 839

R.C. 173.42, 173.421, 173.422, 173.423, 173.424, and 173.425 840

Requires the Department of Aging and each administrator of 841
the Long-Term Care Consultation Program to administer the program 842
in such a manner that it includes procedures for monitoring the 843
quality of long-term care services and supports and the health and 844
welfare of individuals receiving long-term care services and 845
supports rather than procedures for monitoring the provision of 846
health and long-term care services and supports. 847

Requires the Department or a program administrator to assist 848
an individual or individual's representative in accessing all 849
sources of appropriate care and services as part of the Long-Term 850
Care Consultation Program rather than at the conclusion of a 851
long-term care consultation. 852

Requires each annual report regarding long-term care 853
consultations to include (1) the total savings achieved by 854
providing home and community-based services rather than services 855
that otherwise would be provided in a nursing facility and (2) the 856
average number of days that individuals receive home and 857
community-based services before and after (rather than just 858
before) receiving nursing facility services. 859

Unified Long-Term Care Budget 860

R.C. 173.43, 173.431, 173.432, 173.433, and 173.434 861

Requires that the Department of Aging's unified long-term 862
care budget include certain state Medicaid plan services available 863
to a participant of a Department of Aging-administered Medicaid 864
waiver program and services available to a participant of the PACE 865
program rather than just home and community-based services 866
available to a participant of a Department of Aging-administered 867
Medicaid waiver program. 868

Provides that the services for which the unified long-term care budget must provide Medicaid coverage and expanded access are certain services that are necessary to meet the needs of individuals receiving home and community-based services.

Provides that the requirement that the unified long-term care budget provide Medicaid coverage of and expanded access to certain waiver services applies to the extent permitted by the federal waivers authorizing the waiver services.

In addition to certain services expressly listed, requires that the unified long-term care budget provide Medicaid coverage of and expanded access to all other Medicaid waiver services provided under Department of Aging-administered Medicaid waiver programs.

Requires the unified long-term care budget to provide Medicaid coverage of and expanded access to services the PACE program provides.

Consolidated Federal Medicaid Waiver

R.C. 5111.861 (primary), 173.40, 173.401, 173.402, 173.403, 5111.89, 5111.891, 5111.894, and 5111.971

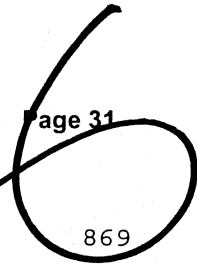
Requires the Director of Job and Family Services to seek federal approval to consolidate the Assisted Living Program, Choices Program, and PASSPORT Program into one Medicaid waiver.

Requires those programs to be operated as separate Medicaid waivers until the state receives federal approval for the consolidated Medicaid waiver.

Assisted Living Program

R.C. 5111.89 and 5111.894

Provides that the Assisted Living Program may not serve more individuals than the number that is set by the federal government



when the Medicaid waiver authorizing the program is approved.

5 _____ moved to amend as follows:

6 In line 106972, delete "\$6,591,953 \$6,591,953" and insert
7 "\$6,616,953 \$6,616,953"

8 In lines 106979 and 107005, add \$25,000 to each fiscal year

9 Between lines 107064 and 107065, insert:

10 "Section 337.30.45. GOLDEN KEY CENTER FOR EXCEPTIONAL
11 CHILDREN

12 Of the foregoing appropriation item 322451, Family Support
13 Services, \$25,000 in each fiscal year shall be provided to the
14 Golden Key Center for Exceptional Children for operational
15 support."

16 The motion was _____ agreed to.

17 SYNOPSIS

18 Department of Mental Retardation and Developmental
19 Disabilities

20 Sections 337.10 and 337.30.45

21 Increases GRF appropriation item 322451, Family Support
22 Services, by \$25,000 in each fiscal year and earmarks the
23 increase in appropriation for the Golden Key Center for
24 Exceptional Children for operational support.

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Sub. H.B. 1
LSC 128-0516-4
HC-2061

5 _____ moved to amend as follows:

6 In line 100223, after "Services" insert "and the
7 Residential State Supplement Fund (Fund 5CH0), used by the
8 Department of Mental Health"

9 Delete lines 100227 through 100246

10 The motion was _____ agreed to.

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SYNOPSIS

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Department of Aging

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Section 209.30

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Removes a provision that creates the Residential State Supplement Workgroup. Allows the Department of Aging to transfer cash for the Residential State Supplement Program (RSS) to the Department of Mental Health through an intrastate transfer voucher for RSS benefit payments.

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Sub. H.B. 1
LSC 128 0516-4
HC-2064

5 _____ moved to amend as follows:

6 In line 107741, delete "\$13,125,000 \$16,125,000" and
7 insert "\$13,000,000 \$16,000,000"

8 In line 107790, subtract \$125,000 from each fiscal year

9 In line 107818, subtract \$125,000 from each fiscal year

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Board of Regents**

13 **Section 371.10**

14 Decreases GRF appropriation item 235438, Choose Ohio First
15 Scholarship, by \$125,000 in each fiscal year.

Sub. H.B. 1
LSC 128 0516-4
HC-2077



_____ moved to amend as follows:

In line 336, after "124.18," insert "124.181,"; after 1
"124.23," insert "124.27," 2

Between lines 6823 and 6824, insert: 3

"Sec. 124.181. (A) Except as provided in ~~division~~ divisions 4
(M) and (P) of this section, any employee paid in accordance with 5
schedule B of section 124.15 or schedule E-1 or schedule E-1 for 6
step seven only of section 124.152 of the Revised Code is eligible 7
for the pay supplements provided in this section upon application 8
by the appointing authority substantiating the employee's 9
qualifications for the supplement and with the approval of the 10
director of administrative services except as provided in division 11
(E) of this section. 12

(B) (1) Except as provided in section 124.183 of the Revised 13
Code, in computing any of the pay supplements provided in this 14
section for an employee paid in accordance with schedule B of 15
section 124.15 of the Revised Code, the classification salary base 16
shall be the minimum hourly rate of the pay range, provided in 17
that section, in which the employee is assigned at the time of 18
computation. 19

(2) Except as provided in section 124.183 of the Revised 20

Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(3) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 for step seven only of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate in the corresponding pay range, provided in schedule E-1 of that section, to which the employee is assigned at the time of the computation.

(C) The effective date of any pay supplement, except as provided in section 124.183 of the Revised Code or unless otherwise provided in this section, shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E) (1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state government or any of its political subdivisions, each employee in positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent,

for each additional year of qualified employment until a maximum 52
of ten per cent of the employee's classification salary base is 53
reached. The granting of longevity adjustments shall not be 54
affected by promotion, demotion, or other changes in 55
classification held by the employee, nor by any change in pay 56
range for the employee's class or grade. Longevity pay adjustments 57
shall become effective at the beginning of the pay period within 58
which the employee completes the necessary length of service, 59
except that when an employee requests credit for prior service, 60
the effective date of the prior service credit and of any 61
longevity adjustment shall be the first day of the pay period 62
following approval of the credit by the director of administrative 63
services. No employee, other than an employee who submits proof of 64
prior service within ninety days after the date of the employee's 65
hiring, shall receive any longevity adjustment for the period 66
prior to the director's approval of a prior service credit. Time 67
spent on authorized leave of absence shall be counted for this 68
purpose. 69

(2) An employee who has retired in accordance with the 70
provisions of any retirement system offered by the state and who 71
is employed by the state or any political subdivision of the state 72
on or after June 24, 1987, shall not have prior service with the 73
state or any political subdivision of the state counted for the 74
purpose of determining the amount of the salary adjustment 75
provided under this division. 76

(3) There shall be a moratorium on employees' receipt under 77
this division of credit for service with the state government or 78
any of its political subdivisions during the period from July 1, 79
2003, through June 30, 2005. In calculating the number of years of 80
total service under this division, no credit shall be included for 81
service during the moratorium. The moratorium shall apply to the 82

employees of the secretary of state, the auditor of state, the 83
treasurer of state, and the attorney general, who are subject to 84
this section unless the secretary of state, the auditor of state, 85
the treasurer of state, or the attorney general decides to exempt 86
the office's employees from the moratorium and so notifies the 87
director of administrative services in writing on or before July 88
1, 2003. 89

If an employee is exempt from the moratorium, receives credit 90
for a period of service during the moratorium, and takes a 91
position with another entity in the state government or any of its 92
political subdivisions, either during or after the moratorium, and 93
if that entity's employees are or were subject to the moratorium, 94
the employee shall continue to retain the credit. However, if the 95
moratorium is in effect upon the taking of the new position, the 96
employee shall cease receiving additional credit as long as the 97
employee is in the position, until the moratorium expires. 98

(F) When an exceptional condition exists that creates a 99
temporary or a permanent hazard for one or more positions in a 100
class paid in accordance with schedule B of section 124.15 of the 101
Revised Code or in accordance with schedule E-1 or schedule E-1 102
for step seven only of section 124.152 of the Revised Code, a 103
special hazard salary adjustment may be granted for the time the 104
employee is subjected to the hazardous condition. All special 105
hazard conditions shall be identified for each position and 106
incidence from information submitted to the director on an 107
appropriate form provided by the director and categorized into 108
standard conditions of: some unusual hazard not common to the 109
class; considerable unusual hazard not common to the class; and 110
exceptional hazard not common to the class. 111

(1) A hazardous salary adjustment of five per cent of the 112
employee's classification salary base may be applied in the case 113

of some unusual hazardous condition not common to the class for 114
those hours worked, or a fraction of those hours worked, while the 115
employee was subject to the unusual hazard condition. 116

(2) A hazardous salary adjustment of seven and one-half per 117
cent of the employee's classification salary base may be applied 118
in the case of some considerable hazardous condition not common to 119
the class for those hours worked, or a fraction of those hours 120
worked, while the employee was subject to the considerable hazard 121
condition. 122

(3) A hazardous salary adjustment of ten per cent of the 123
employee's classification salary base may be applied in the case 124
of some exceptional hazardous condition not common to the class 125
for those hours worked, or a fraction of those hours worked, when 126
the employee was subject to the exceptional hazard condition. 127

(4) Each claim for temporary hazard pay shall be submitted as 128
a separate payment and shall be subject to an administrative audit 129
by the director as to the extent and duration of the employee's 130
exposure to the hazardous condition. 131

(G) When a full-time employee whose salary or wage is paid 132
directly by warrant of the director of budget and management and 133
who also is eligible for overtime under the "Fair Labor Standards 134
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 135
ordered by the appointing authority to report back to work after 136
termination of the employee's regular work schedule and the 137
employee reports, the employee shall be paid for such time. The 138
employee shall be entitled to four hours at the employee's total 139
rate of pay or overtime compensation for the actual hours worked, 140
whichever is greater. This division does not apply to work that is 141
a continuation of or immediately preceding an employee's regular 142
work schedule. 143

(H) When a certain position or positions paid in accordance 144

with schedule B of section 124.15 of the Revised Code or in 145
accordance with schedule E-1 or schedule E-1 for step seven only 146
of section 124.152 of the Revised Code require the ability to 147
speak or write a language other than English, a special pay 148
supplement may be granted to attract bilingual individuals, to 149
encourage present employees to become proficient in other 150
languages, or to retain qualified bilingual employees. The 151
bilingual pay supplement provided in this division may be granted 152
in the amount of five per cent of the employee's classification 153
salary base for each required foreign language and shall remain in 154
effect as long as the bilingual requirement exists. 155

(I) The director of administrative services may establish a 156
shift differential for employees. The differential shall be paid 157
to employees in positions working in other than the regular or 158
first shift. In those divisions or agencies where only one shift 159
prevails, no shift differential shall be paid regardless of the 160
hours of the day that are worked. The director and the appointing 161
authority shall designate which positions shall be covered by this 162
division. 163

(J) Whenever an employee is assigned to work in a higher 164
level position for a continuous period of more than two weeks but 165
no more than two years because of a vacancy, the employee's pay 166
may be established at a rate that is approximately four per cent 167
above the employee's current base rate for the period the employee 168
occupies the position, provided that this temporary occupancy is 169
approved by the director. Employees paid under this division shall 170
continue to receive any of the pay supplements due them under 171
other divisions of this section based on the step one base rate 172
for their normal classification. 173

(K) If a certain position, or positions, within a class paid 174
in accordance with schedule B of section 124.15 of the Revised 175

Code or in accordance with schedule E-1 or schedule E-1 for step 176
seven only of section 124.152 of the Revised Code are mandated by 177
state or federal law or regulation or other regulatory agency or 178
other certification authority to have special technical 179
certification, registration, or licensing to perform the functions 180
which are under the mandate, a special professional achievement 181
pay supplement may be granted. This special professional 182
achievement pay supplement shall not be granted when all 183
incumbents in all positions in a class require a license as 184
provided in the classification description published by the 185
department of administrative services; to licensees where no 186
special or extensive training is required; when certification is 187
granted upon completion of a stipulated term of in-service 188
training; when an appointing authority has required certification; 189
or any other condition prescribed by the director. 190

(1) Before this supplement may be applied, evidence as to the 191
requirement must be provided by the agency for each position 192
involved, and certification must be received from the director as 193
to the director's concurrence for each of the positions so 194
affected. 195

(2) The professional achievement pay supplement provided in 196
this division shall be granted in an amount up to ten per cent of 197
the employee's classification salary base and shall remain in 198
effect as long as the mandate exists. 199

(L) Those employees assigned to teaching supervisory, 200
principal, assistant principal, or superintendent positions who 201
have attained a higher educational level than a basic bachelor's 202
degree may receive an educational pay supplement to remain in 203
effect as long as the employee's assignment and classification 204
remain the same. 205

(1) An educational pay supplement of two and one-half per 206

cent of the employee's classification salary base may be applied 207
upon the achievement of a bachelor's degree plus twenty quarter 208
hours of postgraduate work. 209

(2) An educational pay supplement of an additional five per 210
cent of the employee's classification salary base may be applied 211
upon achievement of a master's degree. 212

(3) An educational pay supplement of an additional two and 213
one-half per cent of the employee's classification salary base may 214
be applied upon achievement of a master's degree plus thirty 215
quarter hours of postgraduate work. 216

(4) An educational pay supplement of five per cent of the 217
employee's classification salary base may be applied when the 218
employee is performing as a master teacher. 219

(5) An educational pay supplement of five per cent of the 220
employee's classification salary base may be applied when the 221
employee is performing as a special education teacher. 222

(6) Those employees in teaching supervisory, principal, 223
assistant principal, or superintendent positions who are 224
responsible for specific extracurricular activity programs shall 225
receive overtime pay for those hours worked in excess of their 226
normal schedule, at their straight time hourly rate up to a 227
maximum of five per cent of their regular base salary in any 228
calendar year. 229

(M) (1) A state agency, board, or commission may establish a 230
supplementary compensation schedule for those licensed physicians 231
employed by the agency, board, or commission in positions 232
requiring a licensed physician. The supplementary compensation 233
schedule, together with the compensation otherwise authorized by 234
this chapter, shall provide for the total compensation for these 235
employees to range appropriately, but not necessarily uniformly, 236

for each classification title requiring a licensed physician, in 237
 accordance with a schedule approved by the state controlling 238
 board. The individual salary levels recommended for each such 239
 physician employed shall be approved by the director. 240
 Notwithstanding section 124.11 of the Revised Code, such personnel 241
 are in the unclassified civil service. 242

(2) The director of administrative services may approve 243
 supplementary compensation for the director of health, if the 244
 director is a licensed physician, in accordance with a 245
 supplementary compensation schedule approved under division (M) (1) 246
 of this section or in accordance with another supplementary 247
 compensation schedule the director of administrative services 248
 considers appropriate. The supplementary compensation shall not 249
 exceed twenty per cent of the director of health's base rate of 250
 pay. 251

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 252
 117.42, and 131.02 of the Revised Code, the state shall not 253
 institute any civil action to recover and shall not seek 254
 reimbursement for overpayments made in violation of division (E) 255
 of this section or division (C) of section 9.44 of the Revised 256
 Code for the period starting after June 24, 1987, and ending on 257
 October 31, 1993. 258

(O) Employees of the office of the treasurer of state who are 259
 exempt from collective bargaining coverage may be granted a merit 260
 pay supplement of up to one and one-half per cent of their step 261
 rate. The rate at which this supplement is granted shall be based 262
 on performance standards established by the treasurer of state. 263
 Any supplements granted under this division shall be administered 264
 on an annual basis. 265

(P) Intermittent employees appointed under section 124.30 of 266
the Revised Code are not eligible for the pay supplements provided 267

by this section. 268

Between lines 6999 and 7000, insert: 269

"Sec. 124.27. (A) The head of a department, office, or 270
 institution, in which a position in the classified service is to 271
 be filled, shall notify the director of administrative services of 272
 the fact, and the director shall, except as otherwise provided in 273
 this section and sections 124.30 and 124.31 of the Revised Code, 274
 certify to the appointing authority the names and addresses of the 275
 ten candidates standing highest on the eligible list for the class 276
 or grade to which the position belongs, except that the director 277
 may certify less than ten names if ten names are not available. 278
 When less than ten names are certified to an appointing authority, 279
 appointment from that list shall not be mandatory. When a position 280
 in the classified service in the department of mental health or 281
 the department of mental retardation and developmental 282
 disabilities is to be filled, the director of administrative 283
 services shall make such certification to the appointing authority 284
 within seven working days of the date the eligible list is 285
 requested. 286

(B) The appointing authority shall notify the director of a 287
 position in the classified service to be filled, and the 288
 appointing authority shall fill the vacant position by appointment 289
 of one of the ten persons certified by the director. If more than 290
 one position is to be filled, the director may certify a group of 291
 names from the eligible list, and the appointing authority shall 292
 appoint in the following manner: beginning at the top of the list, 293
 each time a selection is made, it must be from one of the first 294
 ten candidates remaining on the list who is willing to accept 295
 consideration for the position. If an eligible list becomes 296
 exhausted, and until a new list can be created, or when no 297
 eligible list for a position exists, names may be certified from 298

eligible lists most appropriate for the group or class in which 299
 the position to be filled is classified. A person who is certified 300
 from an eligible list more than three times to the same appointing 301
 authority for the same or similar positions may be omitted from 302
 future certification to that appointing authority, provided that 303
 certification for a temporary appointment shall not be counted as 304
 one of those certifications. Every person who qualifies for 305
 veteran's preference under section 124.23 of the Revised Code, who 306
 is a resident of this state, and whose name is on the eligible 307
 list for a position shall be entitled to preference in original 308
 appointments to any such competitive position in the civil service 309
 of the state and its civil divisions over all other persons 310
 eligible for those appointments and standing on the relevant 311
 eligible list with a rating equal to that of the person qualifying 312
 for veteran's preference. Appointments to all positions in the 313
 classified service, that are not filled by promotion, transfer, or 314
 reduction, as provided in sections 124.01 to 124.64 of the Revised 315
 Code and the rules of the director prescribed under those 316
 sections, shall be made only from those persons whose names are 317
 certified to the appointing authority, and no employment, except 318
 as provided in those sections, shall be otherwise given in the 319
 classified service of this state or any political subdivision of 320
 the state. 321

(C) All original and promotional appointments, including 322
 appointments made pursuant to section 124.30 of the Revised Code, 323
but not intermittent appointments, shall be for a probationary 324
 period, not less than sixty days nor more than one year, to be 325
 fixed by the rules of the director, except as provided in section 326
 124.231 of the Revised Code, and except for original appointments 327
 to a police department as a police officer or to a fire department 328
 as a firefighter which shall be for a probationary period of one 329
 year. No appointment or promotion is final until the appointee has 330

satisfactorily served the probationary period. If the service of 331
 the probationary employee is unsatisfactory, the employee may be 332
 removed or reduced at any time during the probationary period. If 333
 the appointing authority decides to remove a probationary employee 334
 in the service of the state, the appointing authority shall 335
 communicate to the director the reason for that decision. A 336
 probationary employee duly removed or reduced in position for 337
 unsatisfactory service does not have the right to appeal the 338
 removal or reduction under section 124.34 of the Revised Code." 339

In line 98865, after "124.18," insert "124.181,"; after 340
 "124.23," insert "124.27," 341

In line 7 of the title, after "124.18," insert "124.181," 342

In line 8 of the title, after "124.23," insert "124.27," 343

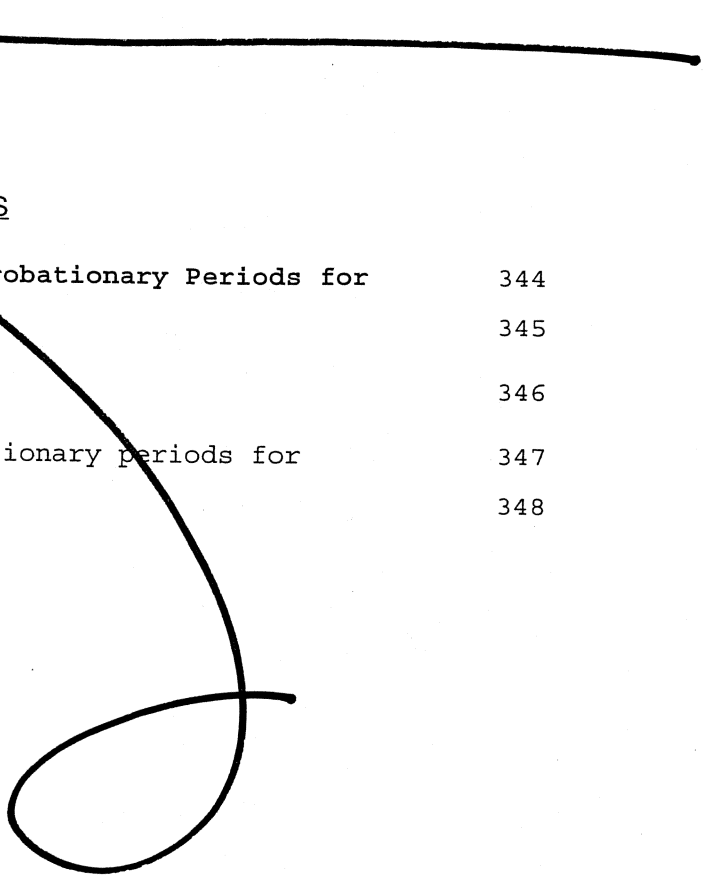
The motion was _____ agreed to.

SYNOPSIS

Elimination of Pay Supplements and Probationary Periods for 344
 Intermittent Employees 345

R.C. 124.181 and 124.27 346

Eliminates pay supplements and probationary periods for 347
 intermittent employees. 348



5 _____ moved to amend as follows:

6 Between lines 108041 and 108042, insert:

7 "(E) Of the foregoing appropriation item 235441, Co-
8 op/Internship Program, \$500,000 in each fiscal year shall be
9 provided to the University of Cincinnati to support Rookwood
10 Pottery Company internship programs with state-assisted
11 institutions of higher education."

12 In line 108042, delete "(E)" insert "(F)"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Board of Regents**

16 **Section 371.20.20**

17 Earmarks \$500,000 of GRF appropriation item 235441, Co-
18 op/Internship Program, in each fiscal year to support Rookwood
19 Pottery Company internship programs with state-assisted
20 institutions of higher education.

1 128HB1-HC2086.docx/ejs

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Sub. H.B.
LSC 128 0516-4
HC-2086

6 _____ moved to amend as follows:

7 In line 343, delete "173.71,"

8 In line 373, delete "2929.17,"

9 Delete lines 12127 through 12174

10 Delete lines 26998 through 27069

11 In line 57431, delete "or the environmental"

12 In line 57432, delete "protection fund,"

13 In line 98872, delete "173.71,"

14 In line 98903, delete "2929.17,"

15 Move lines 106168 through 106172 to between lines 106233

16 and 106234 and renumber the section

17 Move lines 106197 through 106233 to between lines 106163

18 and 106164 and renumber the section

19 In line 106773, delete "\$597,350,115 \$622,247,385" and

20 insert "\$536,483,544 \$542,502,116"

21 In line 106809, delete "\$1,239,082,626 \$1,262,756,324"

22 and insert "\$1,178,216,055 \$1,183,011,055"

23 In line 109515, delete "3118.01" and insert "3318.01"

24 In line 112357, delete "3905.77" and insert "3903.77"

25 In line 112509, delete "both"

26 In line 112510, after "204" insert ", both"

27 In line 17 of the title, delete "173.71"

28 In line 59 of the title, delete "2929.17,"

29 The motion was _____ agreed to.

30 SYNOPSIS

31 **LSC Technical**

32 **R.C. 173.71, 2929.17, and 3714.073**

33 **Sections 309.45.30, 309.45.60, 335.10, 385.90, 812.10, and**
34 **815.10**

35 **Corrects engrossing errors.**

5 _____ moved to amend as follows:

6 In line 59063, reinsert "unannounced"

7 In line 59066, reinsert "unannounced"

8 In line 59069, after "The" delete the balance of the line

9 Delete line 59070

10 In line 59071, delete "of an unannounced inspection, the"

11 In line 59072, reinsert "an" and delete "the"

12 In line 59104, reinsert "unannounced"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Inspection of Adult Care Facilities**

16 **R.C. 3722.04**

17 Removes from the bill a provision that would have given the
18 Director of Health discretion in determining whether the
19 biennial inspection of an adult care facility is to be conducted
20 as an announced or unannounced inspection.

5 _____ moved to amend as follows:

6 In line 109038, delete "\$41,054,799 \$42,286,443" and
7 insert "\$41,111,199 \$42,342,843"

8 In line 109050, delete "\$1,638,192,062 \$1,654,594,161"
9 and insert "\$1,638,248,462 \$1,654,650,561"

10 In line 109070, delete "\$1,840,756,543 \$1,852,421,223"
11 and insert "\$1,840,812,943 \$1,852,477,623"

12 Between lines 109080 and 109081, insert:

13 "COMMUNITY INTEGRATION AND SOCIALIZATION PROGRAM

14 Of the foregoing appropriation item 501405, Halfway House,
15 on July 1 of each fiscal year, or as soon as possible
16 thereafter, the Director of Budget and Management shall transfer
17 \$56,400 in cash to the Treasurer of Portage County to support
18 the Community Integration and Socialization Program within
19 Portage County."

20 The motion was _____ agreed to.

SYNOPSIS

21

22

Department of Rehabilitation and Correction

23

Section 375.10

24

25

26

27

Increases the appropriation in GRF line item 501405, Halfway House, by \$56,400 in each fiscal year and earmarks this additional appropriation to Portage County for support of the Community Integration and Socialization Program.

5 _____ moved to amend as follows:

6 In line 109038, delete "\$41,054,799 \$42,286,443" and
7 insert "\$41,072,299 \$42,303,943"

8 In line 109050, delete "\$1,638,192,062 \$1,654,594,161"
9 and insert "\$1,638,209,562 \$1,654,611,661"

10 In line 109070, delete "\$1,840,756,543 \$1,852,421,223"
11 and insert "\$1,840,774,043 \$1,852,438,723"

12 Between lines 109080 and 109081, insert:

13 "HALFWAY HOUSE

14 Of the foregoing appropriation item 501405, Halfway House,
15 on July 1 of each fiscal year, or as soon as possible
16 thereafter, \$17,500 shall be disbursed to the Stark Social
17 Workers' Network."

18 The motion was _____ agreed to.

19 SYNOPSIS

20 **Department of Rehabilitation and Correction**

21 **Section 375.10**

22 Increases the appropriation in GRF line item 501405,
23 Halfway House, by \$17,500 in each fiscal year and earmarks this
24 additional appropriation to be disbursed to the Stark Social
25 Workers' Network.

Sub. H.B. 1
LSC 128 0516-4
HC-2150

_____ moved to amend as follows:

In line 372, after "1901.31," insert "2101.01,"; after 1
"2151.011," insert "2301.02, 2301.03," 2

Between lines 25875 and 25876, insert: 3

"Sec. 2101.01. (A) A probate division of the court of common 4
pleas shall be held at the county seat in each county in an office 5
furnished by the board of county commissioners, in which the 6
books, records, and papers pertaining to the probate division 7
shall be deposited and safely kept by the probate judge. The board 8
shall provide suitable cases or other necessary items for the 9
safekeeping and preservation of the books, records, and papers of 10
the court and shall furnish any blankbooks, blanks, and 11
stationery, and any machines, equipment, and materials for the 12
keeping or examining of records, that the probate judge requires 13
in the discharge of official duties. The board also shall 14
authorize expenditures for accountants, financial consultants, and 15
other agents required for auditing or financial consulting by the 16
probate division whenever the probate judge considers these 17
services and expenditures necessary for the efficient performance 18
of the division's duties. The probate judge shall employ and 19
supervise all clerks, deputies, magistrates, and other employees 20
of the probate division. The probate judge shall supervise all 21

probate court investigators and assessors in the performance of 22
 their duties as investigators and assessors and shall employ, 23
 appoint, or designate all probate court investigators and 24
 assessors in the manner described in divisions (A) (2) and (3) of 25
 section 2101.11 of the Revised Code. 26

(B) As used in the Revised Code: 27

(1) Except as provided in division (B) (2) of this section, 28
 "probate court" means the probate division of the court of common 29
 pleas, and "probate judge" means the judge of the court of common 30
 pleas who is judge of the probate division. 31

(2) With respect to Lorain county: 32

~~(a) From January 1, 2006, through February 8, 2009, "probate 33
 court" means both the probate division and the domestic relations 34
 division of the court of common pleas, and "probate judge" means 35
 both the judge of the court of common pleas who is judge of the 36
 probate division and each of the judges of the court of common 37
 pleas who are judges of the domestic relations division. 38~~

~~(b) On and after February 9, 2009, through September 28, 39
 2009, "probate court" means the domestic relations division of the 40
 court of common pleas, and "probate judge" means each of the 41
 judges of the court of common pleas who are judges of the domestic 42
 relations division. 43~~

~~(b) The judge of the court of common pleas, division of 44
 domestic relations, whose term begins on February 9, 2009, and 45
 successors, shall be the probate judge beginning September 29, 46
2009, and shall be elected and designated as judge of the court of 47
 common pleas, probate division. 48~~

(C) Except as otherwise provided in this division, all 49
 pleadings, forms, journals, and other records filed or used in the 50
 probate division shall be entitled "In the Court of Common Pleas, 51

Probate Division," but are not defective if entitled "In the
 Probate Court." In Lorain county, ~~on and after~~ from February 9,
 2009, through September 28, 2009, all pleadings, forms, journals,
 and other records filed or used in probate matters shall be
 entitled "In the Court of Common Pleas, Domestic Relations
 Division," but are not defective if entitled "In the Probate
 Division" or "In the Probate Court.""

Between lines 26212 and 26213, insert:

"Sec. 2301.02. The number of judges of the court of common
 pleas for each county, the time for the next election of the
 judges in the several counties, and the beginning of their terms
 shall be as follows:

(A) In Adams, Ashland, Fayette, and Pike counties, one judge,
 elected in 1956, term to begin February 9, 1957;

In Brown, Crawford, Defiance, Highland, Holmes, Morgan,
 Ottawa, and Union counties, one judge, to be elected in 1954, term
 to begin February 9, 1955;

In Auglaize county, one judge, to be elected in 1956, term to
 begin January 9, 1957;

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin,
 Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and
 Wyandot counties, one judge, to be elected in 1956, term to begin
 January 1, 1957;

In Morrow county, two judges, one to be elected in 1956, term
 to begin January 1, 1957, and one to be elected in 2006, term to
 begin January 1, 2007;

In Logan county, two judges, one to be elected in 1956, term
 to begin January 1, 1957, and one to be elected in 2004, term to
 begin January 2, 2005;

In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble, Shelby, Van Wert, and Williams counties, one judge, to be elected in 1952, term to begin January 1, 1953;	81 82 83
In Champaign county, two judges, one to be elected in 1952, term to begin January 1, 1953, and one to be elected in 2008, term to begin February 10, 2009.	84 85 86
In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	87 88
In Henry county, two judges, one to be elected in 1956, term to begin May 9, 1957, and one to be elected in 2004, term to begin January 1, 2005;	89 90 91
In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;	92 93
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	94 95
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	96 97
In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	98 99 100
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	101 102 103 104
In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;	105 106 107 108
In Athens county, two judges, one to be elected in 1954, term	109

to begin February 9, 1955, and one to be elected in 1990, term to	110
begin July 1, 1991;	111
In Erie county, four judges, one to be elected in 1956, term	112
to begin January 1, 1957, the second to be elected in 1970, term	113
to begin January 2, 1971, the third to be elected in 2004, term to	114
begin January 2, 2005, and the fourth to be elected in 2008, term	115
to begin February 9, 2009;	116
In Fairfield county, three judges, one to be elected in 1954,	117
term to begin February 9, 1955, the second to be elected in 1970,	118
term to begin January 1, 1971, and the third to be elected in	119
1994, term to begin January 2, 1995;	120
In Geauga county, two judges, one to be elected in 1956, term	121
to begin January 1, 1957, and the second to be elected in 1976,	122
term to begin January 6, 1977;	123
In Greene county, four judges, one to be elected in 1956,	124
term to begin February 9, 1957, the second to be elected in 1960,	125
term to begin January 1, 1961, the third to be elected in 1978,	126
term to begin January 2, 1979, and the fourth to be elected in	127
1994, term to begin January 1, 1995;	128
In Hancock county, two judges, one to be elected in 1952,	129
term to begin January 1, 1953, and the second to be elected in	130
1978, term to begin January 1, 1979;	131
In Lawrence county, two judges, one to be elected in 1954,	132
term to begin February 9, 1955, and the second to be elected in	133
1976, term to begin January 1, 1977;	134
In Marion county, three judges, one to be elected in 1952,	135
term to begin January 1, 1953, the second to be elected in 1976,	136
term to begin January 2, 1977, and the third to be elected in	137
1998, term to begin February 9, 1999;	138
In Medina county, three judges, one to be elected in 1956,	139

term to begin January 1, 1957, the second to be elected in 1966,	140
term to begin January 1, 1967, and the third to be elected in	141
1994, term to begin January 1, 1995;	142
In Miami county, two judges, one to be elected in 1954, term	143
to begin February 9, 1955, and one to be elected in 1970, term to	144
begin on January 1, 1971;	145
In Muskingum county, three judges, one to be elected in 1968,	146
term to begin August 9, 1969, one to be elected in 1978, term to	147
begin January 1, 1979, and one to be elected in 2002, term to	148
begin January 2, 2003;	149
In Portage county, three judges, one to be elected in 1956,	150
term to begin January 1, 1957, the second to be elected in 1960,	151
term to begin January 1, 1961, and the third to be elected in	152
1986, term to begin January 2, 1987;	153
In Ross county, two judges, one to be elected in 1956, term	154
to begin February 9, 1957, and the second to be elected in 1976,	155
term to begin January 1, 1977;	156
In Scioto county, three judges, one to be elected in 1954,	157
term to begin February 10, 1955, the second to be elected in 1960,	158
term to begin January 1, 1961, and the third to be elected in	159
1994, term to begin January 2, 1995;	160
In Seneca county, two judges, one to be elected in 1956, term	161
to begin January 1, 1957, and the second to be elected in 1986,	162
term to begin January 2, 1987;	163
In Warren county, four judges, one to be elected in 1954,	164
term to begin February 9, 1955, the second to be elected in 1970,	165
term to begin January 1, 1971, the third to be elected in 1986,	166
term to begin January 1, 1987, and the fourth to be elected in	167
2004, term to begin January 2, 2005;	168
In Washington county, two judges, one to be elected in 1952,	169

term to begin January 1, 1953, and one to be elected in 1986, term	170
to begin January 1, 1987;	171
In Wood county, three judges, one to be elected in 1968, term	172
beginning January 1, 1969, the second to be elected in 1970, term	173
to begin January 2, 1971, and the third to be elected in 1990,	174
term to begin January 1, 1991;	175
In Belmont and Jefferson counties, two judges, to be elected	176
in 1954, terms to begin January 1, 1955, and February 9, 1955,	177
respectively;	178
In Clark county, four judges, one to be elected in 1952, term	179
to begin January 1, 1953, the second to be elected in 1956, term	180
to begin January 2, 1957, the third to be elected in 1986, term to	181
begin January 3, 1987, and the fourth to be elected in 1994, term	182
to begin January 2, 1995.	183
In Clermont county, five judges, one to be elected in 1956,	184
term to begin January 1, 1957, the second to be elected in 1964,	185
term to begin January 1, 1965, the third to be elected in 1982,	186
term to begin January 2, 1983, the fourth to be elected in 1986,	187
term to begin January 2, 1987; and the fifth to be elected in	188
2006, term to begin January 3, 2007;	189
In Columbiana county, two judges, one to be elected in 1952,	190
term to begin January 1, 1953, and the second to be elected in	191
1956, term to begin January 1, 1957;	192
In Delaware county, two judges, one to be elected in 1990,	193
term to begin February 9, 1991, the second to be elected in 1994,	194
term to begin January 1, 1995;	195
In Lake county, six judges, one to be elected in 1958, term	196
to begin January 1, 1959, the second to be elected in 1960, term	197
to begin January 2, 1961, the third to be elected in 1964, term to	198
begin January 3, 1965, the fourth and fifth to be elected in 1978,	199

terms to begin January 4, 1979, and January 5, 1979, respectively, 200
 and the sixth to be elected in 2000, term to begin January 6, 201
 2001; 202

In Licking county, four judges, one to be elected in 1954, 203
 term to begin February 9, 1955, one to be elected in 1964, term to 204
 begin January 1, 1965, one to be elected in 1990, term to begin 205
 January 1, 1991, and one to be elected in 2004, term to begin 206
 January 1, 2005; 207

In Lorain county, ~~ten~~ nine judges, two to be elected in 1952, 208
 terms to begin January 1, 1953, and January 2, 1953, respectively, 209
 one to be elected in 1958, term to begin January 3, 1959, one to 210
 be elected in 1968, term to begin January 1, 1969, two to be 211
 elected in 1988, terms to begin January 4, 1989, and January 5, 212
 1989, respectively, two to be elected in 1998, terms to begin 213
 January 2, 1999, and January 3, 1999, respectively; and one to be 214
 elected in 2006, term to begin January 6, 2007; ~~and one to be~~ 215
~~elected in 2008, term to begin February 9, 2009, as described in~~ 216
~~division (C) (1) (e) of section 2301.03 of the Revised Code;~~ 217

In Butler county, eleven judges, one to be elected in 1956, 218
 term to begin January 1, 1957; two to be elected in 1954, terms to 219
 begin January 1, 1955, and February 9, 1955, respectively; one to 220
 be elected in 1968, term to begin January 2, 1969; one to be 221
 elected in 1986, term to begin January 3, 1987; two to be elected 222
 in 1988, terms to begin January 1, 1989, and January 2, 1989, 223
 respectively; one to be elected in 1992, term to begin January 4, 224
 1993; two to be elected in 2002, terms to begin January 2, 2003, 225
 and January 3, 2003, respectively; and one to be elected in 2006, 226
 term to begin January 3, 2007; 227

In Richland county, four judges, one to be elected in 1956, 228
 term to begin January 1, 1957, the second to be elected in 1960, 229
 term to begin February 9, 1961, the third to be elected in 1968, 230

term to begin January 2, 1969, and the fourth to be elected in	231
2004, term to begin January 3, 2005;	232
In Tuscarawas county, two judges, one to be elected in 1956,	233
term to begin January 1, 1957, and the second to be elected in	234
1960, term to begin January 2, 1961;	235
In Wayne county, two judges, one to be elected in 1956, term	236
beginning January 1, 1957, and one to be elected in 1968, term to	237
begin January 2, 1969;	238
In Trumbull county, six judges, one to be elected in 1952,	239
term to begin January 1, 1953, the second to be elected in 1954,	240
term to begin January 1, 1955, the third to be elected in 1956,	241
term to begin January 1, 1957, the fourth to be elected in 1964,	242
term to begin January 1, 1965, the fifth to be elected in 1976,	243
term to begin January 2, 1977, and the sixth to be elected in	244
1994, term to begin January 3, 1995;	245
(C) In Cuyahoga county, thirty-nine judges; eight to be	246
elected in 1954, terms to begin on successive days beginning from	247
January 1, 1955, to January 7, 1955, and February 9, 1955,	248
respectively; eight to be elected in 1956, terms to begin on	249
successive days beginning from January 1, 1957, to January 8,	250
1957; three to be elected in 1952, terms to begin from January 1,	251
1953, to January 3, 1953; two to be elected in 1960, terms to	252
begin on January 8, 1961, and January 9, 1961, respectively; two	253
to be elected in 1964, terms to begin January 4, 1965, and January	254
5, 1965, respectively; one to be elected in 1966, term to begin on	255
January 10, 1967; four to be elected in 1968, terms to begin on	256
successive days beginning from January 9, 1969, to January 12,	257
1969; two to be elected in 1974, terms to begin on January 18,	258
1975, and January 19, 1975, respectively; five to be elected in	259
1976, terms to begin on successive days beginning January 6, 1977,	260
to January 10, 1977; two to be elected in 1982, terms to begin	261

January 11, 1983, and January 12, 1983, respectively; and two to
 be elected in 1986, terms to begin January 13, 1987, and January
 14, 1987, respectively;

In Franklin county, twenty-two judges; two to be elected in
 1954, terms to begin January 1, 1955, and February 9, 1955,
 respectively; four to be elected in 1956, terms to begin January
 1, 1957, to January 4, 1957; four to be elected in 1958, terms to
 begin January 1, 1959, to January 4, 1959; three to be elected in
 1968, terms to begin January 5, 1969, to January 7, 1969; three to
 be elected in 1976, terms to begin on successive days beginning
 January 5, 1977, to January 7, 1977; one to be elected in 1982,
 term to begin January 8, 1983; one to be elected in 1986, term to
 begin January 9, 1987; two to be elected in 1990, terms to begin
 July 1, 1991, and July 2, 1991, respectively; one to be elected in
 1996, term to begin January 2, 1997; and one to be elected in
 2004, term to begin July 1, 2005;

In Hamilton county, twenty-one judges; eight to be elected in
 1966, terms to begin January 1, 1967, January 2, 1967, and from
 February 9, 1967, to February 14, 1967, respectively; five to be
 elected in 1956, terms to begin from January 1, 1957, to January
 5, 1957; one to be elected in 1964, term to begin January 1, 1965;
 one to be elected in 1974, term to begin January 15, 1975; one to
 be elected in 1980, term to begin January 16, 1981; two to be
 elected at large in the general election in 1982, terms to begin
 April 1, 1983; one to be elected in 1990, term to begin July 1,
 1991; and two to be elected in 1996, terms to begin January 3,
 1997, and January 4, 1997, respectively;

In Lucas county, fourteen judges; two to be elected in 1954,
 terms to begin January 1, 1955, and February 9, 1955,
 respectively; two to be elected in 1956, terms to begin January 1,
 1957, and October 29, 1957, respectively; two to be elected in

1952, terms to begin January 1, 1953, and January 2, 1953,	293
respectively; one to be elected in 1964, term to begin January 3,	294
1965; one to be elected in 1968, term to begin January 4, 1969;	295
two to be elected in 1976, terms to begin January 4, 1977, and	296
January 5, 1977, respectively; one to be elected in 1982, term to	297
begin January 6, 1983; one to be elected in 1988, term to begin	298
January 7, 1989; one to be elected in 1990, term to begin January	299
2, 1991; and one to be elected in 1992, term to begin January 2,	300
1993;	301
In Mahoning county, seven judges; three to be elected in	302
1954, terms to begin January 1, 1955, January 2, 1955, and	303
February 9, 1955, respectively; one to be elected in 1956, term to	304
begin January 1, 1957; one to be elected in 1952, term to begin	305
January 1, 1953; one to be elected in 1968, term to begin January	306
2, 1969; and one to be elected in 1990, term to begin July 1,	307
1991;	308
In Montgomery county, fifteen judges; three to be elected in	309
1954, terms to begin January 1, 1955, January 2, 1955, and January	310
3, 1955, respectively; four to be elected in 1952, terms to begin	311
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953,	312
respectively; one to be elected in 1964, term to begin January 3,	313
1965; one to be elected in 1968, term to begin January 3, 1969;	314
three to be elected in 1976, terms to begin on successive days	315
beginning January 4, 1977, to January 6, 1977; two to be elected	316
in 1990, terms to begin July 1, 1991, and July 2, 1991,	317
respectively; and one to be elected in 1992, term to begin January	318
1, 1993.	319
In Stark county, eight judges; one to be elected in 1958,	320
term to begin on January 2, 1959; two to be elected in 1954, terms	321
to begin on January 1, 1955, and February 9, 1955, respectively;	322
two to be elected in 1952, terms to begin January 1, 1953, and	323

April 16, 1953, respectively; one to be elected in 1966, term to
begin on January 4, 1967; and two to be elected in 1992, terms to
begin January 1, 1993, and January 2, 1993, respectively;

In Summit county, thirteen judges; four to be elected in
1954, terms to begin January 1, 1955, January 2, 1955, January 3,
1955, and February 9, 1955, respectively; three to be elected in
1958, terms to begin January 1, 1959, January 2, 1959, and May 17,
1959, respectively; one to be elected in 1966, term to begin
January 4, 1967; one to be elected in 1968, term to begin January
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one
to be elected in 1992, term to begin January 6, 1993; and two to
be elected in 2008, terms to begin January 5, 2009, and January 6,
2009, respectively.

Notwithstanding the foregoing provisions, in any county
having two or more judges of the court of common pleas, in which
more than one-third of the judges plus one were previously elected
at the same election, if the office of one of those judges so
elected becomes vacant more than forty days prior to the second
general election preceding the expiration of that judge's term,
the office that that judge had filled shall be abolished as of the
date of the next general election, and a new office of judge of
the court of common pleas shall be created. The judge who is to
fill that new office shall be elected for a six-year term at the
next general election, and the term of that judge shall commence
on the first day of the year following that general election, on
which day no other judge's term begins, so that the number of
judges that the county shall elect shall not be reduced.

Judges of the probate division of the court of common pleas
are judges of the court of common pleas but shall be elected
pursuant to sections 2101.02 and 2101.021 of the Revised Code,
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot

counties in which the judge of the court of common pleas elected 355
pursuant to this section also shall serve as judge of the probate 356
division, except in Lorain county in which the judges of the 357
domestic relations division of the Lorain county court of common 358
pleas elected pursuant to this section also shall perform the 359
duties and functions of the judge of the probate division from 360
February 9, 2009, through September 28, 2009, and except in Morrow 361
county in which the judges of the court of common pleas elected 362
pursuant to this section also shall perform the duties and 363
functions of the judge of the probate division. 364

Sec. 2301.03. (A) In Franklin county, the judges of the court 365
of common pleas whose terms begin on January 1, 1953, January 2, 366
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 367
successors, shall have the same qualifications, exercise the same 368
powers and jurisdiction, and receive the same compensation as 369
other judges of the court of common pleas of Franklin county and 370
shall be elected and designated as judges of the court of common 371
pleas, division of domestic relations. They shall have all the 372
powers relating to juvenile courts, and all cases under Chapters 373
2151. and 2152. of the Revised Code, all parentage proceedings 374
under Chapter 3111. of the Revised Code over which the juvenile 375
court has jurisdiction, and all divorce, dissolution of marriage, 376
legal separation, and annulment cases shall be assigned to them. 377
In addition to the judge's regular duties, the judge who is senior 378
in point of service shall serve on the children services board and 379
the county advisory board and shall be the administrator of the 380
domestic relations division and its subdivisions and departments. 381

(B) In Hamilton county: 382
383

(1) The judge of the court of common pleas, whose term begins 384
on January 1, 1957, and successors, and the judge of the court of 385

common pleas, whose term begins on February 14, 1967, and 386
successors, shall be the juvenile judges as provided in Chapters 387
2151. and 2152. of the Revised Code, with the powers and 388
jurisdiction conferred by those chapters. 389

(2) The judges of the court of common pleas whose terms begin 390
on January 5, 1957, January 16, 1981, and July 1, 1991, and 391
successors, shall be elected and designated as judges of the court 392
of common pleas, division of domestic relations, and shall have 393
assigned to them all divorce, dissolution of marriage, legal 394
separation, and annulment cases coming before the court. On or 395
after the first day of July and before the first day of August of 396
1991 and each year thereafter, a majority of the judges of the 397
division of domestic relations shall elect one of the judges of 398
the division as administrative judge of that division. If a 399
majority of the judges of the division of domestic relations are 400
unable for any reason to elect an administrative judge for the 401
division before the first day of August, a majority of the judges 402
of the Hamilton county court of common pleas, as soon as possible 403
after that date, shall elect one of the judges of the division of 404
domestic relations as administrative judge of that division. The 405
term of the administrative judge shall begin on the earlier of the 406
first day of August of the year in which the administrative judge 407
is elected or the date on which the administrative judge is 408
elected by a majority of the judges of the Hamilton county court 409
of common pleas and shall terminate on the date on which the 410
administrative judge's successor is elected in the following year. 411

In addition to the judge's regular duties, the administrative 412
judge of the division of domestic relations shall be the 413
administrator of the domestic relations division and its 414
subdivisions and departments and shall have charge of the 415
employment, assignment, and supervision of the personnel of the 416

division engaged in handling, servicing, or investigating divorce, 417
dissolution of marriage, legal separation, and annulment cases, 418
including any referees considered necessary by the judges in the 419
discharge of their various duties. 420

The administrative judge of the division of domestic 421
relations also shall designate the title, compensation, expense 422
allowances, hours, leaves of absence, and vacations of the 423
personnel of the division, and shall fix the duties of its 424
personnel. The duties of the personnel, in addition to those 425
provided for in other sections of the Revised Code, shall include 426
the handling, servicing, and investigation of divorce, dissolution 427
of marriage, legal separation, and annulment cases and counseling 428
and conciliation services that may be made available to persons 429
requesting them, whether or not the persons are parties to an 430
action pending in the division. 431

The board of county commissioners shall appropriate the sum 432
of money each year as will meet all the administrative expenses of 433
the division of domestic relations, including reasonable expenses 434
of the domestic relations judges and the division counselors and 435
other employees designated to conduct the handling, servicing, and 436
investigation of divorce, dissolution of marriage, legal 437
separation, and annulment cases, conciliation and counseling, and 438
all matters relating to those cases and counseling, and the 439
expenses involved in the attendance of division personnel at 440
domestic relations and welfare conferences designated by the 441
division, and the further sum each year as will provide for the 442
adequate operation of the division of domestic relations. 443

The compensation and expenses of all employees and the salary 444
and expenses of the judges shall be paid by the county treasurer 445
from the money appropriated for the operation of the division, 446
upon the warrant of the county auditor, certified to by the 447

administrative judge of the division of domestic relations. 448

The summonses, warrants, citations, subpoenas, and other 449
writs of the division may issue to a bailiff, constable, or staff 450
investigator of the division or to the sheriff of any county or 451
any marshal, constable, or police officer, and the provisions of 452
law relating to the subpoenaing of witnesses in other cases shall 453
apply insofar as they are applicable. When a summons, warrant, 454
citation, subpoena, or other writ is issued to an officer, other 455
than a bailiff, constable, or staff investigator of the division, 456
the expense of serving it shall be assessed as a part of the costs 457
in the case involved. 458

(3) The judge of the court of common pleas of Hamilton county 459
whose term begins on January 3, 1997, and the successors to that 460
judge shall each be elected and designated as the drug court judge 461
of the court of common pleas of Hamilton county. The drug court 462
judge may accept or reject any case referred to the drug court 463
judge under division (B)(3) of this section. After the drug court 464
judge accepts a referred case, the drug court judge has full 465
authority over the case, including the authority to conduct 466
arraignment, accept pleas, enter findings and dispositions, 467
conduct trials, order treatment, and if treatment is not 468
successfully completed pronounce and enter sentence. 469

A judge of the general division of the court of common pleas 470
of Hamilton county and a judge of the Hamilton county municipal 471
court may refer to the drug court judge any case, and any 472
companion cases, the judge determines meet the criteria described 473
under divisions (B)(3)(a) and (b) of this section. If the drug 474
court judge accepts referral of a referred case, the case, and any 475
companion cases, shall be transferred to the drug court judge. A 476
judge may refer a case meeting the criteria described in divisions 477
(B)(3)(a) and (b) of this section that involves a violation of a 478

condition of a community control sanction to the drug court judge, 479
 and, if the drug court judge accepts the referral, the referring 480
 judge and the drug court judge have concurrent jurisdiction over 481
 the case. 482

A judge of the general division of the court of common pleas 483
 of Hamilton county and a judge of the Hamilton county municipal 484
 court may refer a case to the drug court judge under division 485
 (B) (3) of this section if the judge determines that both of the 486
 following apply: 487

(a) One of the following applies: 488

(i) The case involves a drug abuse offense, as defined in 489
 section 2925.01 of the Revised Code, that is a felony of the third 490
 or fourth degree if the offense is committed prior to July 1, 491
 1996, a felony of the third, fourth, or fifth degree if the 492
 offense is committed on or after July 1, 1996, or a misdemeanor. 493

(ii) The case involves a theft offense, as defined in section 494
 2913.01 of the Revised Code, that is a felony of the third or 495
 fourth degree if the offense is committed prior to July 1, 1996, a 496
 felony of the third, fourth, or fifth degree if the offense is 497
 committed on or after July 1, 1996, or a misdemeanor, and the 498
 defendant is drug or alcohol dependent or in danger of becoming 499
 drug or alcohol dependent and would benefit from treatment. 500

(b) All of the following apply: 501

(i) The case involves an offense for which a community 502
 control sanction may be imposed or is a case in which a mandatory 503
 prison term or a mandatory jail term is not required to be 504
 imposed. 505

(ii) The defendant has no history of violent behavior. 506

(iii) The defendant has no history of mental illness. 507

(iv) The defendant's current or past behavior, or both, is	508
drug or alcohol driven.	509
(v) The defendant demonstrates a sincere willingness to	510
participate in a fifteen-month treatment process.	511
(vi) The defendant has no acute health condition.	512
(vii) If the defendant is incarcerated, the county prosecutor	513
approves of the referral.	514
(4) If the administrative judge of the court of common pleas	515
of Hamilton county determines that the volume of cases pending	516
before the drug court judge does not constitute a sufficient	517
caseload for the drug court judge, the administrative judge, in	518
accordance with the Rules of Superintendence for Courts of Common	519
Pleas, shall assign individual cases to the drug court judge from	520
the general docket of the court. If the assignments so occur, the	521
administrative judge shall cease the assignments when the	522
administrative judge determines that the volume of cases pending	523
before the drug court judge constitutes a sufficient caseload for	524
the drug court judge.	525
(5) As used in division (B) of this section, "community	526
control sanction," "mandatory prison term," and "mandatory jail	527
term" have the same meanings as in section 2929.01 of the Revised	528
Code.	529
(C) (1) In Lorain county:	530
(a) The judges of the court of common pleas whose terms begin	531
on January 3, 1959, January 4, 1989, <u>and</u> January 2, 1999, <u>and</u>	532
<u>February 9, 2009,</u> and successors, <u>and the judge of the court of</u>	533
<u>common pleas whose term begins on February 9, 2009,</u> shall have the	534
same qualifications, exercise the same powers and jurisdiction,	535
and receive the same compensation as the other judges of the court	536
of common pleas of Lorain county and shall be elected and	537

designated as the judges of the court of common pleas, division of 538
domestic relations. ~~They~~ The judges of the court of common pleas 539
whose terms begin on January 3, 1959, January 4, 1989, and January 540
2, 1999, and successors, shall have all of the powers relating to 541
juvenile courts, and all cases under Chapters 2151. and 2152. of 542
the Revised Code, all parentage proceedings over which the 543
juvenile court has jurisdiction, and all divorce, dissolution of 544
marriage, legal separation, and annulment cases shall be assigned 545
to them, except cases that for some special reason are assigned to 546
some other judge of the court of common pleas. From February 9, 547
2009, through September 28, 2009, the judge of the court of common 548
pleas whose term begins on February 9, 2009, shall have all the 549
powers relating to juvenile courts, and cases under Chapters 2151. 550
and 2152. of the Revised Code, parentage proceedings over which 551
the juvenile court has jurisdiction, and divorce, dissolution of 552
marriage, legal separation, and annulment cases shall be assigned 553
to that judge, except cases that for some special reason are 554
assigned to some other judge of the court of common pleas. 555

(b) ~~On and after~~ From January 1, 2006, through September 28, 556
2009, the judges of the court of common pleas, division of 557
domestic relations, in addition to the powers and jurisdiction set 558
forth in division (C)(1)(a) of this section, shall have 559
jurisdiction over matters that are within the jurisdiction of the 560
probate court under Chapter 2101. and other provisions of the 561
Revised Code. ~~From January 1, 2006, through February 8, 2009, the~~ 562
~~judges of the court of common pleas, division of domestic~~ 563
~~relations, shall exercise probate jurisdiction concurrently with~~ 564
~~the probate judge.~~ 565

(c) The judge of the court of common pleas, division of 566
domestic relations, whose term begins on February 9, 2009, is the 567
successor to the probate judge who was elected in 2002 for a term 568
that began on February 9, 2003. After September 28, 2009, the 569

judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, shall be the probate judge. 570
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~~(2) (a) From January 1, 2006, through February 8, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to both the probate court and the court of common pleas, division of domestic relations, and all references in law to the probate judge shall be construed as references to both the probate judge and the judges of the court of common pleas, division of domestic relations. On and after From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge shall be construed as references to the judges of the court of common pleas, division of domestic relations.~~ 573
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~~(b) On and after From February 9, 2009, through September 28, 2009,~~ with respect to Lorain county, all references in law to the clerk of the probate court shall be construed as references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, division of domestic relations. 586
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(D) In Lucas county: 592
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(1) The judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal 594
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separation, and annulment cases shall be assigned to them. 601

The judge of the division of domestic relations, senior in 602
point of service, shall be considered as the presiding judge of 603
the court of common pleas, division of domestic relations, and 604
shall be charged exclusively with the assignment and division of 605
the work of the division and the employment and supervision of all 606
other personnel of the domestic relations division. 607

(2) The judges of the court of common pleas whose terms begin 608
on January 5, 1977, and January 2, 1991, and successors shall have 609
the same qualifications, exercise the same powers and 610
jurisdiction, and receive the same compensation as other judges of 611
the court of common pleas of Lucas county, shall be elected and 612
designated as judges of the court of common pleas, juvenile 613
division, and shall be the juvenile judges as provided in Chapters 614
2151. and 2152. of the Revised Code with the powers and 615
jurisdictions conferred by those chapters. In addition to the 616
judge's regular duties, the judge of the court of common pleas, 617
juvenile division, senior in point of service, shall be the 618
administrator of the juvenile division and its subdivisions and 619
departments and shall have charge of the employment, assignment, 620
and supervision of the personnel of the division engaged in 621
handling, servicing, or investigating juvenile cases, including 622
any referees considered necessary by the judges of the division in 623
the discharge of their various duties. 624

The judge of the court of common pleas, juvenile division, 625
senior in point of service, also shall designate the title, 626
compensation, expense allowance, hours, leaves of absence, and 627
vacation of the personnel of the division and shall fix the duties 628
of the personnel of the division. The duties of the personnel, in 629
addition to other statutory duties include the handling, 630
servicing, and investigation of juvenile cases and counseling and 631

conciliation services that may be made available to persons 632
requesting them, whether or not the persons are parties to an 633
action pending in the division. 634

(3) If one of the judges of the court of common pleas, 635
division of domestic relations, or one of the judges of the 636
juvenile division is sick, absent, or unable to perform that 637
judge's judicial duties or the volume of cases pending in that 638
judge's division necessitates it, the duties shall be performed by 639
the judges of the other of those divisions. 640

(E) In Mahoning county: 641

(1) The judge of the court of common pleas whose term began 642
on January 1, 1955, and successors, shall have the same 643
qualifications, exercise the same powers and jurisdiction, and 644
receive the same compensation as other judges of the court of 645
common pleas of Mahoning county, shall be elected and designated 646
as judge of the court of common pleas, division of domestic 647
relations, and shall be assigned all the divorce, dissolution of 648
marriage, legal separation, and annulment cases coming before the 649
court. In addition to the judge's regular duties, the judge of the 650
court of common pleas, division of domestic relations, shall be 651
the administrator of the domestic relations division and its 652
subdivisions and departments and shall have charge of the 653
employment, assignment, and supervision of the personnel of the 654
division engaged in handling, servicing, or investigating divorce, 655
dissolution of marriage, legal separation, and annulment cases, 656
including any referees considered necessary in the discharge of 657
the various duties of the judge's office. 658

The judge also shall designate the title, compensation, 659
expense allowances, hours, leaves of absence, and vacations of the 660
personnel of the division and shall fix the duties of the 661
personnel of the division. The duties of the personnel, in 662

addition to other statutory duties, include the handling, 663
servicing, and investigation of divorce, dissolution of marriage, 664
legal separation, and annulment cases and counseling and 665
conciliation services that may be made available to persons 666
requesting them, whether or not the persons are parties to an 667
action pending in the division. 668

(2) The judge of the court of common pleas whose term began 669
on January 2, 1969, and successors, shall have the same 670
qualifications, exercise the same powers and jurisdiction, and 671
receive the same compensation as other judges of the court of 672
common pleas of Mahoning county, shall be elected and designated 673
as judge of the court of common pleas, juvenile division, and 674
shall be the juvenile judge as provided in Chapters 2151. and 675
2152. of the Revised Code, with the powers and jurisdictions 676
conferred by those chapters. In addition to the judge's regular 677
duties, the judge of the court of common pleas, juvenile division, 678
shall be the administrator of the juvenile division and its 679
subdivisions and departments and shall have charge of the 680
employment, assignment, and supervision of the personnel of the 681
division engaged in handling, servicing, or investigating juvenile 682
cases, including any referees considered necessary by the judge in 683
the discharge of the judge's various duties. 684

The judge also shall designate the title, compensation, 685
expense allowances, hours, leaves of absence, and vacation of the 686
personnel of the division and shall fix the duties of the 687
personnel of the division. The duties of the personnel, in 688
addition to other statutory duties, include the handling, 689
servicing, and investigation of juvenile cases and counseling and 690
conciliation services that may be made available to persons 691
requesting them, whether or not the persons are parties to an 692
action pending in the division. 693

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties, or the volume of cases pending in that judge's division necessitates it, that judge's duties shall be performed by another judge of the court of common pleas.

(F) In Montgomery county:

(1) The judges of the court of common pleas whose terms begin on January 2, 1953, and January 4, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. These judges shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, 2301.18, and 2301.19 of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall

have the same qualifications, exercise the same powers and 725
jurisdiction, and receive the same compensation as other judges of 726
the court of common pleas of Montgomery county, shall be elected 727
and designated as judges of the court of common pleas, juvenile 728
division, and shall be, and have the powers and jurisdiction of, 729
the juvenile judge as provided in Chapters 2151. and 2152. of the 730
Revised Code. 731

In addition to the judge's regular duties, the judge of the 732
court of common pleas, juvenile division, senior in point of 733
service, shall be the administrator of the juvenile division and 734
its subdivisions and departments and shall have charge of the 735
employment, assignment, and supervision of the personnel of the 736
juvenile division, including any necessary referees, who are 737
engaged in handling, servicing, or investigating juvenile cases. 738
The judge, senior in point of service, also shall designate the 739
title, compensation, expense allowances, hours, leaves of absence, 740
and vacation of the personnel of the division and shall fix their 741
duties. The duties of the personnel, in addition to other 742
statutory duties, shall include the handling, servicing, and 743
investigation of juvenile cases and of any counseling and 744
conciliation services that are available upon request to persons, 745
whether or not they are parties to an action pending in the 746
division. 747

If one of the judges of the court of common pleas, division 748
of domestic relations, or one of the judges of the court of common 749
pleas, juvenile division, is sick, absent, or unable to perform 750
that judge's duties or the volume of cases pending in that judge's 751
division necessitates it, the duties of that judge may be 752
performed by the judge or judges of the other of those divisions. 753

(G) In Richland county: 754

(1) The judge of the court of common pleas whose term begins 755

on January 1, 1957, and successors, shall have the same 756
 qualifications, exercise the same powers and jurisdiction, and 757
 receive the same compensation as the other judges of the court of 758
 common pleas of Richland county and shall be elected and 759
 designated as judge of the court of common pleas, division of 760
 domestic relations. That judge shall be assigned and hear all 761
 divorce, dissolution of marriage, legal separation, and annulment 762
 cases, all domestic violence cases arising under section 3113.31 763
 of the Revised Code, and all post-decree proceedings arising from 764
 any case pertaining to any of those matters. The division of 765
 domestic relations has concurrent jurisdiction with the juvenile 766
 division of the court of common pleas of Richland county to 767
 determine the care, custody, or control of any child not a ward of 768
 another court of this state, and to hear and determine a request 769
 for an order for the support of any child if the request is not 770
 ancillary to an action for divorce, dissolution of marriage, 771
 annulment, or legal separation, a criminal or civil action 772
 involving an allegation of domestic violence, or an action for 773
 support brought under Chapter 3115. of the Revised Code. Except in 774
 cases that are subject to the exclusive original jurisdiction of 775
 the juvenile court, the judge of the division of domestic 776
 relations shall be assigned and hear all cases pertaining to 777
 paternity or parentage, the care, custody, or control of children, 778
 parenting time or visitation, child support, or the allocation of 779
 parental rights and responsibilities for the care of children, all 780
 proceedings arising under Chapter 3111. of the Revised Code, all 781
 proceedings arising under the uniform interstate family support 782
 act contained in Chapter 3115. of the Revised Code, and all 783
 post-decree proceedings arising from any case pertaining to any of 784
 those matters. 785

In addition to the judge's regular duties, the judge of the 786
 court of common pleas, division of domestic relations, shall be 787

the administrator of the domestic relations division and its 788
subdivisions and departments. The judge shall have charge of the 789
employment, assignment, and supervision of the personnel of the 790
domestic relations division, including any magistrates the judge 791
considers necessary for the discharge of the judge's duties. The 792
judge shall also designate the title, compensation, expense 793
allowances, hours, leaves of absence, vacation, and other 794
employment-related matters of the personnel of the division and 795
shall fix their duties. 796

(2) The judge of the court of common pleas whose term begins 797
on January 3, 2005, and successors, shall have the same 798
qualifications, exercise the same powers and jurisdiction, and 799
receive the same compensation as other judges of the court of 800
common pleas of Richland county, shall be elected and designated 801
as judge of the court of common pleas, juvenile division, and 802
shall be, and have the powers and jurisdiction of, the juvenile 803
judge as provided in Chapters 2151. and 2152. of the Revised Code. 804
Except in cases that are subject to the exclusive original 805
jurisdiction of the juvenile court, the judge of the juvenile 806
division shall not have jurisdiction or the power to hear, and 807
shall not be assigned, any case pertaining to paternity or 808
parentage, the care, custody, or control of children, parenting 809
time or visitation, child support, or the allocation of parental 810
rights and responsibilities for the care of children or any 811
post-decree proceeding arising from any case pertaining to any of 812
those matters. The judge of the juvenile division shall not have 813
jurisdiction or the power to hear, and shall not be assigned, any 814
proceeding under the uniform interstate family support act 815
contained in Chapter 3115. of the Revised Code. 816

In addition to the judge's regular duties, the judge of the 817
juvenile division shall be the administrator of the juvenile 818

division and its subdivisions and departments. The judge shall 819
 have charge of the employment, assignment, and supervision of the 820
 personnel of the juvenile division who are engaged in handling, 821
 servicing, or investigating juvenile cases, including any 822
 magistrates whom the judge considers necessary for the discharge 823
 of the judge's various duties. 824

The judge of the juvenile division also shall designate the 825
 title, compensation, expense allowances, hours, leaves of absence, 826
 and vacation of the personnel of the division and shall fix their 827
 duties. The duties of the personnel, in addition to other 828
 statutory duties, include the handling, servicing, and 829
 investigation of juvenile cases and providing any counseling, 830
 conciliation, and mediation services that the court makes 831
 available to persons, whether or not the persons are parties to an 832
 action pending in the court, who request the services. 833

(H) In Stark county, the judges of the court of common pleas 834
 whose terms begin on January 1, 1953, January 2, 1959, and January 835
 1, 1993, and successors, shall have the same qualifications, 836
 exercise the same powers and jurisdiction, and receive the same 837
 compensation as other judges of the court of common pleas of Stark 838
 county and shall be elected and designated as judges of the court 839
 of common pleas, division of domestic relations. They shall have 840
 all the powers relating to juvenile courts, and all cases under 841
 Chapters 2151. and 2152. of the Revised Code, all parentage 842
 proceedings over which the juvenile court has jurisdiction, and 843
 all divorce, dissolution of marriage, legal separation, and 844
 annulment cases, except cases that are assigned to some other 845
 judge of the court of common pleas for some special reason, shall 846
 be assigned to the judges. 847

The judge of the division of domestic relations, second most 848
 senior in point of service, shall have charge of the employment 849

and supervision of the personnel of the division engaged in 850
 handling, servicing, or investigating divorce, dissolution of 851
 marriage, legal separation, and annulment cases, and necessary 852
 referees required for the judge's respective court. 853

The judge of the division of domestic relations, senior in 854
 point of service, shall be charged exclusively with the 855
 administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 856
 of the Revised Code and with the assignment and division of the 857
 work of the division and the employment and supervision of all 858
 other personnel of the division, including, but not limited to, 859
 that judge's necessary referees, but excepting those employees who 860
 may be appointed by the judge second most senior in point of 861
 service. The senior judge further shall serve in every other 862
 position in which the statutes permit or require a juvenile judge 863
 to serve. 864

(I) In Summit county: 865

(1) The judges of the court of common pleas whose terms begin 866
 on January 4, 1967, and January 6, 1993, and successors, shall 867
 have the same qualifications, exercise the same powers and 868
 jurisdiction, and receive the same compensation as other judges of 869
 the court of common pleas of Summit county and shall be elected 870
 and designated as judges of the court of common pleas, division of 871
 domestic relations. The judges of the division of domestic 872
 relations shall have assigned to them and hear all divorce, 873
 dissolution of marriage, legal separation, and annulment cases 874
 that come before the court. Except in cases that are subject to 875
 the exclusive original jurisdiction of the juvenile court, the 876
 judges of the division of domestic relations shall have assigned 877
 to them and hear all cases pertaining to paternity, custody, 878
 visitation, child support, or the allocation of parental rights 879
 and responsibilities for the care of children and all post-decree 880

proceedings arising from any case pertaining to any of those 881
 matters. The judges of the division of domestic relations shall 882
 have assigned to them and hear all proceedings under the uniform 883
 interstate family support act contained in Chapter 3115. of the 884
 Revised Code. 885

The judge of the division of domestic relations, senior in 886
 point of service, shall be the administrator of the domestic 887
 relations division and its subdivisions and departments and shall 888
 have charge of the employment, assignment, and supervision of the 889
 personnel of the division, including any necessary referees, who 890
 are engaged in handling, servicing, or investigating divorce, 891
 dissolution of marriage, legal separation, and annulment cases. 892
 That judge also shall designate the title, compensation, expense 893
 allowances, hours, leaves of absence, and vacations of the 894
 personnel of the division and shall fix their duties. The duties 895
 of the personnel, in addition to other statutory duties, shall 896
 include the handling, servicing, and investigation of divorce, 897
 dissolution of marriage, legal separation, and annulment cases and 898
 of any counseling and conciliation services that are available 899
 upon request to all persons, whether or not they are parties to an 900
 action pending in the division. 901

(2) The judge of the court of common pleas whose term begins 902
 on January 1, 1955, and successors, shall have the same 903
 qualifications, exercise the same powers and jurisdiction, and 904
 receive the same compensation as other judges of the court of 905
 common pleas of Summit county, shall be elected and designated as 906
 judge of the court of common pleas, juvenile division, and shall 907
 be, and have the powers and jurisdiction of, the juvenile judge as 908
 provided in Chapters 2151. and 2152. of the Revised Code. Except 909
 in cases that are subject to the exclusive original jurisdiction 910
 of the juvenile court, the judge of the juvenile division shall 911

not have jurisdiction or the power to hear, and shall not be 912
 assigned, any case pertaining to paternity, custody, visitation, 913
 child support, or the allocation of parental rights and 914
 responsibilities for the care of children or any post-decree 915
 proceeding arising from any case pertaining to any of those 916
 matters. The judge of the juvenile division shall not have 917
 jurisdiction or the power to hear, and shall not be assigned, any 918
 proceeding under the uniform interstate family support act 919
 contained in Chapter 3115. of the Revised Code. 920

The juvenile judge shall be the administrator of the juvenile 921
 division and its subdivisions and departments and shall have 922
 charge of the employment, assignment, and supervision of the 923
 personnel of the juvenile division, including any necessary 924
 referees, who are engaged in handling, servicing, or investigating 925
 juvenile cases. The judge also shall designate the title, 926
 compensation, expense allowances, hours, leaves of absence, and 927
 vacation of the personnel of the division and shall fix their 928
 duties. The duties of the personnel, in addition to other 929
 statutory duties, shall include the handling, servicing, and 930
 investigation of juvenile cases and of any counseling and 931
 conciliation services that are available upon request to persons, 932
 whether or not they are parties to an action pending in the 933
 division. 934

(J) In Trumbull county, the judges of the court of common 935
 pleas whose terms begin on January 1, 1953, and January 2, 1977, 936
 and successors, shall have the same qualifications, exercise the 937
 same powers and jurisdiction, and receive the same compensation as 938
 other judges of the court of common pleas of Trumbull county and 939
 shall be elected and designated as judges of the court of common 940
 pleas, division of domestic relations. They shall have all the 941
 powers relating to juvenile courts, and all cases under Chapters 942

2151. and 2152. of the Revised Code, all parentage proceedings 943
 over which the juvenile court has jurisdiction, and all divorce, 944
 dissolution of marriage, legal separation, and annulment cases 945
 shall be assigned to them, except cases that for some special 946
 reason are assigned to some other judge of the court of common 947
 pleas. 948

(K) In Butler county: 949

(1) The judges of the court of common pleas whose terms begin 950
 on January 1, 1957, and January 4, 1993, and successors, shall 951
 have the same qualifications, exercise the same powers and 952
 jurisdiction, and receive the same compensation as other judges of 953
 the court of common pleas of Butler county and shall be elected 954
 and designated as judges of the court of common pleas, division of 955
 domestic relations. The judges of the division of domestic 956
 relations shall have assigned to them all divorce, dissolution of 957
 marriage, legal separation, and annulment cases coming before the 958
 court, except in cases that for some special reason are assigned 959
 to some other judge of the court of common pleas. The judge senior 960
 in point of service shall be charged with the assignment and 961
 division of the work of the division and with the employment and 962
 supervision of all other personnel of the domestic relations 963
 division. 964

The judge senior in point of service also shall designate the 965
 title, compensation, expense allowances, hours, leaves of absence, 966
 and vacations of the personnel of the division and shall fix their 967
 duties. The duties of the personnel, in addition to other 968
 statutory duties, shall include the handling, servicing, and 969
 investigation of divorce, dissolution of marriage, legal 970
 separation, and annulment cases and providing any counseling and 971
 conciliation services that the division makes available to 972
 persons, whether or not the persons are parties to an action 973

pending in the division, who request the services. 974

(2) The judges of the court of common pleas whose terms begin 975
 on January 3, 1987, and January 2, 2003, and successors, shall 976
 have the same qualifications, exercise the same powers and 977
 jurisdiction, and receive the same compensation as other judges of 978
 the court of common pleas of Butler county, shall be elected and 979
 designated as judges of the court of common pleas, juvenile 980
 division, and shall be the juvenile judges as provided in Chapters 981
 2151. and 2152. of the Revised Code, with the powers and 982
 jurisdictions conferred by those chapters. The judge of the court 983
 of common pleas, juvenile division, who is senior in point of 984
 service, shall be the administrator of the juvenile division and 985
 its subdivisions and departments. The judge, senior in point of 986
 service, shall have charge of the employment, assignment, and 987
 supervision of the personnel of the juvenile division who are 988
 engaged in handling, servicing, or investigating juvenile cases, 989
 including any referees whom the judge considers necessary for the 990
 discharge of the judge's various duties. 991

The judge, senior in point of service, also shall designate 992
 the title, compensation, expense allowances, hours, leaves of 993
 absence, and vacation of the personnel of the division and shall 994
 fix their duties. The duties of the personnel, in addition to 995
 other statutory duties, include the handling, servicing, and 996
 investigation of juvenile cases and providing any counseling and 997
 conciliation services that the division makes available to 998
 persons, whether or not the persons are parties to an action 999
 pending in the division, who request the services. 1000

(3) If a judge of the court of common pleas, division of 1001
 domestic relations or juvenile division, is sick, absent, or 1002
 unable to perform that judge's judicial duties or the volume of 1003
 cases pending in the judge's division necessitates it, the duties 1004

of that judge shall be performed by the other judges of the 1005
domestic relations and juvenile divisions. 1006

(L) (1) In Cuyahoga county, the judges of the court of common 1007
pleas whose terms begin on January 8, 1961, January 9, 1961, 1008
January 18, 1975, January 19, 1975, and January 13, 1987, and 1009
successors, shall have the same qualifications, exercise the same 1010
powers and jurisdiction, and receive the same compensation as 1011
other judges of the court of common pleas of Cuyahoga county and 1012
shall be elected and designated as judges of the court of common 1013
pleas, division of domestic relations. They shall have all the 1014
powers relating to all divorce, dissolution of marriage, legal 1015
separation, and annulment cases, except in cases that are assigned 1016
to some other judge of the court of common pleas for some special 1017
reason. 1018

(2) The administrative judge is administrator of the domestic 1019
relations division and its subdivisions and departments and has 1020
the following powers concerning division personnel: 1021

(a) Full charge of the employment, assignment, and 1022
supervision; 1023

(b) Sole determination of compensation, duties, expenses, 1024
allowances, hours, leaves, and vacations. 1025

(3) "Division personnel" include persons employed or referees 1026
engaged in hearing, servicing, investigating, counseling, or 1027
conciliating divorce, dissolution of marriage, legal separation 1028
and annulment matters. 1029

(M) In Lake county: 1030

(1) The judge of the court of common pleas whose term begins 1031
on January 2, 1961, and successors, shall have the same 1032
qualifications, exercise the same powers and jurisdiction, and 1033
receive the same compensation as the other judges of the court of 1034

common pleas of Lake county and shall be elected and designated as 1035
 judge of the court of common pleas, division of domestic 1036
 relations. The judge shall be assigned all the divorce, 1037
 dissolution of marriage, legal separation, and annulment cases 1038
 coming before the court, except in cases that for some special 1039
 reason are assigned to some other judge of the court of common 1040
 pleas. The judge shall be charged with the assignment and division 1041
 of the work of the division and with the employment and 1042
 supervision of all other personnel of the domestic relations 1043
 division. 1044

The judge also shall designate the title, compensation, 1045
 expense allowances, hours, leaves of absence, and vacations of the 1046
 personnel of the division and shall fix their duties. The duties 1047
 of the personnel, in addition to other statutory duties, shall 1048
 include the handling, servicing, and investigation of divorce, 1049
 dissolution of marriage, legal separation, and annulment cases and 1050
 providing any counseling and conciliation services that the 1051
 division makes available to persons, whether or not the persons 1052
 are parties to an action pending in the division, who request the 1053
 services. 1054

(2) The judge of the court of common pleas whose term begins 1055
 on January 4, 1979, and successors, shall have the same 1056
 qualifications, exercise the same powers and jurisdiction, and 1057
 receive the same compensation as other judges of the court of 1058
 common pleas of Lake county, shall be elected and designated as 1059
 judge of the court of common pleas, juvenile division, and shall 1060
 be the juvenile judge as provided in Chapters 2151. and 2152. of 1061
 the Revised Code, with the powers and jurisdictions conferred by 1062
 those chapters. The judge of the court of common pleas, juvenile 1063
 division, shall be the administrator of the juvenile division and 1064
 its subdivisions and departments. The judge shall have charge of 1065

the employment, assignment, and supervision of the personnel of
 the juvenile division who are engaged in handling, servicing, or
 investigating juvenile cases, including any referees whom the
 judge considers necessary for the discharge of the judge's various
 duties.

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The judge also shall designate the title, compensation,
 expense allowances, hours, leaves of absence, and vacation of the
 personnel of the division and shall fix their duties. The duties
 of the personnel, in addition to other statutory duties, include
 the handling, servicing, and investigation of juvenile cases and
 providing any counseling and conciliation services that the
 division makes available to persons, whether or not the persons
 are parties to an action pending in the division, who request the
 services.

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(3) If a judge of the court of common pleas, division of
 domestic relations or juvenile division, is sick, absent, or
 unable to perform that judge's judicial duties or the volume of
 cases pending in the judge's division necessitates it, the duties
 of that judge shall be performed by the other judges of the
 domestic relations and juvenile divisions.

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(N) In Erie county:

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(1) The judge of the court of common pleas whose term begins
 on January 2, 1971, and the successors to that judge whose terms
~~begin before January 2, 2007, shall have the same qualifications,~~
 exercise the same powers and jurisdiction, and receive the same
 compensation as the other judge of the court of common pleas of
 Erie county and shall be elected and designated as judge of the
 court of common pleas, division of domestic relations. The judge
 shall have all the powers relating to juvenile courts, and shall
 be assigned all cases under Chapters 2151. and 2152. of the
 Revised Code, parentage proceedings over which the juvenile court

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has jurisdiction, and divorce, dissolution of marriage, legal 1097
separation, and annulment cases, except cases that for some 1098
special reason are assigned to some other judge. 1099

On or after January 2, 2007, the judge of the court of common 1100
pleas who is elected in 2006 shall be the successor to the judge 1101
of the domestic relations division whose term expires on January 1102
1, 2007, shall be designated as judge of the court of common 1103
pleas, juvenile division, and shall be the juvenile judge as 1104
provided in Chapters 2151. and 2152. of the Revised Code with the 1105
powers and jurisdictions conferred by those chapters. 1106

(2) The judge of the court of common pleas, general division, 1107
whose term begins on January 1, 2005, and successors, the judge of 1108
the court of common pleas, general division whose term begins on 1109
January 2, 2005, and successors, and the judge of the court of 1110
common pleas, general division, whose term begins February 9, 1111
2009, and successors, shall have assigned to them, in addition to 1112
all matters that are within the jurisdiction of the general 1113
division of the court of common pleas, all divorce, dissolution of 1114
marriage, legal separation, and annulment cases coming before the 1115
court, and all matters that are within the jurisdiction of the 1116
probate court under Chapter 2101., and other provisions, of the 1117
Revised Code. 1118

(0) In Greene county: 1119

~~(1) The judge of the court of common pleas whose term begins 1120~~
on January 1, 1961, and successors, shall have the same 1121
qualifications, exercise the same powers and jurisdiction, and 1122
receive the same compensation as the other judges of the court of 1123
common pleas of Greene county and shall be elected and designated 1124
as the judge of the court of common pleas, division of domestic 1125
relations. The judge shall be assigned all divorce, dissolution of 1126
marriage, legal separation, annulment, uniform reciprocal support 1127

enforcement, and domestic violence cases and all other cases 1128
 related to domestic relations, except cases that for some special 1129
 reason are assigned to some other judge of the court of common 1130
 pleas. 1131

The judge shall be charged with the assignment and division 1132
 of the work of the division and with the employment and 1133
 supervision of all other personnel of the division. The judge also 1134
 shall designate the title, compensation, hours, leaves of absence, 1135
 and vacations of the personnel of the division and shall fix their 1136
 duties. The duties of the personnel of the division, in addition 1137
 to other statutory duties, shall include the handling, servicing, 1138
 and investigation of divorce, dissolution of marriage, legal 1139
 separation, and annulment cases and the provision of counseling 1140
 and conciliation services that the division considers necessary 1141
 and makes available to persons who request the services, whether 1142
 or not the persons are parties in an action pending in the 1143
 division. The compensation for the personnel shall be paid from 1144
 the overall court budget and shall be included in the 1145
 appropriations for the existing judges of the general division of 1146
 the court of common pleas. 1147

(2) The judge of the court of common pleas whose term begins 1148
 on January 1, 1995, and successors, shall have the same 1149
 qualifications, exercise the same powers and jurisdiction, and 1150
 receive the same compensation as the other judges of the court of 1151
 common pleas of Greene county, shall be elected and designated as 1152
 judge of the court of common pleas, juvenile division, and, on or 1153
 after January 1, 1995, shall be the juvenile judge as provided in 1154
 Chapters 2151. and 2152. of the Revised Code with the powers and 1155
 jurisdiction conferred by those chapters. The judge of the court 1156
 of common pleas, juvenile division, shall be the administrator of 1157
 the juvenile division and its subdivisions and departments. The 1158

judge shall have charge of the employment, assignment, and 1159
supervision of the personnel of the juvenile division who are 1160
engaged in handling, servicing, or investigating juvenile cases, 1161
including any referees whom the judge considers necessary for the 1162
discharge of the judge's various duties. 1163

The judge also shall designate the title, compensation, 1164
expense allowances, hours, leaves of absence, and vacation of the 1165
personnel of the division and shall fix their duties. The duties 1166
of the personnel, in addition to other statutory duties, include 1167
the handling, servicing, and investigation of juvenile cases and 1168
providing any counseling and conciliation services that the court 1169
makes available to persons, whether or not the persons are parties 1170
to an action pending in the court, who request the services. 1171

(3) If one of the judges of the court of common pleas, 1172
general division, is sick, absent, or unable to perform that 1173
judge's judicial duties or the volume of cases pending in the 1174
general division necessitates it, the duties of that judge of the 1175
general division shall be performed by the judge of the division 1176
of domestic relations and the judge of the juvenile division. 1177

(P) In Portage county, the judge of the court of common 1178
pleas, whose term begins January 2, 1987, and successors, shall 1179
have the same qualifications, exercise the same powers and 1180
jurisdiction, and receive the same compensation as the other 1181
judges of the court of common pleas of Portage county and shall be 1182
elected and designated as judge of the court of common pleas, 1183
division of domestic relations. The judge shall be assigned all 1184
divorce, dissolution of marriage, legal separation, and annulment 1185
cases coming before the court, except in cases that for some 1186
special reason are assigned to some other judge of the court of 1187
common pleas. The judge shall be charged with the assignment and 1188
division of the work of the division and with the employment and 1189

supervision of all other personnel of the domestic relations 1190
division. 1191

The judge also shall designate the title, compensation, 1192
expense allowances, hours, leaves of absence, and vacations of the 1193
personnel of the division and shall fix their duties. The duties 1194
of the personnel, in addition to other statutory duties, shall 1195
include the handling, servicing, and investigation of divorce, 1196
dissolution of marriage, legal separation, and annulment cases and 1197
providing any counseling and conciliation services that the 1198
division makes available to persons, whether or not the persons 1199
are parties to an action pending in the division, who request the 1200
services. 1201

(Q) In Clermont county, the judge of the court of common 1202
pleas, whose term begins January 2, 1987, and successors, shall 1203
have the same qualifications, exercise the same powers and 1204
jurisdiction, and receive the same compensation as the other 1205
judges of the court of common pleas of Clermont county and shall 1206
be elected and designated as judge of the court of common pleas, 1207
division of domestic relations. The judge shall be assigned all 1208
divorce, dissolution of marriage, legal separation, and annulment 1209
cases coming before the court, except in cases that for some 1210
special reason are assigned to some other judge of the court of 1211
common pleas. The judge shall be charged with the assignment and 1212
division of the work of the division and with the employment and 1213
supervision of all other personnel of the domestic relations 1214
division. 1215

The judge also shall designate the title, compensation, 1216
expense allowances, hours, leaves of absence, and vacations of the 1217
personnel of the division and shall fix their duties. The duties 1218
of the personnel, in addition to other statutory duties, shall 1219
include the handling, servicing, and investigation of divorce, 1220

dissolution of marriage, legal separation, and annulment cases and 1221
 providing any counseling and conciliation services that the 1222
 division makes available to persons, whether or not the persons 1223
 are parties to an action pending in the division, who request the 1224
 services. 1225

(R) In Warren county, the judge of the court of common pleas, 1226
 whose term begins January 1, 1987, and successors, shall have the 1227
 same qualifications, exercise the same powers and jurisdiction, 1228
 and receive the same compensation as the other judges of the court 1229
 of common pleas of Warren county and shall be elected and 1230
 designated as judge of the court of common pleas, division of 1231
 domestic relations. The judge shall be assigned all divorce, 1232
 dissolution of marriage, legal separation, and annulment cases 1233
 coming before the court, except in cases that for some special 1234
 reason are assigned to some other judge of the court of common 1235
 pleas. The judge shall be charged with the assignment and division 1236
 of the work of the division and with the employment and 1237
 supervision of all other personnel of the domestic relations 1238
 division. 1239

The judge also shall designate the title, compensation, 1240
 expense allowances, hours, leaves of absence, and vacations of the 1241
 personnel of the division and shall fix their duties. The duties 1242
 of the personnel, in addition to other statutory duties, shall 1243
 include the handling, servicing, and investigation of divorce, 1244
 dissolution of marriage, legal separation, and annulment cases and 1245
 providing any counseling and conciliation services that the 1246
 division makes available to persons, whether or not the persons 1247
 are parties to an action pending in the division, who request the 1248
 services. 1249

(S) In Licking county, the judges of the court of common 1250
 pleas, whose terms begin on January 1, 1991, and January 1, 2005, 1251

and successors, shall have the same qualifications, exercise the
 same powers and jurisdiction, and receive the same compensation as
 the other judges of the court of common pleas of Licking county
 and shall be elected and designated as judges of the court of
 common pleas, division of domestic relations. The judges shall be
 assigned all divorce, dissolution of marriage, legal separation,
 and annulment cases, all cases arising under Chapter 3111. of the
 Revised Code, all proceedings involving child support, the
 allocation of parental rights and responsibilities for the care of
 children and the designation for the children of a place of
 residence and legal custodian, parenting time, and visitation, and
 all post-decree proceedings and matters arising from those cases
 and proceedings, except in cases that for some special reason are
 assigned to another judge of the court of common pleas. The
 administrative judge of the division of domestic relations shall
 be charged with the assignment and division of the work of the
 division and with the employment and supervision of the personnel
 of the division.

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The administrative judge of the division of domestic
 relations shall designate the title, compensation, expense
 allowances, hours, leaves of absence, and vacations of the
 personnel of the division and shall fix the duties of the
 personnel of the division. The duties of the personnel of the
 division, in addition to other statutory duties, shall include the
 handling, servicing, and investigation of divorce, dissolution of
 marriage, legal separation, and annulment cases, cases arising
 under Chapter 3111. of the Revised Code, and proceedings involving
 child support, the allocation of parental rights and
 responsibilities for the care of children and the designation for
 the children of a place of residence and legal custodian,
 parenting time, and visitation and providing any counseling and
 conciliation services that the division makes available to

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persons, whether or not the persons are parties to an action 1284
 pending in the division, who request the services. 1285

(T) In Allen county, the judge of the court of common pleas, 1286
 whose term begins January 1, 1993, and successors, shall have the 1287
 same qualifications, exercise the same powers and jurisdiction, 1288
 and receive the same compensation as the other judges of the court 1289
 of common pleas of Allen county and shall be elected and 1290
 designated as judge of the court of common pleas, division of 1291
 domestic relations. The judge shall be assigned all divorce, 1292
 dissolution of marriage, legal separation, and annulment cases, 1293
 all cases arising under Chapter 3111. of the Revised Code, all 1294
 proceedings involving child support, the allocation of parental 1295
 rights and responsibilities for the care of children and the 1296
 designation for the children of a place of residence and legal 1297
 custodian, parenting time, and visitation, and all post-decree 1298
 proceedings and matters arising from those cases and proceedings, 1299
 except in cases that for some special reason are assigned to 1300
 another judge of the court of common pleas. The judge shall be 1301
 charged with the assignment and division of the work of the 1302
 division and with the employment and supervision of the personnel 1303
 of the division. 1304

The judge shall designate the title, compensation, expense 1305
 allowances, hours, leaves of absence, and vacations of the 1306
 personnel of the division and shall fix the duties of the 1307
 personnel of the division. The duties of the personnel of the 1308
 division, in addition to other statutory duties, shall include the 1309
 handling, servicing, and investigation of divorce, dissolution of 1310
 marriage, legal separation, and annulment cases, cases arising 1311
 under Chapter 3111. of the Revised Code, and proceedings involving 1312
 child support, the allocation of parental rights and 1313
 responsibilities for the care of children and the designation for 1314

the children of a place of residence and legal custodian, 1315
parenting time, and visitation, and providing any counseling and 1316
conciliation services that the division makes available to 1317
persons, whether or not the persons are parties to an action 1318
pending in the division, who request the services. 1319

(U) In Medina county, the judge of the court of common pleas 1320
whose term begins January 1, 1995, and successors, shall have the 1321
same qualifications, exercise the same powers and jurisdiction, 1322
and receive the same compensation as other judges of the court of 1323
common pleas of Medina county and shall be elected and designated 1324
as judge of the court of common pleas, division of domestic 1325
relations. The judge shall be assigned all divorce, dissolution of 1326
marriage, legal separation, and annulment cases, all cases arising 1327
under Chapter 3111. of the Revised Code, all proceedings involving 1328
child support, the allocation of parental rights and 1329
responsibilities for the care of children and the designation for 1330
the children of a place of residence and legal custodian, 1331
parenting time, and visitation, and all post-decree proceedings 1332
and matters arising from those cases and proceedings, except in 1333
cases that for some special reason are assigned to another judge 1334
of the court of common pleas. The judge shall be charged with the 1335
assignment and division of the work of the division and with the 1336
employment and supervision of the personnel of the division. 1337

The judge shall designate the title, compensation, expense 1338
allowances, hours, leaves of absence, and vacations of the 1339
personnel of the division and shall fix the duties of the 1340
personnel of the division. The duties of the personnel, in 1341
addition to other statutory duties, include the handling, 1342
servicing, and investigation of divorce, dissolution of marriage, 1343
legal separation, and annulment cases, cases arising under Chapter 1344
3111. of the Revised Code, and proceedings involving child 1345

support, the allocation of parental rights and responsibilities 1346
 for the care of children and the designation for the children of a 1347
 place of residence and legal custodian, parenting time, and 1348
 visitation, and providing counseling and conciliation services 1349
 that the division makes available to persons, whether or not the 1350
 persons are parties to an action pending in the division, who 1351
 request the services. 1352

(V) In Fairfield county, the judge of the court of common 1353
 pleas whose term begins January 2, 1995, and successors, shall 1354
 have the same qualifications, exercise the same powers and 1355
 jurisdiction, and receive the same compensation as the other 1356
 judges of the court of common pleas of Fairfield county and shall 1357
 be elected and designated as judge of the court of common pleas, 1358
 division of domestic relations. The judge shall be assigned all 1359
 divorce, dissolution of marriage, legal separation, and annulment 1360
 cases, all cases arising under Chapter 3111. of the Revised Code, 1361
 all proceedings involving child support, the allocation of 1362
 parental rights and responsibilities for the care of children and 1363
 the designation for the children of a place of residence and legal 1364
 custodian, parenting time, and visitation, and all post-decree 1365
 proceedings and matters arising from those cases and proceedings, 1366
 except in cases that for some special reason are assigned to 1367
 another judge of the court of common pleas. The judge also has 1368
 concurrent jurisdiction with the probate-juvenile division of the 1369
 court of common pleas of Fairfield county with respect to and may 1370
 hear cases to determine the custody of a child, as defined in 1371
 section 2151.011 of the Revised Code, who is not the ward of 1372
 another court of this state, cases that are commenced by a parent, 1373
 guardian, or custodian of a child, as defined in section 2151.011 1374
 of the Revised Code, to obtain an order requiring a parent of the 1375
 child to pay child support for that child when the request for 1376
 that order is not ancillary to an action for divorce, dissolution 1377

of marriage, annulment, or legal separation, a criminal or civil 1378
 action involving an allegation of domestic violence, an action for 1379
 support under Chapter 3115. of the Revised Code, or an action that 1380
 is within the exclusive original jurisdiction of the 1381
 probate-juvenile division of the court of common pleas of 1382
 Fairfield county and that involves an allegation that the child is 1383
 an abused, neglected, or dependent child, and post-decree 1384
 proceedings and matters arising from those types of cases. 1385

The judge of the domestic relations division shall be charged 1386
 with the assignment and division of the work of the division and 1387
 with the employment and supervision of the personnel of the 1388
 division. 1389

The judge shall designate the title, compensation, expense 1390
 allowances, hours, leaves of absence, and vacations of the 1391
 personnel of the division and shall fix the duties of the 1392
 personnel of the division. The duties of the personnel of the 1393
 division, in addition to other statutory duties, shall include the 1394
 handling, servicing, and investigation of divorce, dissolution of 1395
 marriage, legal separation, and annulment cases, cases arising 1396
 under Chapter 3111. of the Revised Code, and proceedings involving 1397
 child support, the allocation of parental rights and 1398
 responsibilities for the care of children and the designation for 1399
 the children of a place of residence and legal custodian, 1400
 parenting time, and visitation, and providing any counseling and 1401
 conciliation services that the division makes available to 1402
 persons, regardless of whether the persons are parties to an 1403
 action pending in the division, who request the services. When the 1404
 judge hears a case to determine the custody of a child, as defined 1405
 in section 2151.011 of the Revised Code, who is not the ward of 1406
 another court of this state or a case that is commenced by a 1407
 parent, guardian, or custodian of a child, as defined in section 1408

2151.011 of the Revised Code, to obtain an order requiring a
parent of the child to pay child support for that child when the
request for that order is not ancillary to an action for divorce,
dissolution of marriage, annulment, or legal separation, a
criminal or civil action involving an allegation of domestic
violence, an action for support under Chapter 3115. of the Revised
Code, or an action that is within the exclusive original
jurisdiction of the probate-juvenile division of the court of
common pleas of Fairfield county and that involves an allegation
that the child is an abused, neglected, or dependent child, the
duties of the personnel of the domestic relations division also
include the handling, servicing, and investigation of those types
of cases.

(W) (1) In Clark county, the judge of the court of common
pleas whose term begins on January 2, 1995, and successors, shall
have the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as other judges of
the court of common pleas of Clark county and shall be elected and
designated as judge of the court of common pleas, domestic
relations division. The judge shall have all the powers relating
to juvenile courts, and all cases under Chapters 2151. and 2152.
of the Revised Code and all parentage proceedings under Chapter
3111. of the Revised Code over which the juvenile court has
jurisdiction shall be assigned to the judge of the division of
domestic relations. All divorce, dissolution of marriage, legal
separation, annulment, uniform reciprocal support enforcement, and
other cases related to domestic relations shall be assigned to the
domestic relations division, and the presiding judge of the court
of common pleas shall assign the cases to the judge of the
domestic relations division and the judges of the general
division.

(2) In addition to the judge's regular duties, the judge of
 the division of domestic relations shall serve on the children
 services board and the county advisory board.

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(3) If the judge of the court of common pleas of Clark
 county, division of domestic relations, is sick, absent, or unable
 to perform that judge's judicial duties or if the presiding judge
 of the court of common pleas of Clark county determines that the
 volume of cases pending in the division of domestic relations
 necessitates it, the duties of the judge of the division of
 domestic relations shall be performed by the judges of the general
 division or probate division of the court of common pleas of Clark
 county, as assigned for that purpose by the presiding judge of
 that court, and the judges so assigned shall act in conjunction
 with the judge of the division of domestic relations of that
 court.

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(X) In Scioto county, the judge of the court of common pleas
 whose term begins January 2, 1995, and successors, shall have the
 same qualifications, exercise the same powers and jurisdiction,
 and receive the same compensation as other judges of the court of
 common pleas of Scioto county and shall be elected and designated
 as judge of the court of common pleas, division of domestic
 relations. The judge shall be assigned all divorce, dissolution of
 marriage, legal separation, and annulment cases, all cases arising
 under Chapter 3111. of the Revised Code, all proceedings involving
 child support, the allocation of parental rights and
 responsibilities for the care of children and the designation for
 the children of a place of residence and legal custodian,
 parenting time, visitation, and all post-decree proceedings and
 matters arising from those cases and proceedings, except in cases
 that for some special reason are assigned to another judge of the
 court of common pleas. The judge shall be charged with the

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assignment and division of the work of the division and with the 1471
employment and supervision of the personnel of the division. 1472

The judge shall designate the title, compensation, expense 1473
allowances, hours, leaves of absence, and vacations of the 1474
personnel of the division and shall fix the duties of the 1475
personnel of the division. The duties of the personnel, in 1476
addition to other statutory duties, include the handling, 1477
servicing, and investigation of divorce, dissolution of marriage, 1478
legal separation, and annulment cases, cases arising under Chapter 1479
3111. of the Revised Code, and proceedings involving child 1480
support, the allocation of parental rights and responsibilities 1481
for the care of children and the designation for the children of a 1482
place of residence and legal custodian, parenting time, and 1483
visitation, and providing counseling and conciliation services 1484
that the division makes available to persons, whether or not the 1485
persons are parties to an action pending in the division, who 1486
request the services. 1487

(Y) In Auglaize county, the judge of the probate and juvenile 1488
divisions of the Auglaize county court of common pleas also shall 1489
be the administrative judge of the domestic relations division of 1490
the court and shall be assigned all divorce, dissolution of 1491
marriage, legal separation, and annulment cases coming before the 1492
court. The judge shall have all powers as administrator of the 1493
domestic relations division and shall have charge of the personnel 1494
engaged in handling, servicing, or investigating divorce, 1495
dissolution of marriage, legal separation, and annulment cases, 1496
including any referees considered necessary for the discharge of 1497
the judge's various duties. 1498

(Z) (1) In Marion county, the judge of the court of common 1499
pleas whose term begins on February 9, 1999, and the successors to 1500
that judge, shall have the same qualifications, exercise the same 1501

powers and jurisdiction, and receive the same compensation as the 1502
 other judges of the court of common pleas of Marion county and 1503
 shall be elected and designated as judge of the court of common 1504
 pleas, domestic relations-juvenile-probate division. Except as 1505
 otherwise specified in this division, that judge, and the 1506
 successors to that judge, shall have all the powers relating to 1507
 juvenile courts, and all cases under Chapters 2151. and 2152. of 1508
 the Revised Code, all cases arising under Chapter 3111. of the 1509
 Revised Code, all divorce, dissolution of marriage, legal 1510
 separation, and annulment cases, all proceedings involving child 1511
 support, the allocation of parental rights and responsibilities 1512
 for the care of children and the designation for the children of a 1513
 place of residence and legal custodian, parenting time, and 1514
 visitation, and all post-decree proceedings and matters arising 1515
 from those cases and proceedings shall be assigned to that judge 1516
 and the successors to that judge. Except as provided in division 1517
 (Z)(2) of this section and notwithstanding any other provision of 1518
 any section of the Revised Code, on and after February 9, 2003, 1519
 the judge of the court of common pleas of Marion county whose term 1520
 begins on February 9, 1999, and the successors to that judge, 1521
 shall have all the powers relating to the probate division of the 1522
 court of common pleas of Marion county in addition to the powers 1523
 previously specified in this division, and shall exercise 1524
 concurrent jurisdiction with the judge of the probate division of 1525
 that court over all matters that are within the jurisdiction of 1526
 the probate division of that court under Chapter 2101., and other 1527
 provisions, of the Revised Code in addition to the jurisdiction of 1528
 the domestic relations-juvenile-probate division of that court 1529
 otherwise specified in division (Z)(1) of this section. 1530

(2) The judge of the domestic relations-juvenile-probate 1531
 division of the court of common pleas of Marion county or the 1532
 judge of the probate division of the court of common pleas of 1533

Marion county, whichever of those judges is senior in total length 1534
of service on the court of common pleas of Marion county, 1535
regardless of the division or divisions of service, shall serve as 1536
the clerk of the probate division of the court of common pleas of 1537
Marion county. 1538

(3) On and after February 9, 2003, all references in law to 1539
"the probate court," "the probate judge," "the juvenile court," or 1540
"the judge of the juvenile court" shall be construed, with respect 1541
to Marion county, as being references to both "the probate 1542
division" and "the domestic relations-juvenile-probate division" 1543
and as being references to both "the judge of the probate 1544
division" and "the judge of the domestic relations- 1545
juvenile-probate division." On and after February 9, 2003, all 1546
references in law to "the clerk of the probate court" shall be 1547
construed, with respect to Marion county, as being references to 1548
the judge who is serving pursuant to division (Z)(2) of this 1549
section as the clerk of the probate division of the court of 1550
common pleas of Marion county. 1551

(AA) In Muskingum county, the judge of the court of common 1552
pleas whose term begins on January 2, 2003, and successors, shall 1553
have the same qualifications, exercise the same powers and 1554
jurisdiction, and receive the same compensation as the other 1555
judges of the court of common pleas of Muskingum county and shall 1556
be elected and designated as the judge of the court of common 1557
pleas, division of domestic relations. The judge shall be assigned 1558
all divorce, dissolution of marriage, legal separation, and 1559
annulment cases, all cases arising under Chapter 3111. of the 1560
Revised Code, all proceedings involving child support, the 1561
allocation of parental rights and responsibilities for the care of 1562
children and the designation for the children of a place of 1563
residence and legal custodian, parenting time, and visitation, and 1564

all post-decree proceedings and matters arising from those cases 1565
 and proceedings, except in cases that for some special reason are 1566
 assigned to another judge of the court of common pleas. The judge 1567
 shall be charged with the assignment and division of the work of 1568
 the division and with the employment and supervision of the 1569
 personnel of the division. 1570

The judge shall designate the title, compensation, expense 1571
 allowances, hours, leaves of absence, and vacations of the 1572
 personnel of the division and shall fix the duties of the 1573
 personnel of the division. The duties of the personnel of the 1574
 division, in addition to other statutory duties, shall include the 1575
 handling, servicing, and investigation of divorce, dissolution of 1576
 marriage, legal separation, and annulment cases, cases arising 1577
 under Chapter 3111. of the Revised Code, and proceedings involving 1578
 child support, the allocation of parental rights and 1579
 responsibilities for the care of children and the designation for 1580
 the children of a place of residence and legal custodian, 1581
 parenting time, and visitation and providing any counseling and 1582
 conciliation services that the division makes available to 1583
 persons, whether or not the persons are parties to an action 1584
 pending in the division, who request the services. 1585

(BB) In Henry county, the judge of the court of common pleas 1586
 whose term begins on January 1, 2005, and successors, shall have 1587
 the same qualifications, exercise the same powers and 1588
 jurisdiction, and receive the same compensation as the other judge 1589
 of the court of common pleas of Henry county and shall be elected 1590
 and designated as the judge of the court of common pleas, division 1591
 of domestic relations. The judge shall have all of the powers 1592
 relating to juvenile courts, and all cases under Chapter 2151. or 1593
 2152. of the Revised Code, all parentage proceedings arising under 1594
 Chapter 3111. of the Revised Code over which the juvenile court 1595

has jurisdiction, all divorce, dissolution of marriage, legal 1596
separation, and annulment cases, all proceedings involving child 1597
support, the allocation of parental rights and responsibilities 1598
for the care of children and the designation for the children of a 1599
place of residence and legal custodian, parenting time, and 1600
visitation, and all post-decree proceedings and matters arising 1601
from those cases and proceedings shall be assigned to that judge, 1602
except in cases that for some special reason are assigned to the 1603
other judge of the court of common pleas. 1604

(CC) (1) In Logan county, the judge of the court of common 1605
pleas whose term begins January 2, 2005, and the successors to 1606
that judge, shall have the same qualifications, exercise the same 1607
powers and jurisdiction, and receive the same compensation as the 1608
other judges of the court of common pleas of Logan county and 1609
shall be elected and designated as judge of the court of common 1610
pleas, domestic relations-juvenile-probate division. Except as 1611
otherwise specified in this division, that judge, and the 1612
successors to that judge, shall have all the powers relating to 1613
juvenile courts, and all cases under Chapters 2151. and 2152. of 1614
the Revised Code, all cases arising under Chapter 3111. of the 1615
Revised Code, all divorce, dissolution of marriage, legal 1616
separation, and annulment cases, all proceedings involving child 1617
support, the allocation of parental rights and responsibilities 1618
for the care of children and designation for the children of a 1619
place of residence and legal custodian, parenting time, and 1620
visitation, and all post-decree proceedings and matters arising 1621
from those cases and proceedings shall be assigned to that judge 1622
and the successors to that judge. Notwithstanding any other 1623
provision of any section of the Revised Code, on and after January 1624
2, 2005, the judge of the court of common pleas of Logan county 1625
whose term begins on January 2, 2005, and the successors to that 1626
judge, shall have all the powers relating to the probate division 1627

of the court of common pleas of Logan county in addition to the 1628
powers previously specified in this division and shall exercise 1629
concurrent jurisdiction with the judge of the probate division of 1630
that court over all matters that are within the jurisdiction of 1631
the probate division of that court under Chapter 2101., and other 1632
provisions, of the Revised Code in addition to the jurisdiction of 1633
the domestic relations-juvenile-probate division of that court 1634
otherwise specified in division (CC) (1) of this section. 1635

(2) The judge of the domestic relations-juvenile-probate 1636
division of the court of common pleas of Logan county or the 1637
probate judge of the court of common pleas of Logan county who is 1638
elected as the administrative judge of the probate division of the 1639
court of common pleas of Logan county pursuant to Rule 4 of the 1640
Rules of Superintendence shall be the clerk of the probate 1641
division and juvenile division of the court of common pleas of 1642
Logan county. The clerk of the court of common pleas who is 1643
elected pursuant to section 2303.01 of the Revised Code shall keep 1644
all of the journals, records, books, papers, and files pertaining 1645
to the domestic relations cases. 1646

(3) On and after January 2, 2005, all references in law to 1647
"the probate court," "the probate judge," "the juvenile court," or 1648
"the judge of the juvenile court" shall be construed, with respect 1649
to Logan county, as being references to both "the probate 1650
division" and the "domestic relations-juvenile-probate division" 1651
and as being references to both "the judge of the probate 1652
division" and the "judge of the domestic 1653
relations-juvenile-probate division." On and after January 2, 1654
2005, all references in law to "the clerk of the probate court" 1655
shall be construed, with respect to Logan county, as being 1656
references to the judge who is serving pursuant to division 1657
(CC) (2) of this section as the clerk of the probate division of 1658

the court of common pleas of Logan county. 1659

(DD) (1) In Champaign county, the judge of the court of common 1660
pleas whose term begins February 9, 2003, and the judge of the 1661
court of common pleas whose term begins February 10, 2009, and the 1662
successors to those judges, shall have the same qualifications, 1663
exercise the same powers and jurisdiction, and receive the same 1664
compensation as the other judges of the court of common pleas of 1665
Champaign county and shall be elected and designated as judges of 1666
the court of common pleas, domestic relations-juvenile-probate 1667
division. Except as otherwise specified in this division, those 1668
judges, and the successors to those judges, shall have all the 1669
powers relating to juvenile courts, and all cases under Chapters 1670
2151. and 2152. of the Revised Code, all cases arising under 1671
Chapter 3111. of the Revised Code, all divorce, dissolution of 1672
marriage, legal separation, and annulment cases, all proceedings 1673
involving child support, the allocation of parental rights and 1674
responsibilities for the care of children and the designation for 1675
the children of a place of residence and legal custodian, 1676
parenting time, and visitation, and all post-decree proceedings 1677
and matters arising from those cases and proceedings shall be 1678
assigned to those judges and the successors to those judges. 1679
Notwithstanding any other provision of any section of the Revised 1680
Code, on and after February 9, 2009, the judges designated by this 1681
division as judges of the court of common pleas of Champaign 1682
county, domestic relations-juvenile-probate division, and the 1683
successors to those judges, shall have all the powers relating to 1684
probate courts in addition to the powers previously specified in 1685
this division and shall exercise jurisdiction over all matters 1686
that are within the jurisdiction of probate courts under Chapter 1687
2101., and other provisions, of the Revised Code in addition to 1688
the jurisdiction of the domestic relations-juvenile-probate 1689
division otherwise specified in division (DD) (1) of this section. 1690

(2) On and after February 9, 2009, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed with respect to Champaign county as being references to the "domestic relations-juvenile-probate division" and as being references to the "judge of the domestic relations-juvenile-probate division." On and after February 9, 2009, all references in law to "the clerk of the probate court" shall be construed with respect to Champaign county as being references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, domestic relations-juvenile-probate division.

(EE) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by another judge of the court of common pleas of that county, assigned for that purpose by the presiding judge of the court of common pleas of that county to act in place of or in conjunction with that judge, as the case may require."

In line 98901, after "1901.31," insert "2101.01,"; after "2151.011," insert "2301.02, 2301.03,"

Between lines 111754 and 111755, insert:

"Section 721. ____. (A) In Lorain County, all proceedings that are within the jurisdiction of the Probate Court under Chapter 2101. and other provisions of the Revised Code that are pending before a judge of the Domestic Relations Division of the Lorain County Court of Common Pleas on the effective date of this act shall remain with that judge of the Domestic Relations Division of the Lorain County Court of Common Pleas. All proceedings that are

within the jurisdiction of the Domestic Relations Division of the 1722
 Lorain County Court of Common Pleas under Chapter 2301. and other 1723
 provisions of the Revised Code that are pending before the probate 1724
 judge of the Lorain County Probate Court on September 29, 2009, 1725
 shall remain with that probate judge of the Lorain County Probate 1726
 Court. 1727

(B) The successors to the judge of the Lorain County Court of 1728
 Common Pleas who was elected pursuant to section 2301.02 of the 1729
 Revised Code in 2008 for a term that began on February 9, 2009, 1730
 shall be elected in 2014 and thereafter pursuant to section 1731
 2101.02 of the Revised Code as judges of the probate division of 1732
 the Lorain County Court of Common Pleas." 1733

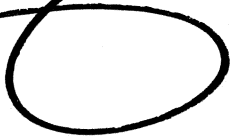
In line 57 of the title, after "1901.31," insert "2101.01,"; 1734
 after "2151.011," insert "2301.02, 2301.03," 1735

The motion was _____ agreed to.

SYNOPSIS

Judges of the Lorain County Court of Common Pleas 1736
 R.C. 2101.01, 2301.02, 2301.03, and Section _____ 1737
 Provides that, as of September 29, 2009, the judge of the 1738
 Lorain County Court of Common Pleas, Division of Domestic 1739
 Relations, whose term began on February 9, 2009, is the probate 1740
 judge of the Lorain County Probate Court and that successors to 1741
 that judge must be elected as the judge of the probate division of 1742
 that court. 1743

Sub. H.B. 1
LSC 128.0516-4
HC-2151



_____ moved to amend as follows:

In line 508, after "3701.0211," insert "3701.136," 1

Between lines 53461 and 53462, insert: 2

"Sec. 3701.136. (A) There is hereby created the sickle cell anemia advisory committee. The committee shall assist the director of health in fulfilling the director's duties under section 3701.131 of the Revised Code. 3
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6

(B) The director shall appoint five members to the committee who are familiar with sickle cell anemia, including researchers, health care professionals, and persons personally affected by sickle cell anemia. 7
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10

Not later than ninety days after the effective date of this section, the director shall make initial appointments to the committee. Of the initial appointments, one shall be for a term ending one year after the effective date of this section, two shall be for terms ending two years after that date, and two shall be for terms ending three years after that date. Thereafter, terms of office shall be three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be 11
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reappointed. 21

Vacancies shall be filled in the same manner as original 22
appointments. Any member appointed to fill a vacancy occurring 23
prior to the expiration of the term for which the member's 24
predecessor was appointed shall hold office for the remainder of 25
that term. A member shall continue in office subsequent to the 26
expiration date of the member's term until the member's successor 27
takes office or until a period of sixty days has elapsed, 28
whichever occurs first. 29

Members of the committee shall serve without compensation, 30
but may be reimbursed for actual and necessary expenses incurred 31
in the performance of their duties. 32

(C) The committee shall annually select from among its 33
members a chairperson. The committee shall meet at the call of the 34
chairperson, but not less than twice each year. A majority of the 35
members of the committee constitutes a quorum." 36

In line 243 of the title, after "3701.0211," insert 37
"3701.136," 38

The motion was _____ agreed to.

SYNOPSIS

Sickle Cell Anemia Advisory Committee 39
R.C. 3701.136 and 3701.131 (not in bill) 40
Creates the Sickle Cell Anemia Advisory Committee within the 41
Department of Health to assist the Director of Health in 42
fulfilling the Director's duties regarding sickle cell disease 43

2
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Sub. H.B. 1
LSC 128 0516-4
HC-2157

5 _____ moved to amend as follows:

6 In line 3974, strike through "fifty" and insert "seventy-
7 five"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Job Retention Tax Credit**

11 **R.C. 122.171**

12 Increases the amount a business may be required to return
13 to the state from 50% of credit allowed and taken to 75% if the
14 business does not maintain operations at the project site for a
15 period equal to the greater of seven years or the term of the
16 credit plus three years. (Thereby conforms this aspect of the
17 job retention credit with the job creation credit.)

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Sub. H.B. 2
LSC 128 0516-4
• HC-2159

5 _____ moved to amend as follows:

6 In line 488, after "117.54," insert "121.16,"

7 Between lines 2367 and 2368, insert:

8 "Sec. 121.16. (A) The director of each department may
9 form, with the governor's approval and utilizing department
10 resources, one or more nonprofit corporations incorporated under
11 Chapter 1702. of the Revised Code, to solicit financial
12 contributions or in-kind contributions of goods to support the
13 fulfillment of the duties and responsibilities of the
14 department.

15 (B) The articles of incorporation or bylaws of any
16 nonprofit corporation formed under division (A) of this section
17 shall state that the corporation's sole purpose is to act in the
18 interest of the department, include guidelines for the public
19 disclosure of the employees, vendors, and contracts of the
20 corporation and for the reporting and disclosure of donors and
21 donation amounts. The articles of incorporation or bylaws shall
22 also include requirements for regular financial statements from
23 the corporation to the department's director regarding the

24 corporation's budget, expenditures, and processes, a regular
25 schedule of audits, and any other conditions or protections to
26 the public considered necessary by the Ohio ethics commission.

27 (C) The department of administrative services shall develop
28 model articles of incorporation and bylaws for corporations
29 formed under division (A) of this section. Such a corporation
30 may utilize the model articles of incorporation and bylaws or
31 may adopt articles of incorporation and bylaws that comply with
32 division (B) of this section and all other relevant Revised Code
33 provisions. The department of administrative services shall
34 update the model articles of incorporation and bylaws to reflect
35 any relevant changes in the Revised Code and any new guidance
36 from the Ohio ethics commission.

37 (D) A department director that forms a nonprofit
38 corporation under division (A) of this section may permit
39 department employees to serve as directors of the corporation.
40 Any such employee shall represent the department and the
41 department's interests in all actions as a director of the
42 corporation and shall file an annual disclosure statement under
43 section 102.02 of the Revised Code.

44 (E) An employee of a department serving as a director of a
45 nonprofit corporation formed under division (A) of this section
46 may solicit financial contributions or in-kind contributions of
47 goods for the corporation to support the fulfillment of the

48 duties and responsibilities of the department. The employee
49 shall not personally benefit from solicitations for the
50 corporation and shall not receive any personal benefit from the
51 corporation. All such solicitations are subject to Chapter 102.
52 and sections 2921.42 and 2921.43 and other relevant provisions
53 of the Revised Code.

54 (F) Before soliciting or accepting any contributions to a
55 nonprofit corporation formed under division (A) of this section,
56 an agent of the corporation shall inform the prospective
57 contributor of the following:

58 (1) That all contributions or donations are voluntary and
59 shall not be made with or in return for any state contracts,
60 grants, or other financial benefits;

61 (2) That a contributor shall not make a contribution and
62 the corporation shall not solicit or accept a contribution while
63 a specific matter involving the contributor is pending before
64 the department or a matter involving the contributor is
65 reasonably foreseeable to come before the department soon after
66 making the solicitation or contribution;

67 (3) That a contributor shall not be given any ability, in a
68 manner not afforded to other contributors or the general public,
69 to lobby or promote the contributor's activities with public
70 officials and employees of any department that benefits from the
71 contribution;

72 (4) That public officials and employees shall not be
73 influenced in the objective performance of the official's or
74 employee's public duties regarding a contributor by the
75 contributor's decision to contribute or not to contribute;

76 (5) That any contribution made in violation of divisions
77 (F)(1) to (4) of this section shall be returned to the
78 contributor.

79 (G) Contributions may be made to a nonprofit corporation
80 formed under division (A) of this section to support specific
81 projects or initiatives of the department, but the corporation
82 shall reject any proposed contribution that carries conditions
83 or requirements that the director of the department determines
84 to be contrary to the interests of the department or the state.

85 (H) A nonprofit corporation formed under division (A) of
86 this section may make expenditures with the approval of the
87 director of the department, to support the operations of the
88 corporation. The corporation shall only make expenditures that,
89 in the director's judgment, benefit the department. The
90 expenditures or transfers of contributed goods may be made
91 directly by the corporation or may be transferred to the
92 department. All corporation expenditures and all funds
93 transferred to the department under this division shall comply
94 with the laws of the state. The director of budget and
95 management may establish any accounts and take any other steps

96 necessary for a department to receive contributions from the
97 corporation.

98 (I) All activity of a nonprofit corporation formed under
99 division (A) of this section shall be subject to sections 121.22
100 and 149.43 of the Revised Code and shall be subject to audits as
101 if it were a public office described in Chapter 117. of the
102 Revised Code. Directors, employees, and other agents of the
103 corporation shall be considered public officials or employees
104 subject to the requirements of Chapter 102. and sections 2921.42
105 and 2921.43 of the Revised Code."

106 In line 216 of the title, after "117.54," insert "121.16,"

107 The motion was _____ agreed to.

108 SYNOPSIS

109 **Nonprofit Corporation Formed by State Departments**

110 **R.C. 121.16**

111 Allows the director of each state department to form, with
112 the governor's approval and utilizing department resources, one
113 or more nonprofit corporations to solicit financial
114 contributions or in-kind contributions of goods to support the
115 fulfillment of the duties and responsibilities of the
116 department.

117 Specifies that the articles of incorporation or bylaws must
118 do the following: state the corporation's sole purpose is to act
119 in the interest of the department; include guidelines for the
120 public disclosure of the employees, vendors, and contracts and
121 for the reporting and disclosure of donors and donation amounts;
122 include requirements for regular financial statements from the

123 corporation to the department's director; include a regular
124 schedule of audits; and state any other conditions or
125 protections to the public deemed necessary by the Ohio Ethics
126 Commission.

127 Requires the Department of Administrative Services to
128 develop model articles of incorporation and bylaws and allows a
129 corporation to utilize the model articles and bylaws or to adopt
130 other relevant articles and bylaws.

131 Permits a department director that forms a nonprofit
132 corporation to permit department employees to serve as
133 corporation directors and requires the employee to file an
134 annual disclosure statement.

135 Permits a department employee serving as a director of a
136 nonprofit corporation to solicit financial contributions or in-
137 kind contributions, but prohibits the employee from any personal
138 benefit.

139 Requires the following disclosures to be made before
140 soliciting or accepting any contributions:

141 (1) That all contributions are voluntary and are not being
142 made with or in return for any state contracts, grants, or other
143 financial benefits;

144 (2) That a contributor must not make a contribution while a
145 specific matter involving the contributor is pending before the
146 department or will soon come before the department;

147 (3) That a contributor must not be given any special
148 ability to lobby or promote the contributor's activities with
149 public officials and employees of any department that benefits
150 from the contribution;

151 (4) That public officials and employees shall not be
152 influenced in the objective performance of the official's or
153 employee's public duties regarding a contributor;

154 (5) That any violating contribution must be returned to the
155 contributor.

156 Absent conditions contrary to department interests, permits
157 contributions to be made to support specific department projects
158 or initiatives.

159 Allows the nonprofit corporation to make expenditures with
160 the approval of the department director.

161 Permits the Director of Budget and Management to establish
162 any accounts and take any other steps necessary for a department
163 to receive contributions from the corporation.

164 Specifies that all nonprofit corporation activity is
165 subject to public meetings, public records law, and subject to
166 audit.

167 States that all directors, employees, and other agents of
168 the corporation are considered public officials or employees.

5 _____ moved to amend as follows:

6 In line 30783, after "(B)" insert "Building manager" means
7 a person who supervises the administrative (non-curricular, non-
8 instructional) functions of school operation so that a school
9 principal can focus on supporting instruction, providing
10 instructional leadership, and engaging teachers as part of the
11 instructional leadership team. A building manager may be, but
12 is not required to be, a licensed educator under section 3319.22
13 of the Revised Code.

14 (C)"

15 In line 30786, delete "(C)" and insert "(D)"

16 In line 30835, delete "(D)" and insert "(E)"

17 In line 30841, delete "(E)" and insert "(F)"

18 In line 30844, delete "(F)" and insert "(G)"

19 In line 30850, delete "(G)" and insert "(H)"

20 In line 30881, delete "(H)" and insert "(I)"

21 In line 30888, delete "(I)" and insert "(J)"

22 In line 30894, delete "(J)" and insert "(K)"

23 In line 30896, delete "(K)" and insert "(L)"

24 In line 30914, delete "(L)" and insert "(M)"
25 In line 30916, delete "(M)" and insert "(N)"
26 In line 30926, delete "(N)" and insert "(O)"
27 In line 30935, delete "(O)" and insert "(P)"
28 In line 30950, delete "(P)" and insert "(Q)"
29 In line 30963, delete "(Q)" and insert "(R)"
30 In line 30968, delete "(P)" and insert "(Q)"
31 In line 30969, delete "(R)" and insert "(S)"
32 In line 30972, delete "(S)" and insert "(T)"
33 In line 30975, delete "(T)" and insert "(U)"
34 In line 30977, delete "(U)" and insert "(V)"
35 In line 30981, delete "(V)" and insert "(W)"
36 In line 30984, delete "(W)" and insert "(X)"
37 In line 30986, delete "(X)" and insert "(Y)"
38 In line 30990, delete "(Y)" and insert "(Z)"
39 In line 30993, delete "(Z)" and insert "(AA)"
40 In line 30997, delete "(AA)" and insert "(BB)"
41 In line 31003, delete "(BB)" and insert "(CC)"
42 In line 31009, delete "(CC)" and insert "(DD)"
43 In line 31015, delete "(DD)" and insert "(EE)"
44 In line 31019, delete "(EE)" and insert "(FF)"
45 In line 39687, delete "(C)" and insert "(D)"
46 In line 39983, delete "(C)" and insert "(D)"
47 In line 41803, delete "(C)" and insert "(D)"

48 In line 41813, delete "(C)" and insert "(D)"

49 In line 41822, delete "(C)" and insert "(D)"

50 In line 41832, reinsert "(D)" and delete "(C)"

51 In line 41842, delete "(C)" and insert "(D)"

52 In line 41852, delete "(C)" and insert "(D)"

53 In line 43420, delete "(C)" and insert "(D)"

54 In line 43425, delete "(C)" and insert "(D)"

55 In line 43430, strike through "(C)" and insert "(D)"

56 In line 43435, reinsert "(D)" and delete "(C)"

57 In line 43440, delete "(C)" and insert "(D)"

58 In line 43446, delete "(C)" and insert "(D)"

59 In line 43486, delete "(C)" and insert "(D)"

60 In line 43491, delete "(C)" and insert "(D)"

61 In line 43496, strike through "(C)" and insert "(D)"

62 In line 43501, reinsert "(D)" and delete "(C)"

63 In line 43506, delete "(C)" and insert "(D)"

64 In line 43511, delete "(C)" and insert "(D)"

65 In line 43552, delete "(C)" and insert "(D)"

66 In line 43638, strike through "(C)" and insert "(D)"

67 In line 43641, delete "(C)" and insert "(D)"

68 In line 43644, strike through "(C)" and insert "(D)"

69 In line 43647, reinsert "(D)" and delete "(C)"

70 In line 43650, delete "(C)" and insert "(D)"

71 In line 43653, delete "(C)" and insert "(D)"

72 In line 43797, delete "(C)" and insert "(D)"
73 In line 44775, delete "(C)" and insert "(D)"
74 In line 44780, delete "(C)" and insert "(D)"
75 In line 44784, strike through "(C)" and insert "(D)"
76 In line 44790, reinsert "(D)" and delete "(C)"
77 In line 44795, delete "(C)" and insert "(D)"
78 In line 44800, delete "(C)" and insert "(D)"
79 In line 48682, delete "(C)" and insert "(D)"
80 In line 48742, delete "(C)" and insert "(D)"

81 The motion was _____ agreed to.

82 SYNOPSIS

83 **Definition of Building Manager - Chapter 3306.**

84 **R.C. 3306.02; Conforming changes to R.C. 3314.08, 3317.02,**
85 **3317.03, 3317.201, 3319.57, 3326.32, and 3326.34**

86 Defines "building manager," for purposes of the evidence-
87 based school funding model, as a person who supervises the
88 administrative (non-curricular and non-instructional) functions
89 of school operation. The building manager may be, but is not
90 required to be, a licensed educator.

5 _____ moved to amend as follows:

6 In line 47724, strike through "standards" and insert "the
7 following:"

8 (1) Standards for the inclusion of local professional
9 development committees established under section 3319.22 of the
10 Revised Code in the planning and design of professional
11 development;

12 (2) Standards"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Professional Development Standards**

16 **R.C. 3319.61 (E)**

17 Requires the professional development standards developed
18 by the Educator Standards Board to contain standards for the
19 inclusion of local professional development committees in the
20 planning and design of professional development. (Local
21 professional development committees are established at the
22 school-district level to determine whether a teacher's proposed
23 coursework meets the State Board of Education's requirements for
24 license renewal.)

5 _____ moved to amend as follows:

6 In line 68357, after "rule" insert "adopted in accordance
7 with Chapter 119. of the Revised Code"

8 In line 68372, delete "In" and insert "Prior to"

9 In line 68374, after "superintendent" insert "shall conduct
10 an actuarial analysis of the cost impacts of any proposed rule
11 that makes changes to the basic and standard plans. The
12 superintendent also"; delete "also"

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Ohio Health Care Plan Basic, Standard, and Carrier**
16 **Reimbursement Plans**

17 **R.C. 3924.10**

18 Specifies that the rules adopted by the Superintendent of
19 Insurance concerning the Ohio health care plan (OHC) basic,
20 standard, and carrier reimbursement plans which, when offered by
21 an insurer, are eligible for reinsurance under the Ohio Health
22 Reinsurance Program must be adopted in accordance with the
23 Administrative Procedures Act and specifies that the
24 Superintendent must conduct an actuarial analysis of the cost
25 impact of any proposed rule that makes changes to the basic and
26 standard plans prior to adopting any rules relating to those
27 plans.

Sub. H.B. 1
LSC 128 0516-4
HC-2165

_____ moved to amend as follows:

In line 449, after "4519.02," insert "4519.03," 1

Between lines 76145 and 76146, insert: 2

"Sec. 4519.03. (A) The owner of every snowmobile, off-highway 3
motorcycle, and all-purpose vehicle required to be registered 4
under section 4519.02 of the Revised Code shall file an 5
application for registration with the registrar of motor vehicles 6
or a deputy registrar, on blanks furnished by the registrar for 7
that purpose and containing all of the following information: 8

(1) A brief description of the snowmobile, off-highway 10
motorcycle, or all-purpose vehicle, including the year, make, 11
model, and the vehicle identification number; 12

(2) The name, residence, and business address of the owner; 13

(3) A statement that the snowmobile, off-highway motorcycle, 14
or all-purpose vehicle is equipped as required by section 4519.20 15
of the Revised Code and any rule adopted under that section. The 16
statement shall include a check list of the required equipment 17
items in the form the registrar shall prescribe. 18

The application shall be signed by the owner of the 19
snowmobile, off-highway motorcycle, or all-purpose vehicle and 20

shall be accompanied by a fee as provided in division (C) of 21
 section 4519.04 of the Revised Code. 22

If the application is not in proper form, or if the vehicle 23
 for which registration is sought does not appear to be equipped as 24
 required by section 4519.20 of the Revised Code or any rule 25
 adopted under that section, the registration shall be refused, and 26
 no registration sticker, license plate, or validation sticker 27
 shall be issued. 28

(B) ~~On and after July 1, 1999, no~~ Except as provided in this 29
~~division, no~~ certificate of registration or renewal of a 30
 certificate of registration shall be issued for an off-highway 31
 motorcycle or all-purpose vehicle required to be registered under 32
 section 4519.02 of the Revised Code, and no certificate of 33
 registration issued under this chapter for an off-highway 34
 motorcycle or all-purpose vehicle that is sold or otherwise 35
 transferred shall be transferred to the new owner of the 36
 off-highway motorcycle or all-purpose vehicle as permitted by 37
 division (B) of section 4519.05 of the Revised Code, unless a 38
 certificate of title has been issued under this chapter for the 39
 motorcycle or vehicle, and the owner or new owner, as the case may 40
 be, presents a physical certificate of title or memorandum 41
 certificate of title for inspection at the time the owner or new 42
 owner first submits a registration application, registration 43
 renewal application, or registration transfer application for the 44
~~motorcycle or vehicle on or after July 1, 1999,~~ if a physical 45
 certificate of title or memorandum certificate has been issued by 46
 a clerk of a court of common pleas. If, under sections 4519.512 47
 and 4519.58 of the Revised Code, a clerk instead has issued an 48
 electronic certificate of title for the applicant's off-highway 49
 motorcycle or all-purpose vehicle, that certificate may be 50
 presented for inspection at the time of first registration in a 51

manner prescribed by rules adopted by the registrar. In the case of an off-highway motorcycle or all-purpose vehicle that was purchased prior to October 1, 2005, and for which a certificate of title has not been issued, the owner shall not be required to present a physical certificate of title or memorandum certificate of title or an electronic certificate of title for the motorcycle or vehicle but instead may present a signed affidavit of ownership in a form prescribed by the registrar. The affidavit shall include, at a minimum, the date of purchase, make, model, and vehicle identification number of the motorcycle or vehicle. If no vehicle identification number has been assigned to the off-highway motorcycle or all-purpose vehicle, then the serial number of the motorcycle or vehicle shall be presented at the time of application.

(C) When the owner of an off-highway motorcycle or all-purpose vehicle first registers it in the owner's name, and a certificate of title has been issued for the motorcycle or vehicle, the owner shall present for inspection a physical certificate of title or memorandum certificate of title showing title to the off-highway motorcycle or all-purpose vehicle in the name of the owner if a physical certificate of title or memorandum certificate has been issued by a clerk of a court of common pleas. If, under sections 4519.512 and 4519.58 of the Revised Code, a clerk instead has issued an electronic certificate of title for the applicant's off-highway motorcycle or all-purpose vehicle, that certificate may be presented for inspection at the time of first registration in a manner prescribed by rules adopted by the registrar. In the case of an off-highway motorcycle or all-purpose vehicle that was purchased prior to October 1, 2005, and for which a certificate of title has not been issued, the owner shall not be required to present a physical certificate of title or memorandum certificate of title or an electronic certificate of title for the

motorcycle or vehicle but instead may present a signed affidavit 84
of ownership in a form prescribed by the registrar. The affidavit 85
shall include, at a minimum, the date of purchase, make, model, 86
and vehicle identification number of the motorcycle or vehicle. If 87
no vehicle identification number has been assigned to the 88
off-highway motorcycle or all-purpose vehicle, then the serial 89
number of the motorcycle or vehicle shall be presented at the time 90
of application. If, when the owner of such an off-highway 91
 motorcycle or all-purpose vehicle first makes application to 92
 register it in the owner's name, the application is not in proper 93
 form or the certificate of title or memorandum certificate of 94
 title does not accompany the registration or, in the case of an 95
 electronic certificate of title or ownership affidavit, it is not 96
 presented in a manner prescribed by the registrar, the 97
 registration shall be refused, and neither a certificate of 98
 registration nor a registration sticker, license plate, or 99
 validation sticker shall be issued. When a certificate of 100
 registration and registration sticker, license plate, or 101
 validation sticker are issued upon the first registration of an 102
 off-highway motorcycle or all-purpose vehicle by or on behalf of 103
 the owner, the official issuing them shall indicate the issuance 104
 with a stamp on the certificate of title ~~or~~ memorandum 105
certificate of title, or affidavit, or, in the case of an 106
 electronic certificate of title, an electronic stamp or other 107
 notation as specified in rules adopted by the registrar. 108

(D) Each deputy registrar shall be allowed a fee of three 109
 dollars and fifty cents for each application or renewal 110
 application received by the deputy registrar, which shall be for 111
 the purpose of compensating the deputy registrar for services, and 112
 office and rental expense, as may be necessary for the proper 113
 discharge of the deputy registrar's duties in the receiving of 114
 applications and the issuing of certificates of registration. 115

Each deputy registrar, upon receipt of any application for registration, together with the registration fee, shall transmit the fee, together with the original and duplicate copy of the application, to the registrar in the manner and at the times the registrar, subject to the approval of the director of public safety and the treasurer of state, shall prescribe by rule."

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In line 98979, after "4519.02," insert "4519.03,"

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In line 163 of the title, after "4519.02," insert "4519.03,"

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The motion was _____ agreed to.

SYNOPSIS

All-Purpose Vehicle Affidavit 124

R.C. 4519.03 125

Permits the owner of an off-highway motorcycle or all-purpose vehicle that was purchased prior to October 1, 2005, and for which a certificate of title has not been issued to register the motorcycle or vehicle by presenting an affidavit of ownership rather than requiring the owner to obtain first a certificate of title for the off-highway motorcycle or all-purpose vehicle.

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Sub. H.B. 1

LSC 128 0516-4

HC-2166

_____ moved to amend as follows:

In line 442, after "4503.103," insert "4503.191," 1

Between lines 72237 and 72238, insert: 2

"Sec. 4503.191. (A) (1) The identification license plate shall 3
 be issued for a multi-year period as determined by the director of 4
 public safety, and shall be accompanied by a validation sticker, 5
 to be attached to the license plate. Except as provided in 6
 division (A) (2) of this section, the validation sticker shall 7
 indicate the expiration of the registration period to which the 8
 motor vehicle for which the license plate is issued is assigned, 9
 in accordance with rules adopted by the registrar of motor 10
 vehicles. During each succeeding year of the multi-year period 11
 following the issuance of the plate and validation sticker, upon 12
 the filing of an application for registration and the payment of 13
 the tax therefor, a validation sticker alone shall be issued. The 14
 validation stickers required under this section shall be of 15
 different colors or shades each year, the new colors or shades to 16
 be selected by the director. 17

(2) (a) Not later than October 1, 2009, the director shall 18
 develop a universal validation sticker that may be issued to any 19
 owner of two hundred fifty or more passenger vehicles, so that a 20
 sticker issued to the owner may be placed on any passenger vehicle 21

in that owner's fleet. The director may establish and charge an additional fee of not more than one dollar per registration to compensate for necessary costs of the universal validation sticker program. The additional fee shall be credited to the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

(b) A validation sticker issued for an all-purpose vehicle that is registered under Chapter 4519. of the Revised Code or for a trailer or semitrailer that is registered under division (A) (1) (a) (ii) of section 4503.103 of the Revised Code for a period of not more than five succeeding registration years may indicate the expiration of the registration period by any manner determined by the registrar by rule.

(B) Identification license plates shall be produced by Ohio penal industries. Validation stickers and county identification stickers shall be produced by Ohio penal industries unless the registrar adopts rules that permit the registrar or deputy registrars to print or otherwise produce them in house."

In line 98972, after "4503.103," insert "4503.191,"

In line 154 of the title, after "4503.103," insert "4503.191,"

The motion was _____ agreed to.

SYNOPSIS

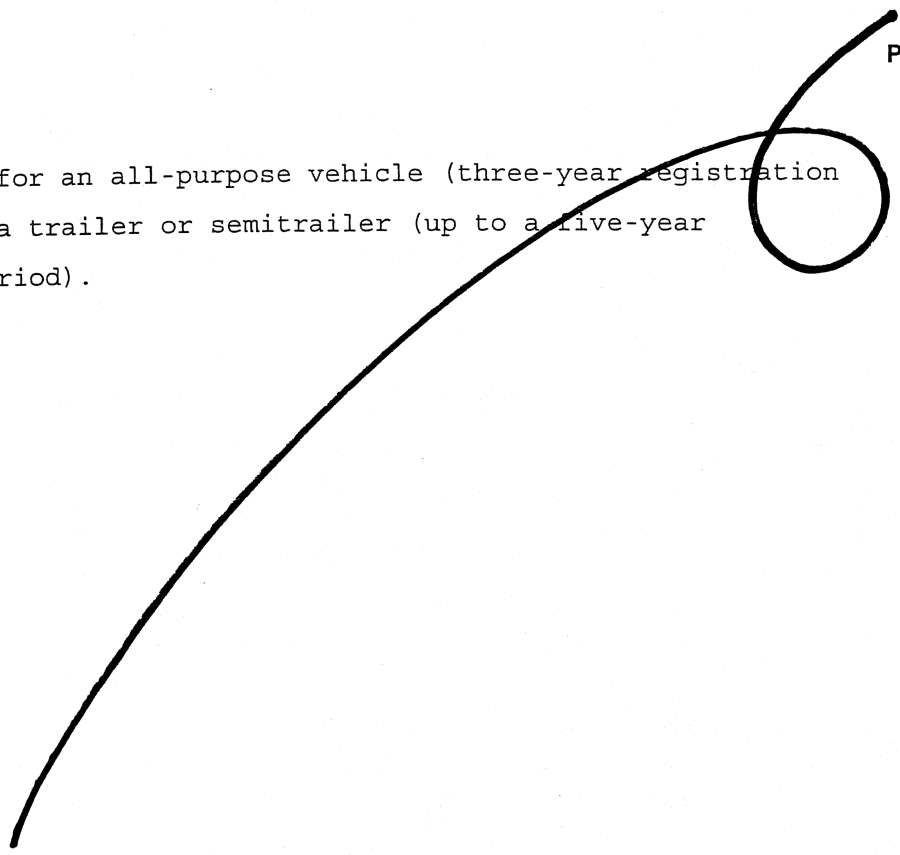
Multi-year Vehicle Registration Validation Stickers 43
 R.C. 4503.191 44
 Allows the Registrar of Motor Vehicles to determine by rule 45
 the manner to use to indicate the expiration of a validation 46

sticker issued for an all-purpose vehicle (three-year registration period) or for a trailer or semitrailer (up to a five-year registration period).

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Sub. H.B. 1
LSC 128 0516-4
HC-2167-1

_____ moved to amend as follows:

In line 471, after "5505.06," insert "5505.15," 1

In line 521, after "5505.0611," insert "5505.152," 2

Between lines 88292 and 88293, insert: 3

"Sec. 5505.15. (A) (1) A member of the state highway patrol 4
retirement system shall contribute ten per cent of the member's 5
annual salary to the state highway patrol retirement fund. The 6
amount shall be deducted by the employer from the employee's 7
salary for each payroll period. 8

(2) The total contributions arising from deductions made 9
prior to January 1, 1966, from the salaries of members in the 10
employ of the state highway patrol and standing to the credit of 11
their individual accounts in the retirement fund shall be 12
transferred and credited to their respective individual accounts 13
in the employees' savings fund. 14

(B) The state shall annually pay into the employer 15
accumulation fund, in monthly or less frequent installments as the 16
state highway patrol retirement board requires, ~~an amount that~~ 17
~~shall be a certain percentage of the total salaries paid~~ 18
~~contributing members and shall be known as the "employer~~ 19
~~contribution."~~ The employer contribution shall be an amount equal 20

to twenty-six and one-half per cent of the total salaries paid 21
contributing members. If a member severs connection with the 22
patrol or is dismissed, the employer contribution shall remain in 23
the retirement system. 24

The rate percentage of the employer contribution shall be 25
certified by the board to the director of budget and management 26
and shall not be lower than nine per cent of the total salaries 27
paid contributing members and shall not exceed three times the 28
rate percentage being deducted from the annual salaries of 29
contributing members. The board shall prepare and submit to the 30
director, on or before the first day of November of each 31
even-numbered year, an estimate of the amounts necessary to pay 32
the state's obligations accruing during the biennium beginning the 33
first day of July of the following year. Such amounts shall be 34
included in the budget and allocated as certified by the board. 35

Sec. 5505.152. (A) As used in this section, "entry age normal 36
actuarial cost method" means an actuarial cost method under which 37
the actuarial present value of the projected benefits of each 38
individual included in the valuation is allocated on a level basis 39
over the earnings or service of the individual between the entry 40
age and the assumed exit age, with the portion of the actuarial 41
present value that is allocated to the valuation year to be the 42
normal cost and the portion of the actuarial present value not 43
provided for at the valuation date by the actuarial present value 44
of future normal costs to be the actuarial accrued liability. 45
Under this method, the actuarial gains or losses are reflected as 46
they occur in a decrease or increase in the unfunded actuarial 47
accrued liability. 48

(B) The Ohio retirement study council shall annually review 49
the adequacy of the contribution rates provided under divisions 50
(A) and (B) of section 5505.15 of the Revised Code and the 51

contribution rates recommended in a report by the actuary of the state highway patrol retirement system for the forthcoming year. 52
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The actuarial calculations used by the actuary shall be based on the entry age normal actuarial cost method, and the adequacy of the contribution rates shall be reported on the basis of that method. The Ohio retirement study council shall make recommendations to the general assembly that it finds necessary for the proper financing of the benefits of the state highway patrol retirement system." 54
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In line 99000, after "5505.06," insert "5505.15," 61

In line 192 of the title, after "5505.06," insert "5505.15," 62

In line 260 of the title, after "5505.0611," insert "5505.152," 63
64

The motion was _____ agreed to.

SYNOPSIS

SHPRS Contribution Rates 65

R.C. 5505.15 and 5505.152 66

Provides that the employer contribution rate under the State Highway Patrol Retirement System (SHPRS) is to be 26.5% of members' salaries, in place of existing law's requirement that the employer contribution be a "certain percentage" of members' salaries. 67
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Requires the Ohio Retirement Study Council to annually review the following: (1) the adequacy of SHPRS employee and employer contribution rates and (2) the contribution rates recommended in a report prepared by the SHPRS actuary for the upcoming year. 72
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6 _____ moved to amend as follows:

7 In line 102177, delete "\$7,752,662 \$7,802,699" and insert
8 "\$7,754,662 \$7,804,699"

9 In lines 102184 and 102259, add \$2,000 to each fiscal year

10 Between lines 103092 and 103093, insert:

11 "Of the foregoing appropriation item 200545, Career-
12 Technical Education Enhancements, \$2,000 in each fiscal year
13 shall be used by the Perry Local High School College Medical
14 Tech Prep program in Massillon to teach low-income kids how to
15 lead healthy lifestyles."

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Department of Education**

19 **Sections 265.10 and 265.10.40**

20 Increases GRF appropriation item 200545, Career-Technical
21 Education Enhancements, by \$2,000 in each fiscal year and
22 earmarks the same amount in each fiscal year to be used by the
23 Perry Local High School College Medical Tech Prep Class in
24 Massillon to teach low-income kids how to lead healthy
25 lifestyles.

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Sub. H.B. 1
LSC 128-0516-4
HC-2189

5 _____ moved to amend as follows:

6 Between lines 101545 and 101546, insert:

7 "Notwithstanding any provision of law to the contrary, of
8 the foregoing appropriation item 195401, Thomas Edison Program,
9 \$160,000 in fiscal year 2010 shall be used for an in-depth
10 workforce needs assessment for the advanced and renewable energy
11 industry and affiliated suppliers in Northwest Ohio. The
12 assessment shall identify the skill sets required for workers
13 needed by the industry. Any unexpended and unencumbered portion
14 of the moneys appropriated for this purpose in fiscal year 2010
15 shall be reappropriated for the same purpose in fiscal year
16 2011."

17 The motion was _____ agreed to.

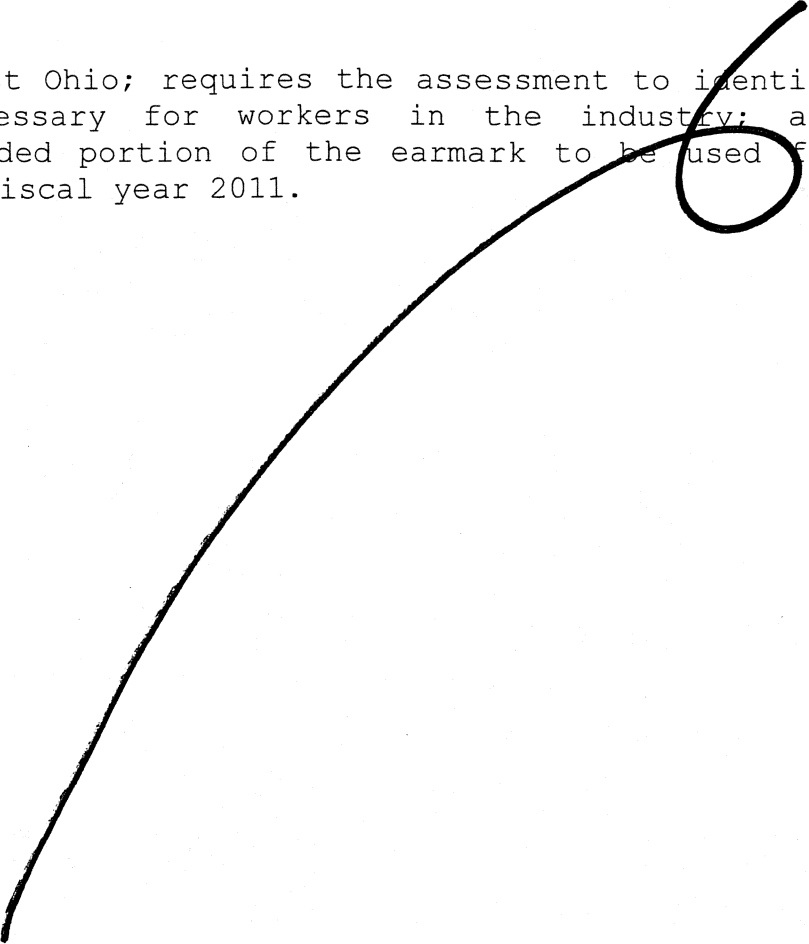
18 SYNOPSIS

19 **Department of Development**

20 **Section 259.10.10**

21 Earmarks \$160,000 in fiscal year 2010 from GRF
22 appropriation item 195401, Thomas Edison Program, in the
23 Department of Development for a workforce needs assessment for
24 the advanced and renewable energy industry and affiliated

25 suppliers in Northwest Ohio; requires the assessment to identify
26 the skill sets necessary for workers in the industry; and
27 requires any unexpended portion of the earmark to be used for
28 the same purpose in fiscal year 2011.



Sub. H.B. 1
LSC 128 0516-4
HC-2196



_____ moved to amend as follows:

- In line 344, after "307.79," insert "311.17," 1
- In line 374, after "2949.111," insert "2949.17," 2
- In line 470, after "5502.01," insert "5502.12," 3
- Between lines 12755 and 12756, insert: 4

"Sec. 311.17. Except as provided in a contract entered into 5
under division (A) of section 3125.141 of the Revised Code, for 6
the services specified in this section, the sheriff shall charge 7
the following fees, which the court or its clerk shall tax in the 8
bill of costs against the judgment debtor or those legally liable 9
therefor for the judgment: 10

(A) For the service and return of the following writs and 11
orders: 12

(1) Execution: 13

(a) When money is paid without levy or when no property is 14
found, ~~twenty~~ thirty dollars; 15

(b) When levy is made on real property, for the first tract, 16
twenty-five dollars, and for each additional tract, ten dollars; 17

(c) When levy is made on goods and chattels, including 18
inventory, fifty dollars. 19

(2) Writ of attachment of property, except for purpose of garnishment, forty dollars;	20 21
(3) Writ of attachment for the purpose of garnishment, ten dollars;	22 23
(4) Writ of replevin, forty dollars;	24
(5) Warrant to arrest, for each person named in the writ, ten <u>twenty</u> dollars;	25 26
(6) Attachment for contempt, for each person named in the writ, six dollars;	27 28
(7) Writ of possession or restitution, sixty dollars;	29
(8) Subpoena, for each person named in the writ, in either a civil or criminal case, six <u>ten</u> dollars;	30 31
(9) Venire, for each person named in the writ, in either a civil or criminal case, six dollars;	32 33
(10) Summoning each juror, other than on venire, in either a civil or criminal case, six dollars;	34 35
(11) Writ of partition, twenty-five dollars;	36
(12) Order of sale on partition, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;	37 38
(13) Other order of sale of real property, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;	39 40 41
(14) Administering oath to appraisers, three dollars each;	42
(15) Furnishing copies for advertisements, one dollar for each hundred words;	43 44
(16) Copy of indictment, for each defendant, five dollars;	45
(17) All summons, writs, orders, or notices, for the first	46

name, six dollars, and for each additional name, one dollar.	47
(B) In addition to the fee for service and return:	48
(1) On each summons, writ, order, or notice, a fee of one	49
dollar <u>two dollars</u> per mile for the first mile, and fifty cents	50
<u>one dollar</u> per mile for each additional mile, going and returning,	51
actual mileage to be charged on each additional name;	52
(2) Taking bail bond, three dollars;	53
(3) Jail fees, as follows:	54
(a) For receiving a prisoner, five dollars each time a	55
prisoner is received, and for discharging or surrendering a	56
prisoner, five dollars each time a prisoner is discharged or	57
surrendered. The departure or return of a prisoner from or to a	58
jail in connection with a program established under section	59
5147.28 of the Revised Code is not a receipt, discharge, or	60
surrender of the prisoner for purposes of this division.	61
(b) Taking a prisoner before a judge or court, per day, five	62
dollars;	63
(c) Calling action, one dollar;	64
(d) Calling jury, three dollars;	65
(e) Calling each witness, three dollars;	66
(f) Bringing prisoner before court on habeas corpus, six	67
dollars.	68
(4) Poundage on all moneys actually made and paid to the	69
sheriff on execution, decree, or sale of real estate, one and	70
one-half per cent;	71
(5) Making and executing a deed of land sold on execution,	72
decree, or order of the court, to be paid by the purchaser, fifty	73
dollars.	74

When any of the services described in division (A) or (B) of this section are rendered by an officer or employee, whose salary or per diem compensation is paid by the county, the applicable legal fees and any other extraordinary expenses, including overtime, provided for the service shall be taxed in the costs in the case and, when collected, shall be paid into the general fund of the county.

The sheriff shall charge the same fees for the execution of process issued in any other state as the sheriff charges for the execution of process of a substantively similar nature that is issued in this state."

Between lines 27251 and 27252, insert:

"Sec. 2949.17. (A) The sheriff may take one guard for every two convicted felons to be transported to a correctional institution. The trial judge may authorize a larger number of guards upon written application of the sheriff, in which case a transcript of the order of the judge shall be certified by the clerk of the court of common pleas under the seal of the court, and the sheriff shall deliver the order with the convict to the person in charge of the correctional institution.

(B) In order to obtain reimbursement for the county for the expenses of transportation for indigent convicted felons, the clerk of the court of common pleas shall prepare a transportation cost bill for each indigent convicted felon transported pursuant to this section for an amount equal to ~~ten cents~~ not less than one dollar a mile from the county seat to the state correctional institution and return for ~~the sheriff and each of the guards and five cents a mile from the county seat to the state correctional institution~~ for each prisoner. The number of miles shall be computed by the usual route of travel. The clerk's duties under

this division are subject to division (B) of section 2949.19 of the Revised Code." 105
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Between lines 88066 and 88067, insert: 107

"Sec. 5502.12. The accident reports submitted pursuant to section 5502.11 of the Revised Code shall be for the use of the director of public safety for purposes of statistical, safety, and other studies. The law enforcement agency that submitted a report shall furnish a copy of such report and associated documents to any person claiming an interest arising out of a motor vehicle accident, or to the person's attorney, upon the payment of a nonrefundable fee ~~that shall not exceed~~ of four dollars. With respect to accidents investigated by the state highway patrol, the director of public safety shall furnish to such person all related reports and statements upon the payment of a nonrefundable fee of four dollars. The cost of photographs or any other electronic format shall be a four-dollar fee in addition to the nonrefundable four-dollar fee for the accident report, whether the report was submitted by the state highway patrol or another law enforcement agency. 108
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Such state highway patrol reports, statements, and photographs, in the discretion of the director of public safety, may be withheld until all criminal prosecution has been concluded; the director of public safety may require proof, satisfactory to the director, ~~of the right of any applicant to be furnished such~~ documents." 124
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In line 98873, after "307.79," insert "311.17," 130

In line 98903, after "2949.111," insert "2949.17," 131

In line 99000, after "5502.01," insert "5502.12," 132

In line 18 of the title, after "307.79," insert "311.17," 133

In line 60 of the title, after "2949.111," insert "2949.17," 134

In line 192 of the title, after "5502.01," insert "5502.12," 135

The motion was _____ agreed to.

SYNOPSIS

Changes In Certain Fees Charged by Sheriff and for Accident	136
Reports	137
R.C. 311.17, 2949.17, and 5502.12	138
Increases certain fees that a sheriff charges for the service	139
and return of certain writs and orders and for transporting	140
convicted felons to state correctional institutions.	141
Requires a charge of \$4 for accident reports and \$4 for	142
photos or any other electronic format related to accident reports.	143

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5 _____ moved to amend as follows:

6 In line 32566, after "and" insert ", subject to division
7 (A) (3) of this section,"

8 In line 32594, delete "The" and insert "Subject to division
9 (A) (3) of this section, the"

10 Between lines 32607 and 32608, insert:

11 "(3) If a school district had a policy under section
12 3313.98 of the Revised Code permitting open enrollment for the
13 prior fiscal year, but for the current fiscal year has altered
14 its policy so that students who enrolled in the district in the
15 prior year under the district's policy no longer are eligible to
16 enroll in the district in the current year under its new policy,
17 the amount attributable to such students affected by the change
18 in the district's policy paid to the district for the prior
19 fiscal year shall not be included in the district's transitional
20 aid base for the current fiscal year."

21 The motion was _____ agreed to.

SYNOPSIS

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23

School District Transitional Aid

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R.C. 3306.19

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Requires that the amount paid to a district for students who were enrolled in a school district under the district's interdistrict open enrollment policy in the prior year but, due to a change in the district's policy, are not eligible for open enrollment in the current year not be included in the district's transitional aid base for the current fiscal year.

5 _____ moved to amend as follows:

6 In line 28070, delete "joint"

7 In line 28073, delete "unfettered" and insert "reasonable"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **School District Operating Standards**

11 **R.C. 3301.07(D) (3) (d) (i)**

12 Makes the following changes to the standards for school
13 district organizational units, which are part of the district
14 operating standards required to be adopted by the State Board of
15 Education under the bill:

16 (1) With regard to having established periods of time for
17 teacher planning, eliminates the requirement that those periods
18 be for "joint" planning time;

19 (2) With regard to allowing administrators access to
20 classrooms for observation and professional development,
21 requires that the access be "reasonable" rather than
22 "unfettered."

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Sub. H.B. 1
LSC 128 0516-4
HC-2217-1

5 _____ moved to amend as follows:

6 Between lines 104183 and 104184, insert:

7 "Section _____. As used in this section, "all-day
8 kindergarten" has the same meaning as in section 3321.05 of the
9 Revised Code.

10 Any school district or community school established under
11 Chapter 3314. of the Revised Code that, in fiscal year 2009,
12 offered all-day kindergarten and charged fees or tuition for
13 students enrolled in all-day kindergarten in accordance with
14 section 3321.01 of the Revised Code, as it existed prior to the
15 effective date of this section, may charge fees or tuition for
16 students enrolled in all-day kindergarten in fiscal years 2010
17 and 2011, at a rate not higher than the per-student amount
18 charged in fiscal year 2009 as specified in the sliding fee
19 scale based on family incomes developed by the district or
20 community school for that fiscal year. No district or community
21 school shall charge fees or tuition for students enrolled in
22 all-day kindergarten after fiscal year 2011."

23 The motion was _____ agreed to.

24 SYNOPSIS

25 **All-Day Kindergarten**

26 **Section _____**

27 Permits school districts and community schools that, in FY
28 2009, offered all-day kindergarten and charged tuition for
29 participating students to continue to charge tuition for all-day
30 kindergarten in FY 2010 and FY 2011, at the same per-student
31 rate charged in FY 2009 as specified in the sliding fee scale
32 used by the district or school for that fiscal year.

33 Prohibits districts and community schools from charging
34 tuition for all-day kindergarten after FY 2011.

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Sub. H.B. 1
LSC 128 0510-4
HC-2241

5 _____ moved to amend as follows:

6 In line 105215, delete "\$191,607,468 \$203,858,335" and
7 insert "\$191,932,468 \$204,183,335"

8 In lines 105249, 105251, and 105326, add \$325,000 to each
9 fiscal year

10 Between lines 105940 and 105941, insert:

11 **"Section 309.40. __. ECONOMIC AND COMMUNITY DEVELOPMENT**
12 **INSTITUTE**

13 Of the foregoing appropriation item 600410, TANF State, up
14 to \$325,000 in each fiscal year shall be provided to the
15 Economic and Community Development Institute for matching funds
16 provided to TANF eligible individuals through an individual
17 development accounts program."

18 The motion was _____ agreed to.

19 SYNOPSIS

20 **Ohio Department of Job and Family Services**

21 **Sections 309.10 and 309.40. __**

22 Increases GRF line item 600410, TANF State, by \$325,000 in
23 each fiscal year and earmarks up to that amount for the Economic
24 and Community Development Institute for matching funds provided
25 to TANF eligible individuals through an individual development
26 accounts program.

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5 _____ moved to amend as follows:

6 In line 53556, after "The" insert "governor shall appoint
7 as a member of the council a representative of a board of health
8 of a city or general health district or an authority having the
9 duties of a board of health under section 3709.05 of the Revised
10 Code.

11 The"

12 In line 53557, delete "its" and insert "the council"

13 Between lines 102443 and 102444, insert:

14 "**Section** ____ . EARLY CHILDHOOD CABINET

15 The Governor shall appoint to the entity in the Office of
16 the Governor known as the Early Childhood Cabinet a
17 representative of a board of health of a city or general health
18 district or an authority having the duties of a board of health
19 under section 3709.05 of the Revised Code. The Governor shall
20 make the appointment not later than six months after the
21 effective date of this section."

22 The motion was _____ agreed to.

23

SYNOPSIS

24

Early Childhood Cabinet and Help Me Grow Advisory Council

25

R.C. 3701.611 and Section

26

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Requires the Governor to appoint to the Early Childhood Cabinet and Help Me Grow Advisory Council a representative of a local board of health.

Sub. H.B. 1
LSC 128 0516-4
HC-2245

_____ moved to amend as follows:

In line 485, after "(5101.5111)," insert "5111.019
(5111.0120)," 1
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In line 517, after "5101.542," insert "5111.0121," 3

In line 82684, strike through "5111.019" and insert
"5111.0120" 4
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In line 82754, strike through "5111.019" and insert
"5111.0120" 6
7

Between lines 82781 and 82782, insert: 8

"Sec. ~~5111.019~~ 5111.0120. The director of job and family 9
services shall submit to the United States secretary of health and 10
human services an amendment to the state medicaid plan to make an 11
individual eligible for medicaid who meets all of the following 12
requirements: 13

(A) The individual is the parent of a child under nineteen 14
years of age and resides with the child; 15

(B) The individual's family income does not exceed ninety per 16
cent of the federal poverty guidelines; 17

(C) The individual is not otherwise eligible for medicaid; 18

(D) The individual satisfies all relevant requirements 19

established by rules adopted under division (D) of section 5111.01 of the Revised Code. 20 21

Sec. 5111.0121. A parent eligible for the medicaid program pursuant to section 5111.0120 of the Revised Code shall not be required to undergo a redetermination of eligibility for the medicaid program more often than once every twelve months unless there are reasonable grounds to believe that circumstances have changed that may affect the parent's eligibility. 22 23 24 25 26 27

In line 98992, after "5111.015," insert "5111.019," 28

In line 213 of the title, after "(5101.5111)," insert "5111.019 (5111.0120)," 29 30

In line 254 of the title, after "5101.542," insert "5111.0121," 31 32

The motion was _____ agreed to.

SYNOPSIS

Annual Medicaid Eligibility Redeterminations for Parents 33

R.C. 5111.0121 (primary) and 5111.0120 34

Provides that a parent is not required to undergo an eligibility redetermination for Medicaid more often than once every twelve months unless there are reasonable grounds to believe that circumstances have changed that may affect the parent's eligibility. 35 36 37 38 39



Sub. H.B. 1

LSC 128 0516-4

HC-2255-2

_____ moved to amend as follows:

In line 494, after "1547.87," insert "1751.68," 1

In line 512, after "3923.241," insert "3923.84," 2

In line 24010, after "3923.80," insert "3923.84," 3

Between lines 25098 and 25099, insert: 4

"Sec. 1751.68. (A) Notwithstanding section 3901.71 of the 5
Revised Code, no health insuring corporation policy, contract, or 6
agreement that provides basic health care services that is 7
delivered, issued for delivery, or renewed in this state shall 8
exclude coverage for the screening and diagnosis of autism 9
spectrum disorders or for any of the following services when those 10
services are medically necessary and are prescribed, provided, or 11
ordered for an individual diagnosed with an autism spectrum 12
disorder by a health care professional licensed or certified under 13
the laws of this state to prescribe, provide, or order such 14
services: 15

(1) Habilitative or rehabilitative care; 16

(2) Pharmacy care if the policy, contract, or agreement 17
provides coverage for other prescription drug services; 18

(3) Psychiatric care; 19

<u>(4) Psychological care;</u>	20
<u>(5) Therapeutic care;</u>	21
<u>(6) Counseling services;</u>	22
<u>(7) Any additional treatments or therapies adopted by the</u>	23
<u>director of mental retardation and developmental disabilities</u>	24
<u>pursuant to division (I) (4) of section 3923.84 of the Revised</u>	25
<u>Code.</u>	26
<u>(B) Coverage provided under this section shall be delineated</u>	27
<u>in a treatment plan developed by the attending psychologist or</u>	28
<u>physician and shall not be subject to any limits on the number or</u>	29
<u>duration of visits an individual may make to any autism service</u>	30
<u>provider, except as delineated in the treatment plan, if the</u>	31
<u>services are medically necessary.</u>	32
<u>(C) Coverage provided under this section may be subject to</u>	33
<u>any copayment, deductible, and coinsurance provisions of the</u>	34
<u>policy, contract, or agreement to the extent that other medical</u>	35
<u>services covered by the policy, contract, or agreement are subject</u>	36
<u>to those provisions. Coverage provided under this section may be</u>	37
<u>subject to a yearly maximum limitation of thirty-six thousand</u>	38
<u>dollars on claims paid for services related to coverage provided</u>	39
<u>under this section.</u>	40
<u>(D) (1) Not more than once every six months, a health insuring</u>	41
<u>corporation may request a review of any treatment provided under</u>	42
<u>this section unless the insured's licensed physician or licensed</u>	43
<u>psychologist agrees that more frequent review is necessary. The</u>	44
<u>health insuring corporation shall pay for any review requested</u>	45
<u>under this division.</u>	46
<u>(2) If requested by the health insuring corporation, the</u>	47
<u>provider shall provide the health insuring corporation with an</u>	48
<u>annual treatment plan.</u>	49

(3) Inpatient services are not subject to the six-month review limitations under division (D)(1) of this section. 50
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(E) This section shall not be construed as limiting benefits otherwise available under an individual's policy, contract, or agreement. 52
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(F) This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan developed under 20 U.S.C. 1436 or individualized service plan developed under section 5126.31 of the Revised Code, or affecting the duty of a public school to provide a child with a disability with a free appropriate public education under the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1400 et seq., as amended, and Chapter 3323. of the Revised Code. 55
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(G) A health insuring corporation that offers coverage for basic health care services is not required to offer the coverage required under division (A) of this section in combination with the offer of coverage for basic health care services if all of the following apply: 64
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(1) The health insuring corporation submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for the coverage required under division (A) of this section for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of all covered services to increase by more than one per cent per year. 69
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(2) The health insuring corporation submits a signed letter from an independent member of the American academy of actuaries to the superintendent of insurance opining that the increase in costs described in division (D)(1) of this section could reasonably 77
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justify an increase of more than one per cent in the annual 81
premiums or rates charged by the health insuring corporation for 82
the coverage of basic health care services. 83

(3) The superintendent of insurance makes the following 84
determinations from the documentation and opinion submitted 85
pursuant to divisions (D) (1) and (2) of this section: 86

(a) Incurred claims for the coverage required under division 87
(A) of this section for a period of at least six months 88
independently caused the health insuring corporation's costs for 89
claims and administrative expenses for the coverage of all covered 90
services to increase by more than one per cent per year. 91

(b) The increase in costs reasonably justifies an increase of 92
more than one per cent in the annual premiums or rates charged by 93
the health insuring corporation for the coverage of basic health 94
care services. 95

Any determination made by the superintendent under this 96
division is subject to Chapter 119. of the Revised Code. 97

(H) The services covered under this section shall not be 98
considered supplemental health care services under division (B) (1) 99
of section 1751.01 of the Revised Code. 100

(I) As used in this section: 101

(1) "Applied behavior analysis" means the design, 102
implementation, and evaluation of environmental modifications 103
using behavioral stimuli and consequences to produce socially 104
significant improvement in human behavior, including, but not 105
limited to, the use of direct observation, measurement, and 106
functional analysis of the relationship between environment and 107
behavior. 108

(2) "Autism services provider" means any person whose 109
professional scope of practice allows treatment of autism spectrum 110

disorders, whose services are delineated in the treatment plan 111
under division (B) of this section, and of whom one of the 112
following is true: 113

(a) The person is licensed, certified, or registered by an 114
appropriate agency of this state to perform the services assigned 115
to the person in the treatment plan. 116

(b) The person is directly supervised by an individual who is 117
licensed, certified, or registered by an appropriate agency of 118
this state to perform the services assigned to the person in the 119
treatment plan. 120

(3) "Autism spectrum disorder" means any of the pervasive 121
developmental disorders as defined by the most recent edition of 122
the diagnostic and statistical manual of mental disorders, 123
published by the American psychiatric association, or if that 124
manual is no longer published, a similar diagnostic manual. Autism 125
spectrum disorders includes, but is not limited to, autistic 126
disorder, Asperger's disorder, Rett's disorder, childhood 127
disintegrative disorder, and pervasive developmental disorder. 128

(4) "Diagnosis of autism spectrum disorders" means medically 129
necessary assessments, evaluations, or tests, including but not 130
limited to genetic and psychological tests to determine whether an 131
individual has an autism spectrum disorder. 132

(5) "Habilitative or rehabilitative care" means professional, 133
counseling, and guidance services and treatment programs, 134
including applied behavior analysis, that are necessary to 135
develop, maintain, or restore the functioning of an individual to 136
the maximum extent practicable. 137

(6) "Medically necessary" means the service is based upon 138
evidence; is prescribed, provided, or ordered by a health care 139
professional licensed or certified under the laws of this state to 140

prescribe, provide, or order autism-related services in accordance 141
with accepted standards of practice; and will or is reasonably 142
expected to do any of the following: 143

(a) Prevent the onset of an illness, condition, injury, or 144
disability; 145

(b) Reduce or ameliorate the physical, mental or 146
developmental effects of an illness, condition, injury, or 147
disability; 148

(c) Assist in achieving or maintaining maximum functional 149
capacity for performing daily activities, taking into account both 150
the functional capacity of the individual and the appropriate 151
functional capacities of individuals of the same age. 152

(7) "Pharmacy care" means prescribed medications and any 153
medically necessary health-related services used to determine the 154
need or effectiveness of the medications. 155

(8) "Psychiatric care" means direct or consultative services 156
provided by a psychiatrist licensed in the state in which the 157
psychiatrist practices psychiatry. 158

(9) "Psychological care" means direct or consultative 159
services provided by a psychologist licensed in the state in which 160
the psychologist practices psychology. 161

(10) "Therapeutic care" means services, communication 162
devices, or other adaptive devices or equipment provided by a 163
licensed speech-language pathologist, licensed occupational 164
therapist, or licensed physical therapist." 165

Between lines 68028 and 68029, insert: 166

"Sec. 3923.84. (A) Notwithstanding section 3901.71 of the 167
Revised Code, no individual or group policy of sickness and 168
accident insurance that is delivered, issued for delivery, or 169

<u>renewed in this state or public employee benefit plan established</u>	170
<u>or modified in this state shall exclude coverage for the screening</u>	171
<u>and diagnosis of autism spectrum disorders or for any of the</u>	172
<u>following services when those services are medically necessary and</u>	173
<u>are prescribed, provided, or ordered for an individual diagnosed</u>	174
<u>with an autism spectrum disorder by a health care professional</u>	175
<u>licensed or certified under the laws of this state to prescribe,</u>	176
<u>provide, or order such services:</u>	177
<u>(1) Habilitative or rehabilitative care;</u>	178
<u>(2) Pharmacy care if the policy, contract, or agreement</u>	179
<u>provides coverage for other prescription drug services;</u>	180
<u>(3) Psychiatric care;</u>	181
<u>(4) Psychological care;</u>	182
<u>(5) Therapeutic care;</u>	183
<u>(6) Counseling services;</u>	184
<u>(7) Any additional treatments or therapies adopted by the</u>	185
<u>director of mental retardation and developmental disabilities</u>	186
<u>pursuant to division (I) (4) of this section.</u>	187
<u>(B) Coverage provided under this section shall be delineated</u>	188
<u>in a treatment plan developed by the attending psychologist or</u>	189
<u>physician and shall not be subject to any limits on the number or</u>	190
<u>duration of visits an individual may make to any autism services</u>	191
<u>provider, except as indicated in the treatment plan, if the</u>	192
<u>services are medically necessary.</u>	193
<u>(C) Coverage provided under this section may be subject to</u>	194
<u>any copayment, deductible, and coinsurance provisions of the</u>	195
<u>policy or plan to the extent that other medical services covered</u>	196
<u>by the policy or plan are subject to those provisions. Coverage</u>	197
<u>provided under this section may be subject to a yearly maximum</u>	198

limitation of thirty-six thousand dollars on claims paid for 199
services related to coverage provided under this section. 200

(D)(1) Not more than once every six months, an insurer may 201
request a review of any treatment provided under this section 202
unless the insured's licensed physician or licensed psychologist 203
agrees that more frequent review is necessary. The insurer shall 204
pay for any review requested under this division. 205

(2) If requested by the insurer, the provider shall provide 206
the insurer with an annual treatment plan. 207

(3) Inpatient services are not subject to the six-month 208
review limitation under division (D)(1) of this section. 209

(E) This section shall not be construed as limiting benefits 210
otherwise available under an individual's policy or plan. 211

(F) This section shall not be construed as affecting any 212
obligation to provide services to an individual under an 213
individualized family service plan developed under 20 U.S.C. 1436 214
or individualized service plan developed under section 5126.31 of 215
the Revised Code, or affecting the duty of a public school to 216
provide a child with a disability with a free appropriate public 217
education under the "Individuals with Disabilities Education 218
Improvement Act of 2004," 20 U.S.C. 1400 et seq., as amended, and 219
Chapter 3323. of the Revised Code. 220

(G) This section does not apply to the offer or renewal of 221
any individual or group policy of sickness and accident insurance 222
that provides coverage for specific diseases or accidents only, or 223
to any hospital indemnity, medicare supplement, medicare, tricare, 224
long-term care, disability income, one-time limited duration 225
policy of not longer than six months, or other policy that offers 226
only supplemental benefits. 227

(H) A public employee benefit plan or insurer that offers a 228

policy of sickness and accident insurance is not required to offer 229
the coverage required under division (A) of this section if all of 230
the following apply: 231

(1) The insurer or public employee benefit plan submits 232
documentation certified by an independent member of the American 233
academy of actuaries to the superintendent of insurance showing 234
that incurred claims for the coverage required under division (A) 235
of this section for a period of at least six months independently 236
caused the costs for claims and administrative expenses for the 237
coverage of all covered services to increase by more than one per 238
cent per year. 239

(2) The insurer or public employee benefit plan submits a 240
signed letter from an independent member of the American academy 241
of actuaries to the superintendent of insurance opining that the 242
increase in costs described in division (D)(1) of this section 243
could reasonably justify an increase of more than one per cent in 244
the annual premiums or rates charged by the insurer or public 245
employee benefit plan for the coverage of all covered services. 246

(3) The superintendent of insurance makes the following 247
determinations from the documentation and opinion submitted 248
pursuant to divisions (D)(1) and (2) of this section: 249

(a) Incurred claims for the coverage required under division 250
(A) of this section for a period of at least six months 251
independently caused the costs for claims and administrative 252
expenses for the coverage of all covered services to increase by 253
more than one per cent per year. 254

(b) The increase in costs reasonably justifies an increase of 255
more than one per cent in the annual premiums or rates charged by 256
the insurer or public employee benefit plan for the coverage of 257
all covered services. 258

<u>Any determination made by the superintendent under this</u>	259
<u>division is subject to Chapter 119. of the Revised Code.</u>	260
<u>(I) (1) The director of mental retardation and developmental</u>	261
<u>disabilities shall convene a committee on the coverage of autism</u>	262
<u>spectrum disorders to investigate and recommend treatments or</u>	263
<u>therapies for autism spectrum disorders that the committee</u>	264
<u>believes should be included in the services that health benefit</u>	265
<u>plans and public employee benefit plans are required to cover</u>	266
<u>under division (A) of this section and the qualifications of the</u>	267
<u>providers of those treatments or therapies.</u>	268
<u>(2) The committee shall consist of nine members appointed by</u>	269
<u>the director of mental retardation and developmental disabilities</u>	270
<u>including the director of mental retardation and developmental</u>	271
<u>disabilities, the director of health, at least one licensed</u>	272
<u>physician, licensed psychologist, and parent of an individual</u>	273
<u>diagnosed with an autism spectrum disorder.</u>	274
<u>(3) The committee shall serve at the pleasure of the</u>	275
<u>director.</u>	276
<u>(4) The committee shall submit its recommendations to the</u>	277
<u>director of mental retardation and developmental disabilities. The</u>	278
<u>director may adopt rules in accordance with Chapter 119. of the</u>	279
<u>Revised Code to include additional treatments or therapies for</u>	280
<u>autism spectrum disorders in the services that health benefit</u>	281
<u>plans and public employee benefit plans are required to cover</u>	282
<u>under division (A) of this section.</u>	283
<u>(J) As used in this section:</u>	284
<u>(1) "Applied behavior analysis" means the design,</u>	285
<u>implementation, and evaluation of environmental modifications</u>	286
<u>using behavioral stimuli and consequences to produce socially</u>	287
<u>significant improvement in human behavior, including, but not</u>	288

<u>limited to, the use of direct observation, measurement, and</u>	289
<u>functional analysis of the relationship between environment and</u>	290
<u>behavior.</u>	291
<u>(2) "Autism services provider" means any person whose</u>	292
<u>professional scope of practice allows treatment of autism spectrum</u>	293
<u>disorders, whose services are delineated in the treatment plan</u>	294
<u>under division (B) of this section, and of whom one of the</u>	295
<u>following is true:</u>	296
<u>(a) The person is licensed, certified, or registered by an</u>	297
<u>appropriate agency of this state to perform the services assigned</u>	298
<u>to the person in the treatment plan.</u>	299
<u>(b) The person is directly supervised by an individual who is</u>	300
<u>licensed, certified, or registered by an appropriate agency of</u>	301
<u>this state to perform the services assigned to the person in the</u>	302
<u>treatment plan.</u>	303
<u>(3) "Autism spectrum disorder" means any of the pervasive</u>	304
<u>developmental disorders as defined by the most recent edition of</u>	305
<u>the diagnostic and statistical manual of mental disorders,</u>	306
<u>published by the American psychiatric association, or if that</u>	307
<u>manual is no longer published, a similar diagnostic manual. Autism</u>	308
<u>spectrum disorders includes, but is not limited to, autistic</u>	309
<u>disorder, Asperger's disorder, Rett's disorder, childhood</u>	310
<u>disintegrative disorder, and pervasive developmental disorder.</u>	311
<u>(4) "Diagnosis of autism spectrum disorders" means medically</u>	312
<u>necessary assessments, evaluations, or tests, including but not</u>	313
<u>limited to genetic and psychological tests to determine whether an</u>	314
<u>individual has an autism spectrum disorder.</u>	315
<u>(5) "Habilitative or rehabilitative care" means professional,</u>	316
<u>counseling, and guidance services and treatment programs,</u>	317
<u>including applied behavior analysis, that are necessary to</u>	318

<u>develop, maintain, or restore the functioning of an individual to</u>	319
<u>the maximum extent practicable.</u>	320
<u>(6) "Health benefit plan" has the same meaning as in section</u>	321
<u>3924.01 of the Revised Code.</u>	322
<u>(7) "Medically necessary" means the service is based upon</u>	323
<u>evidence; is prescribed, provided, or ordered by a health care</u>	324
<u>professional licensed or certified under the laws of this state to</u>	325
<u>prescribe, provide, or order autism-related services in accordance</u>	326
<u>with accepted standards of practice; and will or is reasonably</u>	327
<u>expected to do any of the following:</u>	328
<u>(a) Prevent the onset of an illness, condition, injury, or</u>	329
<u>disability;</u>	330
<u>(b) Reduce or ameliorate the physical, mental or</u>	331
<u>developmental effects of an illness, condition, injury, or</u>	332
<u>disability;</u>	333
<u>(c) Assist in achieving or maintaining maximum functional</u>	334
<u>capacity for performing daily activities, taking into account both</u>	335
<u>the functional capacity of the individual and the appropriate</u>	336
<u>functional capacities of individuals of the same age.</u>	337
<u>(8) "Pharmacy care" means prescribed medications and any</u>	338
<u>medically necessary health-related services used to determine the</u>	339
<u>need or effectiveness of the medications.</u>	340
<u>(9) "Psychiatric care" means direct or consultative services</u>	341
<u>provided by a psychiatrist licensed in the state in which the</u>	342
<u>psychiatrist practices psychiatry.</u>	343
<u>(10) "Psychological care" means direct or consultative</u>	344
<u>services provided by a psychologist licensed in the state in which</u>	345
<u>the psychologist practices psychology.</u>	346
<u>(11) "Therapeutic care" means services, communication</u>	347

devices, or other adaptive devices or equipment provided by a 348
licensed speech-language pathologist, licensed occupational 349
therapist, or licensed physical therapist." 350

In lines 104209, 104214, and 104215, add \$1,620,000 to fiscal 351
year 2011 352

Between lines 104242 and 104243, insert: 353

"On June 30, 2010, or as soon as possible thereafter, the 354
Director of Budget and Management shall transfer \$1,620,000 cash 355
from the General Revenue Fund to the State Employee Health Benefit 356
Fund (Fund 8080)." 357

Between lines 112310 and 112311, insert: 358

"Section ____ . Sections 1739.05, 1751.68, and 3923.84 of the 359
Revised Code as amended or enacted by this act shall apply only to 360
policies, contracts, agreements, or plans that are delivered, 361
issued for delivery, or renewed in this state on or after six 362
months after the effective date of this act." 363

In line 224 of the title, after "1547.87," insert "1751.68," 364

In line 248 of the title, after "3923.241," insert "3923.84," 365

The motion was _____ agreed to.

SYNOPSIS

Health Insurance Coverage of Autism Spectrum Disorders 366
R.C. 1739.05, 1751.68, 3923.84, and Section 271.10 367
Prohibits health insurers from excluding coverage for 368
specified autism services for individuals diagnosed with an autism 369
spectrum disorder but allows insurers to impose a yearly maximum 370

of \$30,000 on coverage of those services. 371

Allows an insurer to opt out of the required coverage if the 372
insurer can show that the incurred claims for those coverages 373
caused the insurer's costs to increase by more than 1% and that 374
the increase could reasonably justify an increase of more than 1% 375
in the annual premiums or rates charged by the insurer for health 376
insurance coverage. 377

Requires the Director of Mental Retardation and Developmental 378
Disabilities to convene a committee on the coverage of autism 379
spectrum disorders to investigate and recommend additional 380
treatments or therapies for autism spectrum disorders to be 381
covered by health insurers. 382

Delays the applicability of the bill's requirements to plans 383
that are issued or renewed 6 months after the bill's effective 384
date. 385

Increases appropriation item 995668, State Employee Health 386
Benefit Fund, by \$1,620,000 in fiscal year 2011, to \$600,263,430; 387
transfers \$1,620,000 cash from the General Revenue Fund to the 388
State Employee Health Benefit Fund (Fund 8080). 389

5 _____ moved to amend as follows:

6 Between lines 105025 and 105026, insert:

7 "Section ____ . FUNDING FOR IMMUNIZATIONS

8 To the extent permitted under state and federal law, the
9 Department of Health shall use state general revenue funds and
10 federal funds appropriated for the purchase of vaccinations to
11 provide immunizations to children and adults in Ohio."

12 The motion was _____ agreed to.

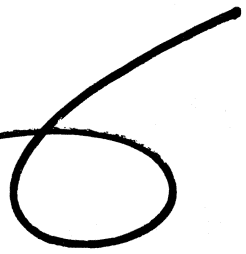
13 SYNOPSIS

14 **Department of Health**

15 **Section ____**

16 Specifies that funds appropriated for the purchase of
17 immunizations are required to be used to provide immunizations
18 to children and adults in Ohio.

Sub. H.B. 1
LSC 128 0516-4
HC-2273



_____ moved to amend as follows:

In line 417, after "3710.13," insert "3712.01," 1

Between lines 56857 and 56858, insert: 2

"Sec. 3712.01. As used in this chapter: 3

(A) "Hospice care program" means a coordinated program of 4
home, outpatient, and inpatient care and services that is operated 5
by a person or public agency and that provides the following care 6
and services to hospice patients, including services as indicated 7
below to hospice patients' families, through a medically directed 8
interdisciplinary team, under interdisciplinary plans of care 9
established pursuant to section 3712.06 of the Revised Code, in 10
order to meet the physical, psychological, social, spiritual, and 11
other special needs that are experienced during the final stages 12
of illness, dying, and bereavement: 13

(1) Nursing care by or under the supervision of a registered 14
nurse; 15

(2) Physical, occupational, or speech or language therapy, 16
unless waived by the department of health pursuant to rules 17
adopted under division (A) of section 3712.03 of the Revised Code; 18

(3) Medical social services by a social worker under the 19
direction of a physician; 20

(4) Services of a home health aide;	21
(5) Medical supplies, including drugs and biologicals, and the use of medical appliances;	22 23
(6) Physician's services;	24
(7) Short-term inpatient care, including both palliative and respite care and procedures;	25 26
(8) Counseling for hospice patients and hospice patients' families;	27 28
(9) Services of volunteers under the direction of the provider of the hospice care program;	29 30
(10) Bereavement services for hospice patients' families.	31
(B) "Hospice patient" means a patient who has been diagnosed as terminally ill, has an anticipated life expectancy of six months or less, and has voluntarily requested and is receiving care from a person or public agency licensed under this chapter to provide a hospice care program.	32 33 34 35 36
(C) "Hospice patient's family" means a hospice patient's immediate family members, including a spouse, brother, sister, child, or parent, and any other relative or individual who has significant personal ties to the patient and who is designated as a member of the patient's family by mutual agreement of the patient, the relative or individual, and the patient's interdisciplinary team.	37 38 39 40 41 42 43
(D) "Interdisciplinary team" means a working unit composed of professional and lay persons that includes at least a physician, a registered nurse, a social worker, a member of the clergy or a counselor, and a volunteer.	44 45 46 47
(E) "Palliative care" means treatment <u>for a patient with a serious or life-threatening illness</u> directed at controlling pain,	49 50

relieving other symptoms, and ~~focusing on the special needs~~ 51
~~enhancing the quality of life of a hospice the patient and the~~ 52
~~hospice patient's family as they experience the stress of the~~ 53
~~dying process~~ rather than treatment aimed at investigation and 54
~~intervention~~ for the purpose of cure ~~or prolongation of life.~~ 55
Nothing in this section shall be interpreted to mean that 56
palliative care can be provided only as a component of a hospice 57
care program.

(F) "Physician" means a person authorized under Chapter 4731. 58
of the Revised Code to practice medicine and surgery or 59
osteopathic medicine and surgery. 60

(G) "Attending physician" means the physician identified by 61
the hospice patient or the hospice patient's family as having 62
primary responsibility for the hospice patient's medical care. 63

(H) "Registered nurse" means a person registered under 64
Chapter 4723. of the Revised Code to practice professional 65
nursing. 66

(I) "Social worker" means a person licensed under Chapter 67
4757. of the Revised Code to practice as a social worker or 68
independent social worker." 69

In line 98946, after "3710.13," insert "3712.01," 70

In line 119 of the title, after "3710.13," insert "3712.01," 71

The motion was _____ agreed to.

SYNOPSIS

Palliative Care in Hospice Programs 72

R.C. 3712.01 73



Revises the definition of "palliative care," for purposes of 74
hospice care programs, to mean "treatment for a patient with a 75
serious or life-threatening illness directed at controlling pain, 76
relieving other symptoms, and enhancing the quality of life of the 77
patient and the patient's family rather than treatment for the 78
purpose of cure." 79

Specifies that nothing in the definition of "palliative care" 80
is to be interpreted as meaning that the care can be provided only 81
as a component of a hospice care program. 82

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Sub. H.B. 1
LSC 128 0516-4
HC-2274

6 _____ moved to amend as follows:

7 Between lines 112047 and 112048, insert:

8 **"Section _____.** STUDY REGARDING AMOUNT, DURATION, AND
9 SCOPE OF COMMUNITY BEHAVIORAL HEALTH SERVICES

10 (A) The Directors of Alcohol and Drug Addiction Services,
11 Mental Health, and Job and Family Services shall convene a group
12 consisting of representatives of all of the following:

13 (1) Their departments;

14 (2) Boards of alcohol, drug addiction, and mental health
15 services; community mental health boards; and alcohol and drug
16 addiction services boards;

17 (3) Providers of community behavioral health services;

18 (4) Consumers of community behavioral health services and
19 advocates of such consumers.

20 (B) Members of the group convened under this section shall
21 serve without compensation, except to the extent that serving on
22 the group is considered part of their regular employment duties.

23 The group shall develop recommendations regarding the
24 amount, duration, and scope of publicly funded community

25 behavioral health services that should be available through
26 Ohio's community behavioral health system, including
27 recommendations regarding the conditions under which the
28 services should be available. The group shall prepare a report
29 with its recommendations. The group shall submit the report to
30 the Governor and, in accordance with section 101.68 of the
31 Revised Code, the General Assembly not later than June 30, 2011.
32 The group shall cease to exist on submission of the report."

33 The motion was _____ agreed to.

34 SYNOPSIS

35 **Community Behavioral Health Services Study**

36 **Section _____**

37 Requires the Directors of Alcohol and Drug Addiction
38 Services, Mental Health, and Job and Family Services to convene a
39 group to develop recommendations regarding the amount, duration,
40 and scope of publicly funded community behavioral health
41 services that should be available through Ohio's community
42 behavioral health system.

5 _____ moved to amend as follows:

6 In line 84321, after "date" insert "or, if the nursing
7 facility did not have a medicaid reimbursement per diem rate on
8 June 30, 2005, the capital costs portion of the nursing
9 facility's initial rate established under section 5111.254 of
10 the Revised Code"

11 The motion was _____ agreed to.

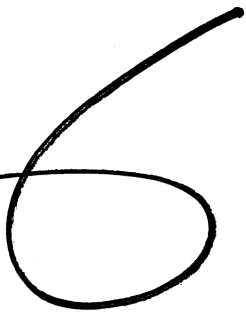
12 SYNOPSIS

13 **Nursing Facilities' Medicaid Rate for Capital Costs**

14 **R.C. 5111.25**

15 Provides that the Medicaid capital cost rate for a nursing
16 facility that did not have a Medicaid rate on June 30, 2005,
17 cannot be lower than the sum of (1) its initial Medicaid capital
18 cost report and (2) any capital compensation rate for which it
19 qualified during the first three quarters of fiscal year 2008.

Sub. H.B. 1
LSC 128 0516-4
HC-2279



_____ moved to amend as follows:

Delete lines 105408 through 105553 and insert: 1

"Section 309.30.20. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 2
SYSTEM FOR NURSING FACILITIES 3

(A) As used in this section: 4

"Franchise permit fee," "Medicaid days," "nursing facility," 5
and "provider" have the same meanings as in section 5111.20 of the 6
Revised Code. 7

"Nursing facility services" means nursing facility services 8
covered by the Medicaid program that a nursing facility provides 9
to a resident of the nursing facility who is a Medicaid recipient 10
eligible for Medicaid-covered nursing facility services. 11

(B) Except as otherwise provided by this section, the 12
provider of a nursing facility that has a valid Medicaid provider 13
agreement on June 30, 2009, and a valid Medicaid provider 14
agreement during fiscal year 2010 shall be paid, for nursing 15
facility services the nursing facility provides during fiscal year 16
2010, the rate calculated for the nursing facility under sections 17
5111.20 to 5111.33 of the Revised Code with the following 18
adjustments: 19

(1) The nursing facility's rate for capital costs shall be 20

the greater of the following:	21
(a) The sum calculated under division (B) (2) of section 5111.25 of the Revised Code for the nursing facility;	22
(b) The median rate for capital costs for the nursing facilities in the nursing facility's peer group as determined under division (D) of section 5111.25 of the Revised Code, adjusted as follows:	24
(i) Increase the rate so determined by two per cent;	28
(ii) Increase the rate determined under division (B) (1) (b) (i) of this section by two per cent;	29
(iii) Increase the rate determined under division (B) (1) (b) (ii) of this section by one per cent.	31
(2) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, and the rate for tax costs calculated under section 5111.242 of the Revised Code shall each be adjusted as follows:	33
(a) Increase the cost and rates so calculated by two per cent;	38
(b) Increase the cost and rates determined under division (B) (2) (a) of this section by two per cent;	40
(c) Increase the cost and rates determined under division (B) (2) (b) of this section by one per cent.	42
(3) The mean payment used in the calculation of the quality incentive payment made under section 5111.244 of the Revised Code shall be, weighted by Medicaid days, three dollars and three cents per Medicaid day.	44
(4) The rate, after the adjustments under divisions (B) (1), (2), and (3) of this section are made, shall be further increased	48

by three dollars per Medicaid day. 50

(C) If the rate determined for a nursing facility under 51
division (B) of this section for nursing facility services 52
provided during fiscal year 2010 is more than the rate the 53
provider is paid for nursing facility services the nursing 54
facility provides on June 30, 2009, the Department of Job and 55
Family Services shall reduce the nursing facility's fiscal year 56
2010 rate by one-half of the difference between the rate 57
determined for the nursing facility under division (B) of this 58
section and the nursing facility's rate for June 30, 2009. If the 59
rate determined for a nursing facility under division (B) of this 60
section for nursing facility services provided during fiscal year 61
2010 is less than the rate the provider is paid for nursing 62
facility services the nursing facility provides on June 30, 2009, 63
the Department shall increase the nursing facility's fiscal year 64
2010 rate by five-sixths of the difference between the rate 65
determined for the nursing facility under division (B) of this 66
section and the nursing facility's rate for June 30, 2009. 67

(D) After the adjustments under divisions (B) and (C) of this 68
section are made to a nursing facility's fiscal year 2010 rate, 69
the Department of Job and Family Services shall increase the 70
nursing facility's fiscal year 2010 rate by five dollars per 71
Medicaid day if the nursing facility has more than two hundred 72
fifty beds certified for the Medicaid program. 73

(E) If the United States Centers for Medicare and Medicaid 74
Services requires that the franchise permit fee be reduced or 75
eliminated, the Department of Job and Family Services shall reduce 76
the amount it pays providers of nursing facility services under 77
this section as necessary to reflect the loss to the state of the 78
revenue and federal financial participation generated from the 79
franchise permit fee. 80

(F) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2009, and a valid Medicaid provider agreement during fiscal year 2010 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

Section 309.30.30. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

"Franchise permit fee," "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2010, and a valid Medicaid provider agreement during fiscal year 2011 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2011, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

(1) The nursing facility's rate for capital costs shall be the greater of the following:

(a) The sum calculated under division (B)(2) of section 5111.25 of the Revised Code for the nursing facility;

(b) The median rate for capital costs for the nursing facilities in the nursing facility's peer group as determined

under division (D) of section 5111.25 of the Revised Code,	111
adjusted as follows:	112
(i) Increase the rate so determined by two per cent;	113
(ii) Increase the rate determined under division (B) (1) (b) (i)	114
of this section by two per cent;	115
(iii) Increase the rate determined under division	116
(B) (1) (b) (ii) of this section by one per cent.	117
(2) The cost per case mix-unit calculated under section	118
5111.231 of the Revised Code, the rate for ancillary and support	119
costs calculated under section 5111.24 of the Revised Code, and	120
the rate for tax costs calculated under section 5111.242 of the	121
Revised Code shall each be adjusted as follows:	122
(a) Increase the cost and rates so calculated by two per	123
cent;	124
(b) Increase the cost and rates determined under division	125
(B) (2) (a) of this section by two per cent;	126
(c) Increase the cost and rates determined under division	127
(B) (2) (b) of this section by one per cent.	128
(3) The mean payment used in the calculation of the quality	129
incentive payment made under section 5111.244 of the Revised Code	130
shall be, weighted by Medicaid days, three dollars and three cents	131
per Medicaid day.	132
(4) The rate, after the adjustments under divisions (B) (1),	133
(2), and (3) of this section are made, shall be further increased	134
by five dollars and thirty-five cents per Medicaid day.	135
(C) If the rate determined for a nursing facility under	136
division (B) of this section for nursing facility services	137
provided during fiscal year 2011 is less than the rate the	138
provider is paid for nursing facility services the nursing	139

facility provides on June 30, 2009, the Department of Job and Family Services shall increase the nursing facility's fiscal year 2011 rate by two-thirds of the difference between the rate determined for the nursing facility under division (B) of this section and the nursing facility's rate for June 30, 2009.

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(D) After the adjustments under divisions (B) and (C) of this section are made to a nursing facility's fiscal year 2011 rate, the Department of Job and Family Services shall increase the nursing facility's fiscal year 2011 rate by five dollars per Medicaid day if the nursing facility has more than two hundred fifty beds certified for the Medicaid program.

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(E) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facility services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

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(F) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2010, and a valid Medicaid provider agreement during fiscal year 2011 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code."

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The motion was _____ agreed to.

SYNOPSIS

FY 2010 Medicaid Reimbursement Rate for Nursing Facilities 164

Section 309.30.20

165

Revises the bill's provision regarding nursing facilities' fiscal year 2010 Medicaid rates as follows:

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(1) By providing that a nursing facility's rate for capital costs cannot be less than the capital costs portion of its fiscal year 2004 rate plus any capital compensation per diem for which it qualified during the first three quarters of fiscal year 2008;

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(2) By adding the \$5 per Medicaid day increase for nursing facilities with more than 250 Medicaid-certified beds after all other adjustments are made.

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FY 2011 Medicaid Reimbursement Rate for Nursing Facilities

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Section 309.30.30

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Revises the bill's provision regarding nursing facilities' fiscal year 2011 Medicaid rates as follows:

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(1) By providing that a nursing facility's rate for capital costs cannot be less than the capital costs portion of its fiscal year 2004 rate plus any capital compensation per diem for which it qualified during the first three quarters of fiscal year 2008;

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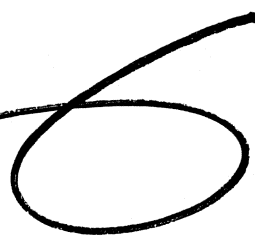
(2) By adding the \$5 per Medicaid day increase for nursing facilities with more than 250 Medicaid-certified beds after all other adjustments are made.

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Sub. H.B. 1
LSC 128 0516-4
HC-2291



_____ moved to amend as follows:

In line 479, after "5911.10," insert "5913.051," 1

Between lines 97622 and 97623 insert: 2

"Sec. 5913.051. ~~To supplement the military staff of the~~ 3
~~governor, the~~ (A) The adjutant general may appoint an assistant to 4
~~the state area commander for readiness and training for adjutant~~ 5
general - army. This assistant shall be a brigadier general and 6
shall aid the adjutant general by performing duties that the 7
adjutant general assigns in that include the areas of readiness, 8
~~training, and mobilization, and homeland defense preparedness.~~ 9
This assistant shall not be a full-time state employee or a member 10
of the governor's military staff, but shall serve in that capacity 11
only during federally recognized training, special duty periods, 12
~~or mobilization periods, or state active duty,~~ and shall at the 13
time of appointment be in the rank of colonel or above but 14
otherwise meet the qualifications established ~~in section 5913.021~~ 15
~~of the Revised Code by the department of defense/army for general~~ 16
officer qualification. 17

(B) The adjutant general may appoint an assistant adjutant 18
general - airforce. This assistant shall be a brigadier general 19
and shall aid the adjutant general by performing duties that the 20
adjutant general assigns that include the areas of readiness. 21

mobilization, and homeland defense preparedness. This assistant 22
shall not be a full-time state employee or a member of the 23
governor's military staff, but shall serve in that capacity only 24
during federally recognized training, special duty periods, 25
mobilization periods, or state active duty, and shall at the time 26
of appointment be in the rank of colonel or above but otherwise 27
meet the qualifications established by the department of 28
defense/air force for general officer qualification." 29

In line 99008, after "5911.10," insert "5913.051," 30

In line 204 of the title, after "5911.10," insert "5913.051," 31

The motion was _____ agreed to.

SYNOPSIS

Assistant Adjutant General-Army and Air Force 32

R.C. 5913.051 33

Instead of appointing an assistant to the state area 34
 commander of readiness and training for army, permits the Adjutant 35
 General to appoint an assistant Adjutant General - Army and an 36
 assistant Adjutant General - Air Force who must meet the 37
 qualifications established by the Department of Defense/Army or 38
 Department of Defense/Air Force, as the case may be, for general 39
 officer qualification. 40

5 _____ moved to amend as follows:

6 Between lines 112287 and 112288, insert:

7 **"Section 759. __** Notwithstanding division (B)(1) of section
8 5919.34 of the Revised Code, the number of participants in the
9 Ohio National Guard Scholarship Program for the summer term
10 occurring in the year 2009 shall be limited to the equivalent of
11 one thousand full-time participants."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **National Guard Scholarship Program**

15 **Section 759. __**

16 Limits the number of participants in the Ohio National
17 Guard Scholarship Program for the 2009 summer term to the
18 equivalent of 1,000 full-time participants. Otherwise, the
19 number of participants in the 2009 summer term would be limited
20 to the equivalent of 800 full-time participants.

5 _____ moved to amend as follows:

6 In line 339, delete "145.11,"

7 In line 345, delete "742.11,"

8 In line 379, delete "3307.15,"; delete "3309.15,"

9 In line 471, delete "5505.06,"

10 In line 490, delete "145.117,"

11 In line 493, delete "742.117,"

12 In line 502, delete "3307.155,"

13 In line 503, delete "3309.1510,"

14 In line 521, delete "5505.0611,"

15 Delete lines 9017 through 9129

16 Delete lines 14517 through 14635

17 Delete lines 33445 through 33554

18 Delete lines 33672 through 33781

19 Delete lines 88176 through 88292

20 In line 98868, delete "145.11,"

21 In line 98875, delete "742.11,"

22 In line 98908, delete "3307.15,"; delete "3309.15,"

23 In line 99000, delete "5505.06,"

24 In line 12 of the title, delete "145.11,"

25 In line 20 of the title, delete "742.11,"

26 In line 66 of the title, delete "3307.15,"
27 In line 67 of the title, delete "3309.15,"
28 In line 192 of the title, delete "5505.06,"
29 In line 218 of the title, delete "145.117,"
30 In line 222 of the title, delete "742.117,"
31 In line 235 of the title, delete "3307.155, 3309.1510,"
32 In line 260 of the title, delete "5505.0611,"

33 The motion was _____ agreed to.

34 SYNOPSIS

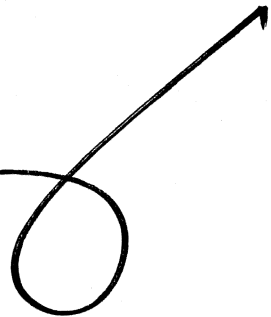
35 **State Retirement Systems - Minority and Women-Owned**
36 **Investment Managers and Agents**

37 **R.C. 145.11, 145.117, 742.11, 742.117, 3307.15, 3307.155,**
38 **3309.15, 3309.1510, 5505.06, and 5505.0611**

39 Removes from the bill provisions that would have permitted
40 the Public Employees Retirement System Board, the Board of
41 Trustees of the Ohio Police and Fire Pension Fund, the State
42 Teachers Retirement System Board, the School Employees
43 Retirement System Board, and the State Highway Patrol Retirement
44 System Board to set aside 15% of the contracts with agents and
45 investment managers for firms owned by minorities or women and
46 ventures owned by minorities or women.

47 Removes from the bill provisions that would have required
48 each retirement board to annually submit to the Governor,
49 General Assembly, and the Ohio Retirement Study Council a report
50 containing the following information: (1) the name of each
51 Ohio-qualified investment manager that is a minority business
52 enterprise or women's business enterprise, (2) the percentage of
53 assets managed by Ohio-qualified investment managers that are
54 minority business enterprises or women's business enterprises,
55 (3) efforts by the board to increase utilization of Ohio-
56 qualified investment managers that are minority business
57 enterprises or women's business enterprises.

Sub. H.B. 1
LSC 128 0518-4
HC-2300



_____ moved to amend as follows:

_____ moved to amend as follows: 1

In line 371, after "1753.09," insert "1901.26," 2

In line 372, after "1901.31," insert "1907.24,"; after 3
2151.011," insert "2303.201," 4

Between lines 25401 and 25402 insert: 5

"Sec. 1901.26. (A) Subject to division (E) of this section, 6
costs in a municipal court shall be fixed and taxed as follows: 7

(1) (a) The municipal court shall require an advance deposit 8
for the filing of any new civil action or proceeding when required 9
by division (C) of this section, and in all other cases, by rule, 10
shall establish a schedule of fees and costs to be taxed in any 11
civil or criminal action or proceeding. 12

(b) (i) The legislative authority of a municipal corporation 13
may by ordinance establish a schedule of fees to be taxed as costs 14
in any civil, criminal, or traffic action or proceeding in a 15
municipal court for the performance by officers or other employees 16
of the municipal corporation's police department or marshal's 17
office of any of the services specified in sections 311.17 and 18
509.15 of the Revised Code. No fee in the schedule shall be higher 19
than the fee specified in section 311.17 of the Revised Code for 20

the performance of the same service by the sheriff. If a fee 21
established in the schedule conflicts with a fee for the same 22
service established in another section of the Revised Code or a 23
rule of court, the fee established in the other section of the 24
Revised Code or the rule of court shall apply. 25

(ii) When an officer or employee of a municipal police 26
department or marshal's office performs in a civil, criminal, or 27
traffic action or proceeding in a municipal court a service 28
specified in section 311.17 or 509.15 of the Revised Code for 29
which a taxable fee has been established under this or any other 30
section of the Revised Code, the applicable legal fees and any 31
other extraordinary expenses, including overtime, provided for the 32
service shall be taxed as costs in the case. The clerk of the 33
court shall pay those legal fees and other expenses, when 34
collected, into the general fund of the municipal corporation that 35
employs the officer or employee. 36

(iii) If a bailiff of a municipal court performs in a civil, 37
criminal, or traffic action or proceeding in that court a service 38
specified in section 311.17 or 509.15 of the Revised Code for 39
which a taxable fee has been established under this section or any 40
other section of the Revised Code, the fee for the service is the 41
same and is taxable to the same extent as if the service had been 42
performed by an officer or employee of the police department or 43
marshal's office of the municipal corporation in which the court 44
is located. The clerk of that court shall pay the fee, when 45
collected, into the general fund of the entity or entities that 46
fund the bailiff's salary, in the same prorated amount as the 47
salary is funded. 48

(iv) Division (A) (1) (b) of this section does not authorize or 49
require any officer or employee of a police department or 50
marshal's office of a municipal corporation or any bailiff of a 51

municipal court to perform any service not otherwise authorized by law.

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(2) The municipal court, by rule, may require an advance deposit for the filing of any civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court may waive the requirement for advance deposit upon affidavit or other evidence that a party is unable to make the required deposit.

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(3) When a jury trial is demanded in any civil action or proceeding, the party making the demand may be required to make an advance deposit as fixed by rule of court, unless, upon affidavit or other evidence, the court concludes that the party is unable to make the required deposit. If a jury is called, the fees of a jury shall be taxed as costs.

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(4) In any civil or criminal action or proceeding, each witness shall receive twelve dollars for each full day's attendance and six dollars for each half day's attendance. Each witness in a municipal court that is not a county-operated municipal court also shall receive fifty and one-half cents for each mile necessarily traveled to and from the witness's place of residence to the action or proceeding.

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(5) A reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in any proceeding may be taxed as part of the costs in a trial of the cause, in an amount that shall be fixed by rule of court.

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(6) Chattel property seized under any writ or process issued by the court shall be preserved pending final disposition for the benefit of all persons interested and may be placed in storage when necessary or proper for that preservation. The custodian of any chattel property so stored shall not be required to part with

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the possession of the property until a reasonable charge, to be 83
fixed by the court, is paid. 84

(7) The municipal court, as it determines, may refund all 85
deposits and advance payments of fees and costs, including those 86
for jurors and summoning jurors, when they have been paid by the 87
losing party. 88

(8) Charges for the publication of legal notices required by 89
statute or order of court may be taxed as part of the costs, as 90
provided by section 7.13 of the Revised Code. 91

(B) (1) The municipal court may determine that, for the 92
efficient operation of the court, additional funds are necessary 93
to acquire and pay for special projects of the court including, 94
but not limited to, the acquisition of additional facilities or 95
the rehabilitation of existing facilities, the acquisition of 96
equipment, the hiring and training of staff, community service 97
programs, mediation or dispute resolution services, the employment 98
of magistrates, the training and education of judges, acting 99
judges, and magistrates, and other related services. Upon that 100
determination, the court by rule may charge a fee, in addition to 101
all other court costs, on the filing of each criminal cause, civil 102
action or proceeding, or judgment by confession. 103

If the municipal court offers a special program or service in 104
cases of a specific type, the municipal court by rule may assess 105
an additional charge in a case of that type, over and above court 106
costs, to cover the special program or service. The municipal 107
court shall adjust the special assessment periodically, but not 108
retroactively, so that the amount assessed in those cases does not 109
exceed the actual cost of providing the service or program. 110

All moneys collected under division (B) of this section shall 111
be paid to the county treasurer if the court is a county-operated 112
municipal court or to the city treasurer if the court is not a 113

county-operated municipal court for deposit into either a general
special projects fund or a fund established for a specific special
project. Moneys from a fund of that nature shall be disbursed upon
an order of the court in an amount no greater than the actual cost
to the court of a project. If a specific fund is terminated
because of the discontinuance of a program or service established
under division (B) of this section, the municipal court may order
that moneys remaining in the fund be transferred to an account
established under this division for a similar purpose.

(2) As used in division (B) of this section: 123

(a) "Criminal cause" means a charge alleging the violation of
a statute or ordinance, or subsection of a statute or ordinance,
that requires a separate finding of fact or a separate plea before
disposition and of which the defendant may be found guilty,
whether filed as part of a multiple charge on a single summons,
citation, or complaint or as a separate charge on a single
summons, citation, or complaint. "Criminal cause" does not include
separate violations of the same statute or ordinance, or
subsection of the same statute or ordinance, unless each charge is
filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation
that must be determined by judgment entry.

(c) The municipal court shall collect in all its divisions
except the small claims division the sum of ~~twenty-six~~ thirty-one
dollars as additional filing fees in each new civil action or
proceeding for the charitable public purpose of providing
financial assistance to legal aid societies that operate within
the state and to support the office of the state public defender.
The municipal court shall collect in its small claims division the
sum of eleven dollars as additional filing fees in each new civil
action or proceeding for the charitable public purpose of

providing financial assistance to legal aid societies that operate 145
within the state and to support the office of the state public 146
defender. This division does not apply to any execution on a 147
judgment, proceeding in aid of execution, or other post-judgment 148
proceeding arising out of a civil action. The filing fees required 149
to be collected under this division shall be in addition to any 150
other court costs imposed in the action or proceeding and shall be 151
collected at the time of the filing of the action or proceeding. 152
The court shall not waive the payment of the additional filing 153
fees in a new civil action or proceeding unless the court waives 154
the advanced payment of all filing fees in the action or 155
proceeding. All such moneys collected during a month except for an 156
amount equal to up to one per cent of those moneys retained to 157
cover administrative costs shall be transmitted on or before the 158
twentieth day of the following month by the clerk of the court to 159
the treasurer of state in a manner prescribed by the treasurer of 160
state or by the Ohio legal assistance foundation. The treasurer of 161
state shall deposit four per cent of the funds collected under 162
this division to the credit of the civil case filing fee fund 163
established under section 120.07 of the Revised Code and 164
ninety-six per cent of the funds collected under this division to 165
the credit of the legal aid fund established under section 120.52 166
of the Revised Code. 167

The court may retain up to one per cent of the moneys it 168
collects under this division to cover administrative costs, 169
including the hiring of any additional personnel necessary to 170
implement this division. If the court fails to transmit to the 171
treasurer of state the moneys the court collects under this 172
division in a manner prescribed by the treasurer of state or by 173
the Ohio legal assistance foundation, the court shall forfeit the 174
moneys the court retains under this division to cover 175
administrative costs, including the hiring of any additional 176

personnel necessary to implement this division, and shall transmit 177
to the treasurer of state all moneys collected under this 178
division, including the forfeited amount retained for 179
administrative costs, for deposit in the legal aid fund. 180

(D) In the Cleveland municipal court, reasonable charges for 181
investigating titles of real estate to be sold or disposed of 182
under any writ or process of the court may be taxed as part of the 183
costs. 184

(E) Under the circumstances described in sections 2969.21 to 185
2969.27 of the Revised Code, the clerk of the municipal court 186
shall charge the fees and perform the other duties specified in 187
those sections. 188

(F) As used in this section: 189

(1) "Full day's attendance" means a day on which a witness is 190
required or requested to be present at an action or proceeding 191
before and after twelve noon, regardless of whether the witness 192
actually testifies. 193

(2) "Half day's attendance" means a day on which a witness is 194
required or requested to be present at an action or proceeding 195
either before or after twelve noon, but not both, regardless of 196
whether the witness actually testifies." 197

Between lines 25875 and 25876 insert: 198

~~"Sec. 1907.24.~~ (A) Subject to division (C) of this section, a 199
county court shall fix and tax fees and costs as follows: 200

(1) The county court shall require an advance deposit for the 201
filing of any new civil action or proceeding when required by 202
division (C) of this section and, in all other cases, shall 203
establish a schedule of fees and costs to be taxed in any civil or 204
criminal action or proceeding. 205

(2) The county court by rule may require an advance deposit 206
 for the filing of a civil action or proceeding and publication 207
 fees as provided in section 2701.09 of the Revised Code. The court 208
 may waive an advance deposit requirement upon the presentation of 209
 an affidavit or other evidence that establishes that a party is 210
 unable to make the requisite deposit. 211

(3) When a party demands a jury trial in a civil action or 212
 proceeding, the county court may require the party to make an 213
 advance deposit as fixed by rule of court, unless the court 214
 concludes, on the basis of an affidavit or other evidence 215
 presented by the party, that the party is unable to make the 216
 requisite deposit. If a jury is called, the county court shall tax 217
 the fees of a jury as costs. 218

(4) In a civil or criminal action or proceeding, the county 219
 court shall fix the fees of witnesses in accordance with sections 220
 2335.06 and 2335.08 of the Revised Code. 221

(5) A county court may tax as part of the costs in a trial of 222
 the cause, in an amount fixed by rule of court, a reasonable 223
 charge for driving, towing, carting, storing, keeping, and 224
 preserving motor vehicles and other personal property recovered or 225
 seized in a proceeding. 226

(6) The court shall preserve chattel property seized under a 227
 writ or process issued by the court pending final disposition for 228
 the benefit of all interested persons. The court may place the 229
 chattel property in storage when necessary or proper for its 230
 preservation. The custodian of chattel property so stored shall 231
 not be required to part with the possession of the property until 232
 a reasonable charge, to be fixed by the court, is paid. 233

(7) The county court, as it determines, may refund all 234
 deposits and advance payments of fees and costs, including those 235
 for jurors and summoning jurors, when they have been paid by the 236

losing party.

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(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.

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(B) (1) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

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If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The county court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

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All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order

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that moneys remaining in the fund be transferred to an account 268
 established under this division for a similar purpose. 269

(2) As used in division (B) of this section: 270

(a) "Criminal cause" means a charge alleging the violation of 271
 a statute or ordinance, or subsection of a statute or ordinance, 272
 that requires a separate finding of fact or a separate plea before 273
 disposition and of which the defendant may be found guilty, 274
 whether filed as part of a multiple charge on a single summons, 275
 citation, or complaint or as a separate charge on a single 276
 summons, citation, or complaint. "Criminal cause" does not include 277
 separate violations of the same statute or ordinance, or 278
 subsection of the same statute or ordinance, unless each charge is 279
 filed on a separate summons, citation, or complaint. 280

(b) "Civil action or proceeding" means any civil litigation 281
 that must be determined by judgment entry. 282

(C) Subject to division (E) of this section, the county court 283
 shall collect in all its divisions except the small claims 284
 division the sum of ~~twenty-six~~ thirty-one dollars as additional 285
 filing fees in each new civil action or proceeding for the 286
 charitable public purpose of providing financial assistance to 287
 legal aid societies that operate within the state and to support 288
 the office of the state public defender. Subject to division (E) 289
 of this section, the county court shall collect in its small 290
 claims division the sum of eleven dollars as additional filing 291
 fees in each new civil action or proceeding for the charitable 292
 public purpose of providing financial assistance to legal aid 293
 societies that operate within the state and to support the office 294
 of the state public defender. This division does not apply to any 295
 execution on a judgment, proceeding in aid of execution, or other 296
 post-judgment proceeding arising out of a civil action. The filing 297
 fees required to be collected under this division shall be in 298

addition to any other court costs imposed in the action or 299
 proceeding and shall be collected at the time of the filing of the 300
 action or proceeding. The court shall not waive the payment of the 301
 additional filing fees in a new civil action or proceeding unless 302
 the court waives the advanced payment of all filing fees in the 303
 action or proceeding. All such moneys collected during a month 304
except for an amount equal to up to one per cent of those moneys 305
retained to cover administrative costs shall be transmitted on or 306
 before the twentieth day of the following month by the clerk of 307
 the court to the treasurer of state in a manner prescribed by the 308
 treasurer of state or by the Ohio legal assistance foundation. The 309
 treasurer of state shall deposit four per cent of the funds 310
 collected under this division to the credit of the civil case 311
 filing fee fund established under section 120.07 of the Revised 312
 Code and ninety-six per cent of the funds collected under this 313
 division to the credit of the legal aid fund established under 314
 section 120.52 of the Revised Code. 315

The court may retain up to one per cent of the moneys it 316
 collects under this division to cover administrative costs, 317
 including the hiring of any additional personnel necessary to 318
 implement this division. If the court fails to transmit to the 319
treasurer of state the moneys the court collects under this 320
division in a manner prescribed by the treasurer of state or by 321
the Ohio legal assistance foundation, the court shall forfeit the 322
moneys the court retains under this division to cover 323
administrative costs, including the hiring of any additional 324
personnel necessary to implement this division, and shall transmit 325
to the treasurer of state all moneys collected under this 326
division, including the forfeited amount retained for 327
administrative costs, for deposit in the legal aid fund. 328

(D) The county court shall establish by rule a schedule of 329
 fees for miscellaneous services performed by the county court or 330

any of its judges in accordance with law. If judges of the court 331
of common pleas perform similar services, the fees prescribed in 332
the schedule shall not exceed the fees for those services 333
prescribed by the court of common pleas. 334

(E) Under the circumstances described in sections 2969.21 to 335
2969.27 of the Revised Code, the clerk of the county court shall 336
charge the fees and perform the other duties specified in those 337
sections." 338

Between lines 26212 and 26213 insert: 339

"Sec. 2303.201. (A) (1) The court of common pleas of any 340
county may determine that for the efficient operation of the court 341
additional funds are required to computerize the court, to make 342
available computerized legal research services, or to do both. 343
Upon making a determination that additional funds are required for 344
either or both of those purposes, the court shall authorize and 345
direct the clerk of the court of common pleas to charge one 346
additional fee, not to exceed three dollars, on the filing of each 347
cause of action or appeal under divisions (A), (Q), and (U) of 348
section 2303.20 of the Revised Code. 349

(2) All fees collected under division (A) (1) of this section 350
shall be paid to the county treasurer. The treasurer shall place 351
the funds from the fees in a separate fund to be disbursed, upon 352
an order of the court, in an amount not greater than the actual 353
cost to the court of procuring and maintaining computerization of 354
the court, computerized legal research services, or both. 355

(3) If the court determines that the funds in the fund 356
described in division (A) (2) of this section are more than 357
sufficient to satisfy the purpose for which the additional fee 358
described in division (A) (1) of this section was imposed, the 359
court may declare a surplus in the fund and expend those surplus 360

funds for other appropriate technological expenses of the court. 361

(B) (1) The court of common pleas of any county may determine 362
that, for the efficient operation of the court, additional funds 363
are required to computerize the office of the clerk of the court 364
of common pleas and, upon that determination, authorize and direct 365
the clerk of the court of common pleas to charge an additional 366
fee, not to exceed ten dollars, on the filing of each cause of 367
action or appeal, on the filing, docketing, and endorsing of each 368
certificate of judgment, or on the docketing and indexing of each 369
aid in execution or petition to vacate, revive, or modify a 370
judgment under divisions (A), (P), (Q), (T), and (U) of section 371
2303.20 of the Revised Code. Subject to division (B) (2) of this 372
section, all moneys collected under division (B) (1) of this 373
section shall be paid to the county treasurer to be disbursed, 374
upon an order of the court of common pleas and subject to 375
appropriation by the board of county commissioners, in an amount 376
no greater than the actual cost to the court of procuring and 377
maintaining computer systems for the office of the clerk of the 378
court of common pleas. 379

(2) If the court of common pleas of a county makes the 380
determination described in division (B) (1) of this section, the 381
board of county commissioners of that county may issue one or more 382
general obligation bonds for the purpose of procuring and 383
maintaining the computer systems for the office of the clerk of 384
the court of common pleas. In addition to the purposes stated in 385
division (B) (1) of this section for which the moneys collected 386
under that division may be expended, the moneys additionally may 387
be expended to pay debt charges on and financing costs related to 388
any general obligation bonds issued pursuant to division (B) (2) of 389
this section as they become due. General obligation bonds issued 390
pursuant to division (B) (2) of this section are Chapter 133. 391

securities.

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(C) The court of common pleas shall collect the sum of 393
~~twenty six~~ thirty-one dollars as additional filing fees in each 394
new civil action or proceeding for the charitable public purpose 395
of providing financial assistance to legal aid societies that 396
operate within the state and to support the office of the state 397
public defender. This division does not apply to a domestic 398
relations division of a court of common pleas, except that the 399
additional filing fee shall apply to proceedings concerning 400
annulments, dissolutions of marriage, divorces, and legal 401
separation, ~~spousal support, marital property or separate property~~ 402
~~distribution, support, or other domestic relations matters;~~ to a 403
juvenile division of a court of common pleas; to a probate 404
division of a court of common pleas, except that the additional 405
filing fees shall apply to name change, guardianship, adoption, 406
and decedents' estate proceedings; or to an execution on a 407
judgment, proceeding in aid of execution, or other post-judgment 408
proceeding arising out of a civil action. The filing fees required 409
to be collected under this division shall be in addition to any 410
other filing fees imposed in the action or proceeding and shall be 411
collected at the time of the filing of the action or proceeding. 412
The court shall not waive the payment of the additional filing 413
fees in a new civil action or proceeding unless the court waives 414
the advanced payment of all filing fees in the action or 415
proceeding. All such moneys collected during a month except for an 416
amount equal to up to one per cent of those moneys retained to 417
cover administrative costs shall be transmitted on or before the 418
twentieth day of the following month by the clerk of the court to 419
the treasurer of state in a manner prescribed by the treasurer of 420
state or by the Ohio legal assistance foundation. The treasurer of 421
state shall deposit four per cent of the funds collected under 422
this division to the credit of the civil case filing fee fund 423

established under section 120.07 of the Revised Code and 424
ninety-six per cent of the funds collected under this division to 425
the credit of the legal aid fund established under section 120.52 426
of the Revised Code. 427

The court may retain up to one per cent of the moneys it 428
collects under this division to cover administrative costs, 429
including the hiring of any additional personnel necessary to 430
implement this division. If the court fails to transmit to the 431
treasurer of state the moneys the court collects under this 432
division in a manner prescribed by the treasurer of state or by 433
the Ohio legal assistance foundation, the court shall forfeit the 434
moneys the court retains under this division to cover 435
administrative costs, including the hiring of any additional 436
personnel necessary to implement this division, and shall transmit 437
to the treasurer of state all moneys collected under this 438
division, including the forfeited amount retained for 439
administrative costs, for deposit in the legal aid fund. 440

(D) On and after the thirtieth day after December 9, 1994, 441
the court of common pleas shall collect the sum of thirty-two 442
dollars as additional filing fees in each new action or proceeding 443
for annulment, divorce, or dissolution of marriage for the purpose 444
of funding shelters for victims of domestic violence pursuant to 445
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 446
required to be collected under this division shall be in addition 447
to any other filing fees imposed in the action or proceeding and 448
shall be collected at the time of the filing of the action or 449
proceeding. The court shall not waive the payment of the 450
additional filing fees in a new action or proceeding for 451
annulment, divorce, or dissolution of marriage unless the court 452
waives the advanced payment of all filing fees in the action or 453
proceeding. On or before the twentieth day of each month, all 454
moneys collected during the immediately preceding month pursuant 455

to this division shall be deposited by the clerk of the court into 456
the county treasury in the special fund used for deposit of 457
additional marriage license fees as described in section 3113.34 458
of the Revised Code. Upon their deposit into the fund, the moneys 459
shall be retained in the fund and expended only as described in 460
section 3113.34 of the Revised Code. 461

(E) (1) The court of common pleas may determine that, for the 462
efficient operation of the court, additional funds are necessary 463
to acquire and pay for special projects of the court, including, 464
but not limited to, the acquisition of additional facilities or 465
the rehabilitation of existing facilities, the acquisition of 466
equipment, the hiring and training of staff, community service 467
programs, mediation or dispute resolution services, the employment 468
of magistrates, the training and education of judges, acting 469
judges, and magistrates, and other related services. Upon that 470
determination, the court by rule may charge a fee, in addition to 471
all other court costs, on the filing of each criminal cause, civil 472
action or proceeding, or judgment by confession. 473

If the court of common pleas offers a special program or 474
service in cases of a specific type, the court by rule may assess 475
an additional charge in a case of that type, over and above court 476
costs, to cover the special program or service. The court shall 477
adjust the special assessment periodically, but not retroactively, 478
so that the amount assessed in those cases does not exceed the 479
actual cost of providing the service or program. 480

All moneys collected under division (E) of this section shall 481
be paid to the county treasurer for deposit into either a general 482
special projects fund or a fund established for a specific special 483
project. Moneys from a fund of that nature shall be disbursed upon 484
an order of the court in an amount no greater than the actual cost 485
to the court of a project. If a specific fund is terminated 486

because of the discontinuance of a program or service established 487
under division (E) of this section, the court may order that 488
moneys remaining in the fund be transferred to an account 489
established under this division for a similar purpose. 490

(2) As used in division (E) of this section: 491

(a) "Criminal cause" means a charge alleging the violation of 492
a statute or ordinance, or subsection of a statute or ordinance, 493
that requires a separate finding of fact or a separate plea before 494
disposition and of which the defendant may be found guilty, 495
whether filed as part of a multiple charge on a single summons, 496
citation, or complaint or as a separate charge on a single 497
summons, citation, or complaint. "Criminal cause" does not include 498
separate violations of the same statute or ordinance, or 499
subsection of the same statute or ordinance, unless each charge is 500
filed on a separate summons, citation, or complaint. 501

(b) "Civil action or proceeding" means any civil litigation 502
that must be determined by judgment entry." 503

In line 98901, after "1753.09," insert "1901.26,"; after 504
"1901.31," insert "1907.24,"; after "2151.011," insert "2303.201," 505

In line 107603, delete "\$30,000,000 \$30,000,000" and 506
insert "\$35,000,000 \$35,000,000" 507

In line 107607, delete "\$63,829,449 \$74,309,677" and 508
insert "\$68,829,449 \$79,309,677" 509

In line 107608, delete "\$95,543,458 \$100,344,944" and 510
insert "\$100,543,458 \$105,344,944" 511

In line 56 of the title, after "1753.09," insert "1901.26," 512

In line 57 of the title, after "1901.31," insert "1907.24,"; 513
after "2151.011," insert "2303.201," 514

The motion was _____ agreed to.

SYNOPSIS

Additional Filing Fee	515
R.C. 1901.26, 1907.24, and 2303.201; Section 361.10	516
Increases by \$5.00 the additional filing fees collected in civil actions to fund legal aid societies, expands the application of the filing fee to marriage terminations and dissolutions, and increases the appropriation in SSR line item 019806, Civil Legal Aid, by \$5,000,000 in each fiscal year.	517 518 519 520 521

5 _____ moved to amend as follows:

6 Between lines 108871 and 108872, insert:

7 **"Section ____.** YOUNGSTOWN STATE PILOT SERVICE AREA STUDY
8 COMMITTEE

9 There is hereby established the Youngstown State Pilot
10 Service Area Study Committee. The Committee shall examine the
11 cost and feasibility of creating a Youngstown State Pilot
12 Service Area. The Committee shall determine what counties may
13 be included in the pilot service area and the need for
14 reciprocity arrangements with participating counties. The Board
15 of Regents shall provide administrative support for the
16 Committee.

17 The membership of the Committee shall consist of the
18 Chancellor of the Board of Regents, or the Chancellor's
19 designee, who shall act as chair; the President of Youngstown
20 State University, or the President's designee; one additional
21 representative of Youngstown State University; one member of the
22 House of Representatives from each political party, appointed by
23 the Speaker of the House of Representatives; and one member of

24 the Senate from each political party, appointed by the President
25 of the Senate. Initial appointments to the Committee shall be
26 completed within ninety days of the effective date of this
27 section. The Chancellor shall convene the Committee not more
28 than thirty days after the final appointment has been made.

29 The Committee shall submit its recommendations in a written
30 report to the Governor, the Speaker of the House of
31 Representatives, and the President of the Senate not later than
32 June 30, 2010. Upon completion of its report, the Committee
33 shall cease to exist."

34 The motion was _____ agreed to.

35 SYNOPSIS

36 **Board of Regents**

37 **Section _____**

38 Creates the Youngstown State Pilot Service Area Study
39 Committee to examine the cost and feasibility of creating a
40 Youngstown State Pilot Service Area and determine what counties
41 and reciprocity the service area may include. Specifies the
42 membership of the Committee. Requires that the Committee submit
43 its recommendations in a written report to the Governor, the
44 Speaker of the House of Representatives, and the President of
45 the Senate not later than June 30, 2010.

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Sub. H.B. 1
LSC 128 0516-4
HC-2304

5 _____ moved to amend as follows:

6 Between lines 104920 and 104921, insert:

7 "Of the foregoing appropriation item 440459, Help Me Grow,
8 \$300,000 in each fiscal year shall be allocated to The Ohio
9 State University College of Dentistry's Dental Bus Program."

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Department of Health**

13 **Section 289.20**

14 Earmarks \$300,000 in each fiscal year from GRF line item
15 440459, Help Me Grow, for The Ohio State University College of
16 Dentistry's Coach Dental Bus Program.

5 _____ moved to amend as follows:

6 Between lines 101649 and 101650, insert:

7 "Of the foregoing appropriation item 195643, Workforce
8 Development Initiatives, \$50,000 in each fiscal year shall be
9 used for the NewLife Technical Institute in support of the
10 Bridges from Poverty to IT Jobs pilot program."

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Department of Development**

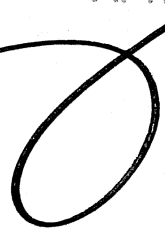
14 **Section 259.10.90**

15 Earmarks \$50,000 in each fiscal year from Federal Special
16 Revenue Fund 3AEO appropriation item 195643, Workforce
17 Development Initiatives, in the Department of Development for
18 the NewLife Technical Institute in support of the Bridges from
19 Poverty to IT Jobs pilot program.

APR 24 2009

128HB1-HC2308/RYT

Sub. H.B. 1
LSC 128 0516-4
HC-2308



_____ moved to amend as follows:

In line 344, after "323.156," insert "323.78," 1

In line 369, after "1710.13," insert "1724.04," 2

Between lines 13414 and 13415, insert: 3

"Sec. 323.78. Notwithstanding anything in Chapters 323., 4
5721., and 5723. of the Revised Code, if the county treasurer of a 5
~~county having a population of more than one million two hundred~~ 6
~~thousand as of the most recent decennial census,~~ in any petition 7
for foreclosure of abandoned lands, elects to invoke the 8
alternative redemption period, then upon any adjudication of 9
foreclosure by any court or the board of revision in any 10
proceeding under section 323.25, sections 323.65 to 323.79, or 11
section 5721.18 of the Revised Code, the following apply: 12

(A) Unless otherwise ordered by a motion of the court or 13
board of revision, the petition shall assert, and any notice of 14
final hearing shall include, that upon foreclosure of the parcel, 15
the equity of redemption in any parcel by its owner shall be 16
forever terminated after the expiration of the alternative 17
redemption period, that the parcel thereafter may be sold at 18
sheriff's sale either by itself or together with other parcels as 19
permitted by law; or that the parcel may, by order of the court or 20

board of revision, be transferred directly to a municipal 21
 corporation, township, county, school district, or county land 22
 reutilization corporation without appraisal and without a sale, 23
 free and clear of all impositions and any other liens on the 24
 property, which shall be deemed forever satisfied and discharged. 25

(B) After the expiration of the alternative redemption period 26
 following an adjudication of foreclosure, by order of the court or 27
 board of revision, any equity of redemption is forever 28
 extinguished, and the parcel may be transferred individually or in 29
 lots with other tax-foreclosed properties to a municipal 30
 corporation, township, county, school district, or county land 31
 reutilization corporation without appraisal and without a sale, 32
 upon which all impositions and any other liens subordinate to 33
 liens for impositions due at the time the deed to the property is 34
 conveyed to a purchaser or transferred to a community development 35
 organization, county land reutilization corporation, municipal 36
 corporation, county, township, or school district, shall be deemed 37
 satisfied and discharged. Other than the order of the court or 38
 board of revision so ordering the transfer of the parcel, no 39
 further act of confirmation or other order shall be required for 40
 such a transfer, or for the extinguishment of any right of 41
 redemption. No such parcel shall be transferred to a county land 42
 reutilization corporation after two years following the filing of 43
 its articles of incorporation by the secretary of state. 44

(C) Upon the expiration of the alternative redemption period 45
 in cases to which the alternative redemption period has been 46
 ordered, if no community development organization, county land 47
 reutilization corporation, municipal corporation, county, 48
 township, or school district has requested title to the parcel, 49
 the court or board of revision may order the property sold as 50
 otherwise provided in Chapters 323. and 5721. of the Revised Code, 51

and, failing any bid at any such sale, the parcel shall be 52
 forfeited to the state and otherwise disposed of pursuant to 53
 Chapter 5723. of the Revised Code." 54

Between lines 23991 and 23992 insert: 55

"Sec. 1724.04. A county ~~having a population of more than one~~ 56
~~million two hundred thousand as of the most recent decennial~~ 57
~~census~~ that elects under section 5722.02 of the Revised Code to 58
 adopt and implement the procedures set forth in sections 5722.02 59
 to 5722.15 of the Revised Code may organize a county land 60
 reutilization corporation under this chapter and Chapter 1702. of 61
 the Revised Code for the purpose of exercising the powers granted 62
 to a county under Chapter 5722. of the Revised Code. The county 63
 treasurer of the county for the benefit of which the corporation 64
 is being organized shall be the incorporator of the county land 65
 reutilization corporation. The form of the articles of 66
 incorporation of the corporation shall be approved by resolution 67
 of the board of county commissioners of the county. A county land 68
 reutilization corporation may not be organized under this chapter 69
 after the day that is one year after ~~the effective date of the~~ 70
~~amendment of this section by S.B. 353 of the 127th General~~ 71
~~Assembly April 7, 2009.~~ 72

When the articles of incorporation of any community 73
 improvement corporation, or any amendment, amended articles, 74
 merger, or consolidation which provides for the creation of such a 75
 corporation, are deposited for filing and recording in the office 76
 of the secretary of state, the secretary of state shall submit 77
 them to the attorney general for examination. If such articles, 78
 amendment, amended articles, merger, or consolidation, are found 79
 by the attorney general to be in accordance with Chapter 1724. of 80
 the Revised Code, and not inconsistent with the constitution and 81
 laws of the United States and of this state, the attorney general 82

shall endorse thereon the attorney general's approval and deliver 83
them to the secretary of state, who shall file and record them 84
pursuant to section 1702.07 of the Revised Code." 85

In line 98874, after "323.156," insert "323.78," 86

In line 98898, after "1710.13," insert "1724.04," 87

In line 19 of the title, after "323.156," insert "323.78," 88

In line 53 of the title, after "1710.13," insert "1724.04," 89

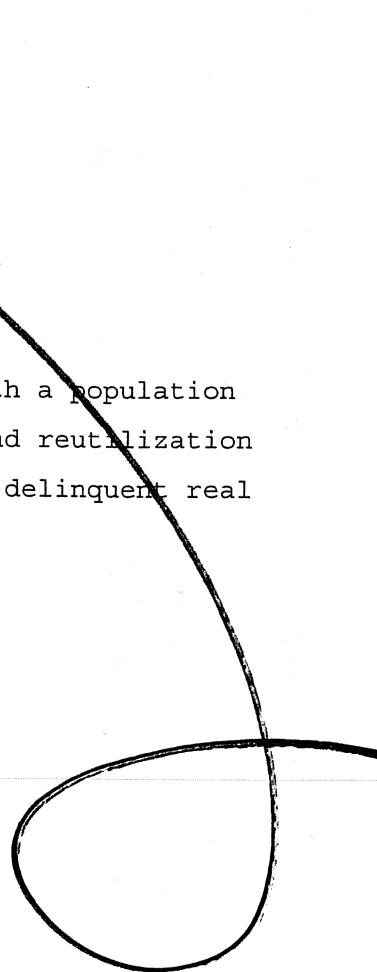
The motion was _____ agreed to.

SYNOPSIS

County Land Reutilization Corporations 90

R.C. 323.78 and 1724.04 91

Authorizes all counties, not just those with a population 92
greater than 1.2 million, to create a county land reutilization 93
corporation for the purpose of disposing of tax-delinquent real 94
property. 95



5 _____ moved to amend as follows:

6 Between lines 99038 and 99039, insert:

7 "Section _____. Sections 1751.53 and 3923.38 of the Revised
8 Code as they result from Section 120.10 of H.B. 2 of the 128th
9 General Assembly are hereby repealed. This repeal enables the
10 continued existence of those sections as they result from
11 Section 101.01 of H.B. 2 of the 128th General Assembly."

12 In line 319 of the title, after the semicolon insert "to
13 repeal the version of sections 1753.53 and 3923.38 of the
14 Revised Code that were scheduled to take effect January 1,
15 2010;"

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Continuation of Health Insurance Coverage**

19 **R.C. 1751.53 and 3923.38 and Section _____**

20 Makes permanent the changes made to Ohio's law regarding
21 continuation of coverage after termination of employment by H.B.
22 2 of the 128th General Assembly that were set to expire January
23 1, 2010. H.B. 2 made the following changes: (1) it eliminated

24 the requirement that an individual be eligible for unemployment
25 compensation in order to be eligible for continued coverage
26 under the individual's employer-sponsored health insurance plan
27 after termination of employment and requires only that the
28 individual did not voluntarily terminate his or her employment
29 and it was not terminated as a result of any gross misconduct on
30 the part of the individual, (2) it lengthened the time that the
31 individual would be eligible for continued coverage from six
32 months to twelve months. It requires an employee to notify the
33 health insuring corporation or insurer if the employee elects
34 continuation of coverage, and (3) it allows the insurer to
35 require the employer to provide documentation if the employee is
36 seeking premium assistance for the continuation of coverage
37 under the American Recovery and Reinvestment Act of 2009 and
38 requires the Director of Insurance to publish guidance for
39 employers and insurers regarding the contents of such
40 documentation.

5 _____ moved to amend as follows:

6 In line 101451, delete "\$2,055,000 \$2,055,000" and insert
7 "\$2,105,000 \$2,105,000"

8 In lines 101459 and 101528, add \$50,000 to each fiscal year

9 Between lines 101706 and 101707, insert:

10 "Of the foregoing appropriation item 195507, Travel and
11 Tourism Grants, \$50,000 in each fiscal year shall be used for
12 the Columbus Film Commission."

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Department of Development**

16 **Section 259.20.15**

17 Adds \$50,000 in each fiscal year to GRF appropriation item
18 195507, Travel and Tourism Grants, in the Department of
19 Development and earmarks those amounts for the Columbus Film
20 Commission.

APR 24 2009

128HB1-HC2312X1/JF

Sub. H.B. 1

LSC 128 0516-4

HC-2312-1

_____ moved to amend as follows:

Between lines 101838 and 101839, insert: 1

"OHIO ENERGY RESOURCE CENTER 2

There is hereby created the Ohio Energy Resource Center at 3
the Voinovich School of Leadership and Public Affairs at Ohio 4
University. 5

The center shall do all of the following: 6

(A) Act as a knowledge hub for clean energy, advanced energy, 7
and energy efficiency projects throughout the state; 8

(B) Maintain a database of research and development projects 9
in the fields of clean energy, advanced energy, and energy 10
efficiency undertaken by public institutions of higher education; 11

(C) Act as a clearinghouse for information and promote 12
collaboration among public and private entities on federal, state, 13
and private sources of financial and technical assistance for 14
advanced energy, clean energy, and energy efficiency projects 15
including, but not limited to, Edison Technology Centers, Edison 16
Incubators, and programs under the Third Frontier Commission; and 17

(D) Provide technical assistance to state government and 18
local governments, other political subdivisions, mercantile 19
customers as defined in section 4928.01 of the Revised Code, and 20

businesses located in an Appalachian county as defined in section 21
 107.21 of the Revised Code on clean energy, advanced energy, and 22
 energy efficiency projects. 23

Of the foregoing appropriation item 195660, Advanced Energy 24
 Programs, up to \$75,000 in each fiscal year shall be used for the 25
 activities of the Center." 26

The motion was _____ agreed to.

SYNOPSIS

Department of Development 27

Section 259.20.80 28

Creates the Ohio Energy Research Center at the Voinovich 29
 School of Leadership and Public Affairs at Ohio University; 30
 requires the Center to act as a statewide knowledge hub for 31
 projects in the areas of clean energy, advanced energy, and energy 32
 efficiency; requires the Center to maintain a database research 33
 and development projects undertaken by public higher education 34
 institutions in such areas; requires the Center to act as a 35
 clearinghouse for information and promote collaboration among 36
 public and private entities on federal, state, and private sources 37
 of financial and technical assistance for such projects, including 38
 Edison Technology Centers, Edison Incubators, and Third Frontier 39
 programs; and requires the Center to provide technical assistance 40
 to state and local governments and other political subdivisions, 41
 mercantile customers, and businesses located in the Appalachian 42
 region as defined in Section 107.21 of the Revised Code on clean 43
 energy, advanced energy, and energy efficiency projects. 44

Earmarks up to \$75,000 in each fiscal year for the Center 45

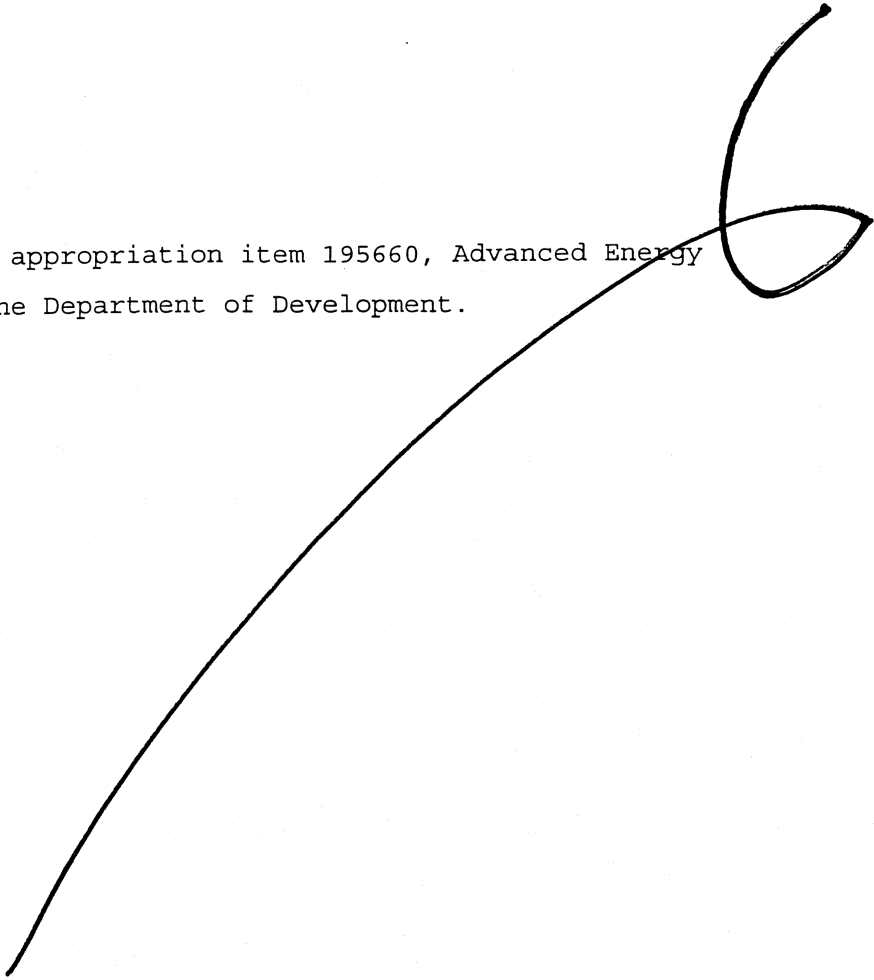
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Page 3

from Fund 5M50 appropriation item 195660, Advanced Energy
Projects, in the Department of Development.

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Sub. H.B. 1
LSC 128 0516-4
HC 2314

_____ moved to amend as follows:

Between lines 111754 and 111755, insert: 1

"Section 709.____. (A) There is hereby created in the 2
Department of Agriculture the Ohio Beekeepers Task Force 3
consisting of the following members: 4

(1) Two members of the standing committee of the House of 5
Representatives that is primarily responsible for considering 6
agricultural matters appointed by the Governor, each from a 7
different political party; 8

(2) Two members of the standing committee of the Senate that 9
is primarily responsible for considering agricultural matters 10
appointed by the Governor, each from a different political party; 11

(3) The Chief of the Division of Plant Industry in the 12
Department of Agriculture or the Chief's designee; 13

(4) The Director of Natural Resources or the Director's 14
designee; 15

(5) Two representatives of the Ohio State Beekeepers 16
Association appointed by the Association; 17

(6) The Director of The Ohio State University Extension or 18
the Director's designee; 19

(7) An apiculture specialist of The Ohio State University 20

Extension appointed by the Director of The Ohio State University	21
Extension;	22
(8) The Chair of The Ohio State University Department of	23
Entomology or the Chair's designee;	24
(9) A representative of the Ohio Produce Growers and	25
Marketing Association appointed by the Association;	26
(10) A representative of the Ohio Farm Bureau Federation Bee	27
and Honey Committee appointed by the Federation;	28
(11) A representative of the Ohio Farmers Union appointed by	29
the Union;	30
(12) A representative of the County Commissioners Association	31
of Ohio appointed by the Association.	32
(B) The members shall be appointed not later than sixty days	33
after the effective date of this section. The Task Force shall	34
hold its first meeting not later than ninety days after the	35
effective date of this section.	36
(C) The Governor shall select a chairperson and	37
vice-chairperson from among the members of the Task Force. The	38
chairperson may appoint a secretary.	39
(D) The members of the Task Force shall receive no	40
compensation for their services.	41
(E) Not later than ten months after the effective date of	42
this section, the Ohio Beekeepers Task Force shall submit a report	43
to the Governor, the President of the Senate, the Speaker of the	44
House of Representatives, and the Ohio State Beekeepers	45
Association. The report shall do all of the following:	46
(1) Provide an overview of the characteristics of the	47
honeybee crisis in Ohio;	48
(2) Examine and provide an overview of and conclusions	49

regarding whether pollinator shortages are affecting crop
pollination in Ohio; 50
51

(3) Review and provide an overview of the Ohio Honeybee
Emergency Action Plan; 52
53

(4) Review and provide a summary of the federal initiatives
regarding Ohio's bee population and of all of the Department of
Agriculture's and the Ohio State Beekeepers Association's programs
concerning Ohio's bee population; 54
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57

(5) Provide an overview of the five-year goals of the
Department of Agriculture concerning honeybees, including
recommendations for the restoration of Ohio's bee population; 58
59
60

(6) Examine and describe the funding that is available for
honeybee programs and issues affecting honeybees; 61
62

(7) Any other issues that the Task Force considers
appropriate. 63
64

(F) Not later than ninety days following the submission of
the report, the Task Force shall meet and respond to any question
from a person who received the report. The Task Force shall cease
to exist upon submitting its response to all questions from
persons who received the report." 65
66
67
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69

The motion was _____ agreed to.

SYNOPSIS

Creation of Ohio Beekeepers Task Force 70
Section 709. ____ 71
Creates the Ohio Beekeepers Task Force, and requires it to 72
prepare a report addressing specified topics related to Ohio's bee 73

128HB1-HC2314

Page 4

populations.

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5 _____ moved to amend as follows:

6 Delete line 511

7 In line 512, delete "3745.57, 3745.58,"

8 Delete lines 63999 through 64446

9 Delete lines 110327 through 110333

10 In line 246 of the title, delete "3745.50, 3745.51,

11 3745.52, 3745.53,"

12 Delete line 247 of the title

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Removal of Environmental Justice Provisions**

16 R.C. 3745.50, 3745.51, 3745.52, 3745.53, 3745.54, 3745.55,
17 3745.56, 3745.57, and 3745.58; Section 512.75

18 Removes the provisions in the bill that define
19 "environmental justice," create the Environmental Justice Fund,
20 require specified state agencies to establish environmental
21 justice coordinators, create the Environmental Justice Task
22 Force, create the Environmental Justice Advisory Commission and
23 require the Commission to create and oversee the Office of the
24 Advocate for Environmental Justice, require the Office of the
25 Advocate for Environmental Justice to perform duties assigned to
26 it by the Environmental Justice Advisory Commission, create the

27 Environmental Justice Ombudsperson, require an owner or
28 operator, at the same time that an application for a permit for
29 a facility or proposed facility is submitted under the Air
30 Pollution Control Law or the Water Pollution Control Law, to
31 submit to the Office of the Advocate for Environmental Justice
32 lists containing specified information about the facilities that
33 the owner or operator or a key employee has operated or is
34 operating, and authorize the Director of Budget and Management
35 to transfer up to \$260,000 annually from the General Revenue
36 Fund to the Environmental Justice Fund.

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Sub. H.B. 1
LSC 128 0516-4
HC-2316

5 _____ moved to amend as follows:

6 In line 19017, delete "who shall transmit one cent per"

7 Delete lines 19018 and 19019

8 In line 19020, delete "and shall credit the remaining
9 amount" and insert "to be credited"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Energy Resource Extraction Fee for Coal**

13 **R.C. 1513.021**

14 Removes the provision in the bill that requires 1¢ per ton
15 of coal from the energy resource extraction fee established by
16 the bill to be transmitted to the county treasurer of the county
17 from which the coal is extracted for the use of the general fund
18 of that county, thus requiring the entire 8¢ per ton of the coal
19 from the fee to be credited to Coal Mining Administration and
20 Reclamation Reserve Fund.

Sub. H.B. 1
LSC 128 0516-4
HC-2317

_____ moved to amend as follows:

Between lines 105705 and 105706, insert: 1

"Section _____. ICF/MR REIMBURSEMENT STUDY COUNCIL 2

(A) There is hereby created the ICF/MR Reimbursement Study 3
Council consisting of all of the following members: 4

(1) The Director of Job and Family Services; 5

(2) The Deputy Director of the Office of Ohio Health Plans of 6
the Department of Job and Family Services; 7

(3) The Director of Mental Retardation and Developmental 8
Disabilities; 9

(4) One representative of Medicaid recipients residing in 10
intermediate care facilities for the mentally retarded, appointed 11
by the Governor; 12

(5) Two representatives of each of the following 13
organizations, appointed by their respective governing bodies: 14

(a) The Ohio Provider Resource Association; 15

(b) The Ohio Health Care Association. 16

Initial appointments of members described in divisions (A) (4) 17
and (5) of this section shall be made not later than thirty days 18
after the effective date of this section. Vacancies shall be 19

filled in the same manner as the original appointments. Members
described in those divisions shall serve at the pleasure of the
official or governing body making the appointment of the member.

The Director of Job and Family Services shall serve as
chairperson of the council. Members of the council shall serve
without compensation, except to the extent that serving on the
council is part of their regular duties of employment.

(B) The council shall review the system established by
sections 5111.20 to 5111.33 of the Revised Code for reimbursing
intermediate care facilities for the mentally retarded under the
Medicaid program. Not later than July 1, 2010, the council shall
issue a report of its activities, findings, and recommendations to
the Governor, the Speaker of the House of Representatives, and the
President of the Senate.

(C) In its consideration of the system for reimbursing
intermediate care facilities for the mentally retarded under
division (B) of this section, the council shall use the following
principles:

(1) The system should appropriately account for differences
in acuity and service needs among individuals in institutional
care facilities for the mentally retarded.

(2) The system should support and encourage quality services,
including both of the following elements:

(a) A high level of coverage of direct care costs;

(b) Pay for performance mechanisms.

(3) The system should reflect appropriate recognition that
virtually all individuals served in intermediate care facilities
for the mentally retarded are Medicaid recipients.

(4) The system should encourage cost-effective service

delivery. 49

(5) The system should encourage innovation in service delivery. 50
51

(6) The system should encourage appropriate maintenance, improvement, and replacement of facilities. 52
53

(D) The council shall cease to exist on the submission of a report under division (B) of this section." 54
55

The motion was _____ agreed to.

SYNOPSIS

ICF/MR Reimbursement Study Council 56

Section _____ 57

Establishes the ICF/MR Reimbursement Study Council and 58
requires the council to submit a report to the Governor, Speaker 59
of the House of Representatives, and President of the Senate on 60
the reimbursing of intermediate care facilities for the mentally 61
retarded under the Medicaid program. 62

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Sub. H.B. 1
LSC 128 0516-4
HC-2320

5 _____ moved to amend as follows:

6 In line 107783, delete "\$3,336,857 \$3,336,857" and insert
7 "\$3,340,426 \$3,340,426"

8 In line 107790, add \$3,569 to each fiscal year

9 In line 107818, add \$3,569 to each fiscal year

10 In line 108796, delete "\$6,630" and insert "\$10,199"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Board of Regents**

14 **Sections 371.10 and 371.50.85**

15 Increases GRF appropriation item 235583, Urban University
16 Programs, by \$3,569 in each fiscal year and increases the
17 Advancing-Up Program earmark under that item by the same amount.

5 _____ moved to amend as follows:

6 In line 108968, delete "200550, Foundation" and insert
7 "235501, State Share of Instruction, 235646, SSI - Federal
8 Stimulus - Government Services, and 235644, State Share of
9 Instruction - Federal Stimulus - Education"

10 In line 108969, delete everything before the second comma

11 In line 108970, delete "Superintendent" and insert
12 "Chancellor of the Board of Regents"

13 In line 108971, delete "of Public Instruction"

14 The motion was _____ agreed to.

15 SYNOPSIS

16 **Board of Regents**

17 **Section 375.60.95**

18 Permits the Director of Budget and Management to transfer
19 appropriations between GRT appropriation items 235501, State
20 Share of Instruction, 235644, State Share of Instruction -
21 Federal Stimulus - Education, and 235646, SSI - Federal Stimulus
22 - Government Services. Requires that the Director report each
23 transfer to the Controlling Board.

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5 _____ moved to amend as follows:

6 In line 56132, after "(WARM)" insert ";

7 (6) Methane gas emitted from an operating or abandoned coal
8 mine"

9 In line 56140, delete "methane gas emitted from an"

10 In line 56141, delete "abandoned coal mine,"

11 In line 80391, after "improvement" insert ";

12 (h) Methane gas emitted from an operating or abandoned coal
13 mine"

14 In line 80398, delete "methane gas emitted from an"

15 In line 80399, delete "abandoned coal mine,"

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Definitions of "Advanced Energy Resource," "Renewable**
19 **Energy Resource," and "Advanced Energy Project"**

20 **R.C. 3706.25 and 4928.01**

21 Removes the provision that adds to the current definition
22 of "renewable energy resource" methane gas emitted from an
23 abandoned coal mine, which definition applies to the laws

24 governing (1) funding advanced energy projects, (2) alternative
25 energy requirements imposed on electric distribution utilities,
26 and (3) renewable energy credits.

27 Adds methane gas emitted from an operating or abandoned
28 coal mine to the current definition of "advanced energy
29 resource" for purposes of the laws governing (1) and (2) above.

5 _____ moved to amend as follows:

6 In line 101563, after the period insert "Moneys shall not
7 be disbursed for any project under this section without the
8 approval of the Director of Development."

9 The motion was _____ agreed to.

10

SYNOPSIS

11

Department of Development

12

Section 259.10.25

13 Requires that moneys disbursed to Development Projects,
14 Inc. from GRF appropriation item 195410, Defense Conversion
15 Assistance, be subject to approval by the Director of
16 Development.

Sub. H.B. 1
LSC 128 0516-4
HC-2328-1

_____ moved to amend as follows:

Delete lines 2890 through 3023 and insert:

"Sec. 122.12. As used in this section and in section 122.121
of the Revised Code:

(A) "Endorsing county" means a county that contains a site
selected by a site selection organization for one or more games.

(B) "Endorsing municipality" means a municipal corporation
that contains a site selected by a site selection organization for
one or more games.

(C) "Game support contract" means a joinder undertaking,
joinder agreement, or similar contract executed by an endorsing
municipality or endorsing county and a site selection
organization.

(D) "Game" means a national football league "super bowl," a
national collegiate athletic association "final four" basketball
tournament game, the national basketball association all-star
game, the national hockey league all-star game, the major league
baseball all-star game, a national collegiate athletic association
bowl championship series game, a world cup soccer game, or the
olympic games.

(E) "Joinder agreement" means an agreement entered into by an

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endorsing municipality or endorsing county, or more than one 21
endorsing municipality or county acting collectively and a site 22
selection organization setting out representations and assurances 23
by each endorsing municipality or endorsing county in connection 24
with the selection of a site in this state for the location of a 25
game. 26

(F) "Joinder undertaking" means an agreement entered into by 27
an endorsing municipality or endorsing county, or more than one 28
endorsing municipality or county acting collectively and a site 29
selection organization that each endorsing municipality or 30
endorsing county will execute a joinder agreement in the event 31
that the site selection organization selects a site in this state 32
for a game. 33

(G) "Local organizing committee" means a nonprofit 34
corporation or its successor in interest that: 35

(1) Has been authorized by an endorsing municipality, 36
endorsing county, or more than one endorsing municipality or 37
county acting collectively to pursue an application and bid on the 38
applicant's behalf to a site selection organization for selection 39
as the site of one or more games; or 40

(2) With the authorization of an endorsing municipality, 41
endorsing county, or more than one endorsing municipality or 42
county acting collectively, has executed an agreement with a site 43
selection organization regarding a bid to host one or more games. 44

(H) "Site selection organization" means the national football 45
league, the national collegiate athletic association, the national 46
basketball association, the national hockey league, major league 47
baseball, the federation internationale de football association, 48
the international world games association, the United States 49
olympic committee, or the national governing body of a sport that 50
is recognized as such by the United States olympic committee. 51

Sec. 122.121. (A) If an endorsing municipality or endorsing county enters into a joinder undertaking with a site selection organization, the endorsing municipality or endorsing county may apply to the director of development, on a form and in the manner prescribed by the director, for a grant based on the projected incremental increase in the receipts from the tax imposed under section 5739.02 of the Revised Code within the market area designated under division (C) of this section, for the two-week period that ends at the end of the day after the date on which a game will be held, that is directly attributable, as determined by the director, to the preparation for and presentation of the game. The director shall determine the projected incremental increase in the tax imposed under section 5739.02 of the Revised Code from information certified to the director by the endorsing municipality or the endorsing county including, but not limited to, historical attendance and ticket sales for the game, income statements showing revenue and expenditures for the game in prior years, attendance capacity at the proposed venues, event budget at the proposed venues, and projected lodging room nights based on historical attendance, attendance capacity at the proposed venues, and duration of the game and related activities. The endorsing municipality or endorsing county is eligible to receive a grant under this section only if the projected incremental increase in receipts from the tax imposed under section 5739.02 of the Revised Code, as determined by the director, exceeds two hundred fifty thousand dollars. The amount of the grant shall be determined by the director but shall not exceed five hundred thousand dollars. The director shall not issue grants with a total value of more than one million dollars in any fiscal year.

(B) If the director of development approves an application for an endorsing municipality or endorsing county and that

endorsing municipality or endorsing county enters into a joinder 83
agreement with a site selection organization, the endorsing 84
municipality or endorsing county shall file a copy of the joinder 85
agreement with the director of development, who immediately shall 86
notify the director of budget and management of the filing. Within 87
thirty days after receiving the notice, the director of budget and 88
management shall establish a schedule to disburse from the general 89
revenue fund to such endorsing municipality or endorsing county 90
payments that total the amount certified by the director of 91
development under division (A) of this section, but in no event 92
shall the total amount disbursed exceed five hundred thousand 93
dollars. The payments shall be used exclusively by the endorsing 94
municipality or endorsing county to fulfill a portion of its 95
obligations to a site selection organization under game support 96
contracts, which obligations may include the payment of costs 97
relating to the preparations necessary for the conduct of the 98
game, including acquiring, renovating, or constructing facilities; 99
to pay the costs of conducting the game; and to assist the local 100
organizing committee, endorsing municipality, or endorsing county 101
in providing assurances required by a site selection organization 102
sponsoring one or more games. 103

(C) For the purposes of division (A) of this section, the 104
director of development, in consultation with the tax 105
commissioner, shall designate as a market area for a game each 106
area in which they determine there is a reasonable likelihood of 107
measurable economic impact directly attributable to the 108
preparation for and presentation of the game and related events, 109
including areas likely to provide venues, accommodations, and 110
services in connection with the game based on the information and 111
the copy of the joinder undertaking provided to the director under 112
divisions (A) and (B) of this section. The director and 113
commissioner shall determine the geographic boundaries of each 114

market area. An endorsing municipality or endorsing county that 115
has been selected as the site for a game must be included in a 116
market area for the game. 117

(D) A local organizing committee, endorsing municipality, or 118
endorsing county shall provide information required by the 119
director of development and tax commissioner to enable the 120
director and commissioner to fulfill their duties under this 121
section, including annual audited statements of any financial 122
records required by a site selection organization and data 123
obtained by the local organizing committee, endorsing 124
municipality, or endorsing county relating to attendance at a game 125
and to the economic impact of the game. A local organizing 126
committee, an endorsing municipality, or an endorsing county shall 127
provide an annual audited financial statement if so required by 128
the director and commissioner, not later than the end of the 129
fourth month after the date the period covered by the financial 130
statement ends. 131

(E) Within sixty days after the game, the endorsing 132
municipality or the endorsing county shall report to the director 133
of development about the economic impact of the game. The report 134
shall be in the form and substance required by the director, 135
including, but not limited to, a final income statement for the 136
event showing total revenue and expenditures and revenue and 137
expenditures in the market area for the game, and ticket sales for 138
the game and any related activities for which admission was 139
charged. The director of development shall determine, based on the 140
reported information and the exercise of reasonable judgment, the 141
incremental increase in receipts from the tax imposed under 142
section 5739.02 of the Revised Code directly attributable to the 143
game. If the actual incremental increase in such receipts is less 144
than the projected incremental increase in receipts, the director 145

may require the endorsing municipality or the endorsing county to
 refund to the state all or a portion of the grant.

(F) No disbursement may be made under this section if the
 director of development determines that it would be used for the
 purpose of soliciting the relocation of a professional sports
 franchise located in this state.

(G) This section may not be construed as creating or
 requiring a state guarantee of obligations imposed on an endorsing
 municipality or endorsing county under a game support contract or
 any other agreement relating to hosting one or more games in this
 state."

The motion was _____ agreed to.

SYNOPSIS

Grants for Hosting Sporting Events or Olympics in Ohio 157

R.C. 122.12 and 122.121; Section 812.10 158

Modifies the provision in the pending bill proposing to
 authorize the Director of Development to provide a grant of up to
 \$500,000 to a county or municipal corporation hosting a major
 sporting event.

Modifications include: 163

--The only games that would qualify are NCAA football Bowl
 Championship Series games and "Final Four" basketball games,
 all-star major league basketball, baseball, and hockey games,
 World Cup soccer games, and the Olympic games. (The pending
 proposal also includes the World Games, any NCAA "Final Four"
 game, any national collegiate championship in an Olympics

committee-sanctioned sport, and various Olympics-related events 170
other than the Olympics games themselves.) 171

--Grants would be available only if the projected sales tax 172
increase is at least \$250,000. (The pending proposal has no 173
minimum.) 174

--Limits the annual amount of grants to \$1 million. (The 175
pending proposal has no limit.) 176

The amendment retains the delayed effective date of July 1, 177
2011. 178

128HB1-HC2329/RYT

Sub. H.B. 1
LSC 128 0516-4
HC-2329



_____ moved to amend as follows:

In line 346, after "901.20," insert "901.32," 1

Between lines 14661 and 14662, insert: 2

"Sec. 901.32. Funds and the proceeds of the trust assets 3
~~which that~~ are not authorized to be administered by the secretary 4
of agriculture of the United States under section 901.31 of the 5
Revised Code shall be paid to and received by the director of 6
agriculture, and paid by ~~him~~ the director into the state treasury 7
to the credit of the Ohio farm loan fund, which is hereby created. 8
Money credited to the fund may be expended or obligated by the 9
director for ~~such of the rural rehabilitation purposes permissible~~ 10
~~under the charter of the now dissolved Ohio rural rehabilitation~~ 11
~~corporation as are agreed upon by the director and the secretary~~ 12
~~of agriculture or for the purposes of section 901.31 of the~~ 13
Revised Code benefiting the state. 14

All moneys received from investment of the fund shall be 15
credited to the fund. 16

All moneys received by the director resulting from the 17
operation of the fund shall be credited to the fund." 18

In line 98875, after "901.20," insert "901.32," 19

In line 100391, delete "\$44,679 \$44,679" and insert 20

"\$1,000,000 \$1,000,000" 21

In line 100397, delete "\$9,594,679 \$9,594,679" and insert 22

"\$10,550,000 \$10,550,000" 23

In line 100425, delete "\$51,899,987 \$51,899,987" and 24

insert "\$52,855,308 \$52,855,308" 25

In line 21 of the title, after "901.20," insert "901.32," 26

The motion was _____ agreed to.

SYNOPSIS

Ohio Farm Loan Fund 27

R.C. 901.32 28

Authorizes money in the existing Ohio Farm Loan Fund to be 29

used by the Director of Agriculture for rural rehabilitation 30

purposes benefiting the state rather than for rural rehabilitation 31

purposes permissible under the charter of the former Ohio Rural 32

Rehabilitation Corporation as agreed upon by the Director and the 33

United States Secretary of Agriculture or for use by the Secretary 34

in accordance with rural rehabilitation agreements with the 35

Director as provided in current law. 36

Section 211.10 37

Increases appropriation item 700617, Ohio Farm Loan Revolving 38

Fund, from \$44,679 to \$1,000,000 in each fiscal year. 39

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5 _____ moved to amend as follows:

6 In line 503, after "3313.821," insert "3314.028,"

7 Between lines 39279 and 39280, insert:

8 "Sec. 3314.028. Notwithstanding any provision of this
9 chapter to the contrary, beginning in the 2009-2010 school year,
10 a community school that meets the following conditions may
11 operate from the facility in which the school was located in the
12 2008-2009 school year and shall not be required to locate to
13 another school district:

14 (A) The school was located in the facility for at least
15 the three school years prior to the 2009-2010 school year.

16 (B) The school's sponsor is a school district that is
17 adjacent to the school district in which the school is located.

18 (C) The school's education program emphasizes serving
19 students identified as gifted under Chapter 3324. of the Revised
20 Code.

21 (D) The school has been rated in need of continuous
22 improvement or higher under section 3302.03 of the Revised Code
23 for the previous three school years."

24 In line 112402, after "3313.981," insert "3314.028,"

25 In line 236 of the title, after "3313.821," insert

26 "3314.028,"

27 The motion was _____ agreed to.

28 SYNOPSIS

29 **Community School Location**

30 **R.C. 3314.028**

31 Beginning in the 2009-2010 school year, permits a community
32 school to operate from its current facility, rather than
33 relocating to another school district, if the school meets the
34 following criteria: (1) it has been located in its current
35 facility for at least three years, (2) it is sponsored by a
36 school district adjacent to the district in which the school is
37 located, (3) it emphasizes serving gifted students, and (4) it
38 has been rated continuous improvement or higher for the previous
39 three years.

Sub. H.B. 1

LSC 128 0516-4

HC-2333

_____ moved to amend as follows:

In line 441, after "4171.04," insert "4301.333, 4301.334,	1
4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364,	2
4301.365, 4301.366,"	3

In line 442, after "4301.43," insert "4303.182,"	4
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Between lines 71636 and 71637, insert:	5
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"Sec. 4301.333. (A) The privilege of local option conferred	6
by section 4301.323 of the Revised Code may be exercised if, not	7
later than four p.m. of the seventy-fifth day before the day of a	8
general or primary election, a petition is presented to the board	9
of elections of the county in which the precinct is situated by a	10
petitioner who is one of the following:	11

(1) An applicant for the issuance or transfer of a liquor	12
permit at, or to, a particular location within the precinct;	13

(2) The holder of a liquor permit at a particular location	14
within the precinct;	15

(3) A person who operates or seeks to operate a liquor agency	16
store at a particular location within the precinct;	17

(4) The designated agent for an applicant, liquor permit	18
holder, or liquor agency store described in division (A) (1), (2),	19

- or (3) of this section. 20
- (B) The petition shall be signed by the electors of the 21
precinct equal in number to at least thirty-five per cent of the 22
total number of votes cast in the precinct for the office of 23
governor at the preceding general election for that office and 24
shall contain all of the following: 25
- (1) A notice that the petition is for the submission of the 26
question or questions set forth in section 4301.355 of the Revised 27
Code; 28
- (2) The name of the applicant for the issuance or transfer, 29
or the holder, of the liquor permit or, if applicable, the name of 30
the liquor agency store, including any trade or fictitious names 31
under which the applicant, holder, or liquor agency store either 32
intends to do or does business at the particular location; 33
- (3) The address and proposed use of the particular location 34
within the election precinct to which the results of the question 35
or questions specified in section 4301.355 of the Revised Code 36
shall apply. For purposes of this division, "use" means all of the 37
following: 38
- (a) The type of each liquor permit applied for by the 39
applicant or held by the liquor permit holder as described in 40
sections 4303.11 to 4303.183 of the Revised Code, including a 41
description of the type of beer or intoxicating liquor sales 42
authorized by each permit as provided in those sections; 43
- (b) If a liquor agency store, the fact that the business 44
operated as a liquor agency store authorized to operate by this 45
state; 46
- (c) A description of the general nature of the business of 47
the applicant, liquor permit holder, or liquor agency store. 48
- (4) If the petition seeks approval of Sunday sales under 49

question (B) (2) as set forth in section 4301.355 of the Revised Code, a statement indicating whether the hours of sale sought are between ten a.m. and midnight or between ~~one p.m.~~ eleven a.m. and midnight.

(C) (1) At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board both of the following:

(a) An affidavit that is signed by the petitioner and that states the proposed use of the location following the election held to authorize the sale of beer or intoxicating liquor authorized by each permit as provided in sections 4303.11 to 4303.183 of the Revised Code;

(b) Written evidence of the designation of an agent by the applicant, liquor permit holder, or liquor agency store described in division (A) (1), (2), or (3) of this section for the purpose of petitioning for the local option election, if the petitioner is the designated agent of the applicant, liquor permit holder, or liquor agency store.

(2) Failure to supply the affidavit, or the written evidence of the designation of the agent if the petitioner for the local option election is the agent of the applicant, liquor permit holder, or liquor agency store described in division (A) (1), (2), or (3) of this section, at the time the petition is filed invalidates the entire petition.

(D) Not later than the sixty-eighth day before the day of the next general or primary election, whichever occurs first, the board shall examine and determine the sufficiency of the signatures and the validity of the petition. If the board finds that the petition contains sufficient signatures and in other respects is valid, it shall order the holding of an election in the precinct on the day of the next general or primary election,

whichever occurs first, for the submission of the question or questions set forth in section 4301.355 of the Revised Code. 81
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(E) A petition filed with the board of elections under this section shall be open to public inspection under rules adopted by the board. 83
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(F) An elector who is eligible to vote on the question or questions set forth in section 4301.355 of the Revised Code may file, not later than four p.m. of the sixty-fourth day before the day of the election at which the question or questions will be submitted to the electors, a protest against a local option petition circulated and filed pursuant to this section. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly establish a time and place for hearing the protest and shall mail notice of the time and place for the hearing to the applicant for, or the holder of, the liquor permit who is specified in the petition and to the elector who filed the protest. At the time and place established in the notice, the election officials shall hear the protest and determine the validity of the petition. 86
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Sec. 4301.334. (A) The privilege of local option conferred by section 4301.324 of the Revised Code may be exercised if, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, a petition and other information required by division (B) of this section are presented to the board of elections of the county in which the community facility named in the petition is located. The petition shall be signed by electors of the municipal corporation or unincorporated area of the township in which the community facility is located equal in number to at least ten per cent of the total number of votes cast 102
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in the municipal corporation or unincorporated area of the 112
 township in which the community facility is located for the office 113
 of governor at the most recent general election for that office 114
 and shall contain both of the following: 115

(1) A notice that the petition is for the submission of the 116
 question set forth in section 4301.356 of the Revised Code and a 117
statement indicating whether the hours of Sunday sales sought in 118
the local option election are between ten a.m. and midnight or 119
between eleven a.m. and midnight; 120

(2) The name and address of the community facility for which 121
 the local option election is sought and, if the community facility 122
 is a community entertainment district, the boundaries of the 123
 district. 124

(B) Upon the request of a petitioner, a board of elections of 125
 a county shall furnish to the petitioner a copy of the 126
 instructions prepared by the secretary of state under division (P) 127
 of section 3501.05 of the Revised Code and, within fifteen days 128
 after the request, a certificate indicating the number of valid 129
 signatures that will be required on a petition to hold an election 130
 in the municipal corporation or unincorporated area of the 131
 township in which the community facility is located on the 132
 question specified in section 4301.356 of the Revised Code. 133

The petitioner shall, not less than thirty days before the 134
 petition-filing deadline for an election on the question specified 135
 in section 4301.356 of the Revised Code, specify to the division 136
 of liquor control the name and address of the community facility 137
 for which the election is sought and, if the community facility is 138
 a community entertainment district, the boundaries of the 139
 district, the municipal corporation or unincorporated area of a 140
 township in which the election is sought, and the filing deadline. 141
 The division shall, within a reasonable period of time and not 142

later than ten days before the filing deadline, supply the
 petitioner with the name and address of any permit holder for or
 within the community facility.

The petitioner shall file the name and address of any permit
 holder who would be affected by the election at the time the
 petitioner files the petition with the board of elections. Within
 five days after receiving the petition, the board shall give
 notice by certified mail to any permit holder within the community
 facility that it has received the petition. Failure of the
 petitioner to supply the name and address of any permit holder for
 or within the community facility as furnished to the petitioner by
 the division invalidates the petition.

(C) Not later than the sixty-eighth day before the day of the
 next general or primary election, whichever occurs first, the
 board shall examine and determine the sufficiency of the
 signatures on the petition. If the board finds that the petition
 is valid, it shall order the holding of an election in the
 municipal corporation or unincorporated area of a township on the
 day of the next general or primary election, whichever occurs
 first, for the submission of the question set forth in section
 4301.356 of the Revised Code.

(D) A petition filed with a board of elections under this
 section shall be open to public inspection under rules adopted by
 the board.

(E) An elector who is eligible to vote on the question set
 forth in section 4301.356 of the Revised Code or any permit holder
 for or within the community facility may, not later than four p.m.
 of the sixty-fourth day before the day of the election at which
 the question will be submitted to the electors, file a written
 protest against the local option petition with the board of
 elections with which the petition was filed. Upon the filing of

the protest, the board shall promptly fix a time and place for 174
 hearing the protest and shall mail notice of the time and place to 175
 the person who filed the petition and to the person who filed the 176
 protest. At the time and place fixed, the board shall hear the 177
 protest and determine the validity of the petition. 178

Sec. 4301.351. (A) If a petition is for submission of the 179
 question of whether the sale of intoxicating liquor shall be 180
 permitted on Sunday, a special election shall be held in the 181
 precinct at the time fixed as provided in section 4301.33 of the 182
 Revised Code. The expenses of holding the election shall be 183
 charged to the municipal corporation or township of which the 184
 precinct is a part. 185

(B) At the election, one or more of the following questions, 186
 question (B) (1), (B) (2), or (B) (3) as designated in a valid 187
 petition or question (B) (4) as submitted by the legislative 188
 authority of a municipal corporation or the board of trustees of a 189
 township, shall be submitted to the electors of the precinct: 190

(1) "Shall the sale of intoxicating liquor, of the same types 191
 as may be legally sold in this precinct on other days of the week, 192
 be permitted in this for consumption on the premises 193
 where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 194
 on Sunday?" 195

(2) "Shall the sale of intoxicating liquor, of the same types 196
 as may be legally sold in this precinct on other days of the week, 197
 be permitted in this for consumption on the premises 198
 where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 199
 on Sunday, at licensed premises where the sale of food and other 200
 goods and services exceeds fifty per cent of the total gross 201
 receipts of the permit holder at the premises?" 202

(3) "Shall the sale of wine and mixed beverages, of the same 203

types as may be legally sold in this precinct on other days of the week, be permitted in this for consumption off the premises where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight on Sunday?"

(4) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this for consumption on the premises where sold, between the hours of one p.m. and midnight on Sunday, at outdoor performing arts centers, as defined in section 4303.182 of the Revised Code, that have been issued a D-6 permit?"

Question (B) (4) shall be presented to the electors of a precinct in which an outdoor performing arts center is located only if the legislative authority of the municipal corporation in which, or the board of trustees of the township in which, the outdoor performing arts center is located submits, not later than four p.m. of the seventy-fifth day before the day of a primary or general election that occurs within two years after ~~the effective date of this amendment~~ April 9, 2001, to the board of elections of the county in which the precinct is located, a copy of an ordinance or resolution requesting the submission of that question to the electors of the precinct. An election on question (B) (4) may not be sought by a petition under section 4301.33 of the Revised Code.

(C) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(1) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday?"

(2) "Shall the sale of intoxicating liquor, of the same types

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as may be legally sold in this precinct on other days of the week, 235
 be permitted in this for consumption on the premises 236
 where sold, between the hours of ten a.m. and midnight on Sunday, 237
 at licensed premises where the sale of food and other goods and 238
 services exceeds fifty per cent of the total gross receipts of the 239
 permit holder at the premises?" 240

(3) "Shall the sale of wine and mixed beverages, of the same 241
 types as may be legally sold in this precinct on other days of the 242
 week, be permitted in this for consumption off the 243
 premises where sold, between the hours of ten a.m. and midnight on 244
 Sunday?" 245

(D) No C or D permit holder who first applied for such a 246
 permit after April 15, 1982, shall sell beer on Sunday unless the 247
 sale of intoxicating liquor is authorized in the precinct or 248
 portion of the precinct at an election on question (B) (1), (B) (2), 249
 or (B) (3) of this section, on question (C) (1), (C) (2), or (C) (3) 250
 of this section, on question (B) (1), (B) (2), or (B) (3) of section 251
 4301.354 of the Revised Code, on question (C) (1), (C) (2), or 252
 (C) (3) of section 4301.354 of the Revised Code, or on question 253
 (B) (2) of section 4301.355 of the Revised Code. No D-6 permit is 254
 required for the sale of beer on Sunday. 255

The board of elections to which the petition is presented 256
 shall furnish printed ballots at the election in accordance with 257
 section 3505.06 of the Revised Code, and separate ballots shall be 258
 used for the special election under this section. One or more of 259
 the questions prescribed by divisions (B) and (C) of this section, 260
 as designated in the petition, shall be set forth on each ballot, 261
 and the board shall insert in each question the name or an 262
 accurate description of the precinct in which the election is to 263
 be held. Votes shall be cast as provided in section 3505.06 of the 264
 Revised Code. 265

Sec. 4301.354. (A) If a petition is filed under section 266
 4301.332 of the Revised Code for the submission of one or more 267
 questions set forth in this section, a special election shall be 268
 held in the precinct as ordered by the board of elections under 269
 that section. The expense of holding the special election shall be 270
 charged to the municipal corporation or township of which the 271
 precinct is a part. 272

(B) At the election, one or more of the following questions, 273
 as designated in a valid petition, shall be submitted to the 274
 electors of the precinct concerning Sunday sales: 275

(1) "Shall the sale of intoxicating liquor be permitted in a 276
 portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 277
 and midnight on Sunday for consumption on the premises where sold, 278
 where the status of such Sunday sales as allowed or prohibited is 279
 inconsistent with the status of such Sunday sales in the remainder 280
 of the precinct?" 281

(2) "Shall the sale of intoxicating liquor be permitted in a 282
 portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 283
 and midnight on Sunday for consumption on the premises where sold 284
 at licensed premises where the sale of food and other goods 285
 exceeds fifty per cent of the total gross receipts of the permit 286
 holder at the premises, where the status of such Sunday sales as 287
 allowed or prohibited is inconsistent with the status of such 288
 Sunday sales in the remainder of the precinct?" 289

(3) "Shall the sale of wine and mixed beverages be permitted 290
 in a portion of this precinct between the hours of ~~one p.m.~~ eleven 291
a.m. and midnight on Sunday for consumption off the premises where 292
 sold, where the status of such Sunday sales as allowed or 293
 prohibited is inconsistent with the status of such Sunday sales in 294
 the remainder of the precinct?" 295

(C) At the election, one or more of the following questions, 296
 as designated in a valid petition, shall be submitted to the 297
 electors of the precinct concerning Sunday sales: 298

(1) "Shall the sale of intoxicating liquor be permitted in a 299
 portion of this precinct between the hours of ten a.m. and 300
 midnight on Sunday for consumption on the premises where sold, 301
 where the status of such Sunday sales as allowed or prohibited is 302
 inconsistent with the status of such Sunday sales in the remainder 303
 of the precinct?" 304

(2) "Shall the sale of intoxicating liquor be permitted in a 305
 portion of this precinct between the hours of ten a.m. and 306
 midnight on Sunday for consumption on the premises where sold at 307
 licensed premises where the sale of food and other goods exceeds 308
 fifty per cent of the total gross receipts of the permit holder at 309
 the premises, where the status of such Sunday sales as allowed or 310
 prohibited is inconsistent with the status of such Sunday sales in 311
 the remainder of the precinct?" 312

(3) "Shall the sale of wine and mixed beverages be permitted 313
 in a portion of this precinct between the hours of ten a.m. and 314
 midnight on Sunday for consumption off the premises where sold, 315
 where the status of such Sunday sales as allowed or prohibited is 316
 inconsistent with the status of such Sunday sales in the remainder 317
 of the precinct?" 318

(D) The board of elections shall furnish printed ballots at 319
 the special election as provided under section 3505.06 of the 320
 Revised Code, except that a separate ballot shall be used for the 321
 special election. The one or more questions set forth in divisions 322
 (B) and (C) of this section shall be printed on each ballot, and 323
 the board shall insert in the ~~question and statement~~ questions 324
 appropriate words to complete each and a description of the 325
 portion of the precinct that would be affected by the results of 326

the election. 327

The description of the portion of the precinct shall include 328
 either the complete listing of street addresses in that portion or 329
 a condensed text that accurately describes the boundaries of the 330
 portion of the precinct by street name or by another name 331
 generally known by the residents of the portion of the precinct. 332
 If other than a full street listing is used, the full street 333
 listing also shall be posted in each polling place in a location 334
 that is easily accessible to all voters. Failure of the board of 335
 elections to completely and accurately list all street addresses 336
 in the affected area of the precinct does not affect the validity 337
 of the election at which the failure occurred and is not grounds 338
 for contesting an election under section 3515.08 of the Revised 339
 Code. Votes shall be cast as provided under section 3505.06 of the 340
 Revised Code. 341

Sec. 4301.355. (A) If a petition is filed under section 342
 4301.333 of the Revised Code for the submission of the question or 343
 questions set forth in this section, it shall be held in the 344
 precinct as ordered by the board of elections under that section. 345
 The expense of holding the election shall be charged to the 346
 municipal corporation or township of which the precinct is a part. 347

(B) At the election, one or more of the following questions, 348
 as designated in a valid petition, shall be submitted to the 349
 electors of the precinct: 350

(1) "Shall the sale of (insert beer, wine and 351
 mixed beverages, or spirituous liquor) be permitted by 352
 (insert name of applicant, liquor permit holder, or liquor agency 353
 store, including trade or fictitious name under which applicant 354
 for, or holder of, liquor permit or liquor agency store either 355
 intends to do, or does, business at the particular location), an 356
 (insert "applicant for" or "holder of" or "operator 357

of") a (insert class name of liquor permit or permits 358
followed by the words "liquor permit(s)" or, if appropriate, the 359
words "liquor agency store for the State of Ohio"), who is engaged 360
in the business of (insert general nature of the 361
business in which applicant or liquor permit holder is engaged or 362
will be engaged in at the particular location, as described in the 363
petition) at (insert address of the particular location 364
within the precinct as set forth in the petition) in this 365
precinct?" 366

(2) "Shall the sale of (insert beer, wine and 367
mixed beverages, or spirituous liquor) be permitted for sale on 368
Sunday between the hours of (insert "ten a.m. and 369
midnight" or "~~one p.m.~~ eleven a.m. and midnight") by 370
(insert name of applicant, liquor permit holder, or liquor agency 371
store, including trade or fictitious name under which applicant 372
for, or holder of, liquor permit or liquor agency store either 373
intends to do, or does, business at the particular location), an 374
..... (insert "applicant for a D-6 liquor permit," "holder of a 375
D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, 376
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, 377
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 liquor 378
permit," if only the approval of beer sales is sought, or "liquor 379
agency store") who is engaged in the business of 380
(insert general nature of the business in which applicant or 381
liquor permit holder is engaged or will be engaged in at the 382
particular location, as described in the petition) at 383
(insert address of the particular location within the precinct) in 384
this precinct?" 385

(C) The board of elections shall furnish printed ballots at 386
the election as provided under section 3505.06 of the Revised 387
Code, except that a separate ballot shall be used for the election 388

under this section. The question set forth in this section shall 389
 be printed on each ballot, and the board shall insert in the 390
 question appropriate words to complete it. Votes shall be cast as 391
 provided under section 3505.06 of the Revised Code. 392

Sec. 4301.356. If a petition is filed under section 4301.334 393
 of the Revised Code for the submission of the question set forth 394
 in this section, an election shall be held in the municipal 395
 corporation or unincorporated area of a township as ordered by the 396
 board of elections under that section. 397

Except as otherwise provided in this section, if the 398
 legislative authority of a municipal corporation in whose 399
 territory, or the board of township trustees of a township in 400
 whose unincorporated area, a community facility is located 401
 submits, not later than four p.m. of the seventy-fifth day before 402
 the day of a primary or general election, to the board of 403
 elections of the county in which the community facility is located 404
 an ordinance or resolution requesting the submission of the 405
 question set forth in this section to the electors of the 406
 municipal corporation or unincorporated area of the township, the 407
 board of elections shall order that an election be held on that 408
 question in the municipal corporation or the unincorporated area 409
 of the township on the day of the next primary or general 410
 election, whichever occurs first. The legislative authority or 411
 board of township trustees shall submit the name and address of 412
 any permit holder who would be affected by the results of the 413
 election to the board of elections at the same time it submits the 414
 ordinance or resolution. The board of elections, within five days 415
 after receiving the name and address, shall give notice by 416
 certified mail to each permit holder that it has received the 417
 ordinance or resolution. Failure of the legislative authority or 418
 board of township trustees to supply the name and address of each 419

permit holder to the board of elections invalidates the effect of
the ordinance or resolution.

At the election, the following question shall be submitted to
the electors of the municipal corporation or unincorporated area
of a township:

"Shall the sale of beer and intoxicating liquor be permitted
on days of the week other than Sunday and between the hours of ~~one~~
~~p.m.~~ (insert "ten a.m." or "eleven a.m.") and midnight
on Sunday, at (insert name of community facility), a
community facility as defined by section 4301.01 of the Revised
Code, and located at (insert the address of the community
facility and, if the community facility is a community
entertainment district, the boundaries of the district, as set
forth in the petition)?"

The board of elections shall furnish printed ballots at the
election as provided under section 3505.06 of the Revised Code,
except that a separate ballot shall be used for the election under
this section. The question set forth in this section shall be
printed on each ballot, and the board shall insert in the question
appropriate words to complete each it, subject to the approval of
the secretary of state. Votes shall be cast as provided under
section 3505.06 of the Revised Code.

Sec. 4301.361. (A) If a majority of the electors voting on
questions set forth in section 4301.351 of the Revised Code in a
precinct vote "yes" on question (B) (1) or (C) (1), or, if both
questions (B) (1) and (B) (2), or questions (C) (1) and (C) (2), are
submitted, "yes" on both questions or "yes" on question (B) (1) or
(C) (1) but "no" on question (B) (2) or (C) (2), sales of
intoxicating liquor shall be allowed on Sunday in the manner and
under the conditions specified in question (B) (1) or (C) (1), under

a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(B) If only question (B)(2) or (C)(2) is submitted to the voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are submitted and a majority of the electors voting in a precinct vote "yes" on question (B)(2) or (C)(2) as set forth in section 4301.351 of the Revised Code, sales of intoxicating liquor shall be allowed on Sunday in the manner and under the conditions specified in question (B)(2) or (C)(2), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code, even if question (B)(1) or (C)(1) was also submitted and a majority of the electors voting in the precinct voted "no."

(C) If question (B)(3) or (C)(3) is submitted and a majority of electors voting on question (B)(3) or (C)(3) as set forth in section 4301.351 of the Revised Code in a precinct vote "yes," sales of wine and mixed beverages shall be allowed on Sunday in the manner and under the conditions specified in question (B)(3) or (C)(3), under a D-6 permit, within the precinct concerned, during the hours specified in division (A) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code.

(D) If questions (B)(1), (B)(2), and (B)(3), or questions (C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of the Revised Code, are all submitted and a majority of the electors voting in such precinct vote "no" on all three questions, no sales of intoxicating liquor shall be made within the precinct concerned after two-thirty a.m. on Sunday as specified in the questions

submitted, during the period the election is in effect as defined 481
in section 4301.37 of the Revised Code. 482

(E) If question (C) (1) as set forth in section 4301.351 of 483
the Revised Code is submitted to the voters in a precinct in which 484
question (B) (1) as set forth in that section previously was 485
submitted and approved, and the results of the election on 486
question (B) (1) are still in effect in the precinct; or if 487
question (C) (2) as set forth in that section is submitted to the 488
voters in a precinct in which question (B) (2) as set forth in that 489
section previously was submitted and approved, and the results of 490
the election on question (B) (2) are still in effect in the 491
precinct; or if question (C) (3) as set forth in that section is 492
submitted to the voters in a precinct in which question (B) (3) as 493
set forth in that section previously was submitted and approved, 494
and the results of the election on question (B) (3) are still in 495
effect in the precinct; and if a majority of the electors voting 496
on question (C) (1), (C) (2), or (C) (3) vote "no," then sales shall 497
continue to be allowed in the precinct in the manner and under the 498
conditions specified in the previously approved question (B) (1), 499
(B) (2), or (B) (3), as applicable. 500

(F) If question (B) (4) as set forth in section 4301.351 of 501
the Revised Code is submitted and a majority of the electors 502
voting in the precinct vote "yes," sales of intoxicating liquor 503
shall be allowed on Sunday at outdoor performing arts centers in 504
the manner and under the conditions specified in question (B) (4) 505
under a D-6 permit, within the precinct concerned, during the 506
hours specified in division (F) of section 4303.182 of the Revised 507
Code and during the period the election is in effect as defined in 508
section 4301.37 of the Revised Code. If question (B) (4) as set 509
forth in section 4301.351 of the Revised Code is submitted and a 510
majority of the electors voting in the precinct vote "no," no 511

sales of intoxicating liquor shall be allowed at outdoor 512
 performing arts centers in the precinct concerned under a D-6 513
 permit, after 2:30 a.m. on Sunday, during the period the election 514
 is in effect as defined in section 4301.37 of the Revised Code. 515

Sec. 4301.364. (A) If a majority of the electors in a 516
 precinct vote "yes" on question (B)(1) or (C)(1) as set forth in 517
 section 4301.354 of the Revised Code, the sale of intoxicating 518
 liquor, of the same types as may be legally sold in the precinct 519
 on other days of the week, shall be permitted on Sunday in the 520
 portion of the precinct affected by the results of the election 521
during the hours specified in division (A) of section 4303.182 of 522
the Revised Code and in the manner and under the conditions 523
 specified in the question, subject only to this chapter and 524
 Chapter 4303. of the Revised Code. 525

(B) If a majority of the electors in a precinct vote "yes" on 526
 question (B)(2) or (C)(2) as set forth in section 4301.354 of the 527
 Revised Code, the sale of intoxicating liquor, of the same types 528
 as may be legally sold in the precinct on other days of the week, 529
 shall be permitted on Sunday in the portion of the precinct 530
 affected by the results of the election during the hours specified 531
in division (A) of section 4303.182 of the Revised Code and in the 532
 manner and under the conditions specified in the question, subject 533
 only to this chapter and Chapter 4303. of the Revised Code. 534

(C) If a majority of the electors in a precinct vote "yes" on 535
 question (B)(3) or (C)(3) as set forth in section 4301.354 of the 536
 Revised Code, the sale of wine and mixed beverages shall be 537
 permitted on Sunday in the portion of the precinct affected by the 538
 results of the election during the hours specified in division (A) 539
of section 4303.182 of the Revised Code and in the manner and 540
 under the conditions specified in the question, subject only to 541
 this chapter and Chapter 4303. of the Revised Code. 542

(D) If a majority of the electors in a precinct vote "no" on question (B) (1) or (C) (1) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(E) If a majority of the electors in a precinct vote "no" on question (B) (2) or (C) (2) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(F) If a majority of the electors in a precinct vote "no" on question (B) (3) or (C) (3) as set forth in section 4301.354 of the Revised Code, no sale of wine or mixed beverages shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(G) If question (C) (1) as set forth in section 4301.354 of the Revised Code is submitted to the voters in a precinct in which question (B) (1) as set forth in that section previously was submitted and approved, and the results of the election on question (B) (1) are still in effect in the precinct; or if question (C) (2) as set forth in that section is submitted to the voters in a precinct in which question (B) (2) as set forth in that section previously was submitted and approved, and the results of the election on question (B) (2) are still in effect in the precinct; or if question (C) (3) as set forth in that section is submitted to the voters in a precinct in which question (B) (3) as set forth in that section previously was submitted and approved, and the results of the election on question (B) (3) are still in

effect in the precinct; and if a majority of the electors voting
on question (C) (1), (C) (2), or (C) (3) vote "no," then sales shall
continue to be allowed in the precinct in the manner and under the
conditions specified in the previously approved question (B) (1),
(B) (2), or (B) (3), as applicable.

Sec. 4301.365. (A) If a majority of the electors in a
precinct vote "yes" on questions (B) (1) and (2) as set forth in
section 4301.355 of the Revised Code, the sale of beer, wine and
mixed beverages, or spirituous liquor, whichever was the subject
of the election, shall be allowed at the particular location and
for the use, ~~and during the hours on Sunday,~~ specified in the
questions under each permit applied for by the petitioner or at
the address listed for the liquor agency store, and, in relation
to question (B) (2), during the hours on Sunday specified in
division (A) of section 4303.182 of the Revised Code, subject only
to this chapter and Chapter 4303. of the Revised Code. Failure to
continue to use the particular location for any proposed or stated
use set forth in the petition is grounds for the denial of a
renewal of the liquor permit under division (A) of section
4303.271 of the Revised Code or is grounds for the nonrenewal or
cancellation of the liquor agency store contract by the division
of liquor control, except in the case where the liquor permit
holder or liquor agency store decides to cease the sale of beer,
wine and mixed beverages, or spirituous liquor, whichever was the
subject of the election, on Sundays.

(B) Except as otherwise provided in division (H) of this
section, if a majority of the electors in a precinct vote "yes" on
question (B) (1) and "no" on question (B) (2) as set forth in
section 4301.355 of the Revised Code, the sale of beer, wine and
mixed beverages, or spirituous liquor, whichever was the subject
of the election, shall be allowed at the particular location for

the use specified in question (B) (1) of section 4301.355 of the
 Revised Code and under each permit applied for by the petitioner,
 except for a D-6 permit, subject only to this chapter and Chapter
 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote "no" on
 question (B) (1) as set forth in section 4301.355 of the Revised
 Code, no sales of beer, wine and mixed beverages, or spirituous
 liquor, whichever was the subject of the election, shall be
 allowed at the particular location for the use specified in the
 petition during the period the election is in effect as defined in
 section 4301.37 of the Revised Code.

(D) If a majority of the electors in a precinct vote only on
 question (B) (2) as set forth in section 4301.355 of the Revised
 Code and that vote results in a majority "yes" vote, sales of
 beer, wine and mixed beverages, or spirituous liquor, whichever
 was the subject of the election, shall be allowed at the
 particular location for the use ~~and during the hours~~ specified in
 the petition on Sunday during the hours specified in division (A)
of section 4303.182 of the Revised Code and during the period the
 election is in effect as defined in section 4301.37 of the Revised
 Code.

(E) Except as otherwise provided in division (H) of this
 section, if a majority of the electors in a precinct vote only on
 question (B) (2) as set forth in section 4301.355 of the Revised
 Code and that vote results in a majority "no" vote, no sales of
 beer, wine and mixed beverages, or spirituous liquor, whichever
 was the subject of the election, shall be allowed at the
 particular location for the use and during the hours specified in
 the petition on Sunday during the period the election is in effect
 as defined in section 4301.37 of the Revised Code.

(F) In case of elections in the same precinct for the

question or questions set forth in section 4301.355 of the Revised Code and for a question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code, the results of the election held on the question or questions set forth in section 4301.355 of the Revised Code shall apply to the particular location notwithstanding the results of the election held on the question or questions set forth in section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised Code.

(G) Sections 4301.32 to 4301.41 of the Revised Code do not prohibit the transfer of ownership of a permit that was issued to a particular location as the result of an election held on sales of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor at that particular location as long as the general nature of the business at that particular location described in the petition for that election remains the same after the transfer.

(H) If question (B) (2) as set forth in section 4301.355 of the Revised Code is submitted to the electors of a precinct proposing to authorize the sale of beer, wine and mixed beverages, or spirituous liquor between the hours of ten a.m. and midnight at a particular location at which the sale of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor is already allowed between the hours of eleven a.m. and midnight or one p.m. and midnight and the question submitted is defeated, the sale of beer, wine and mixed beverages, spirituous liquor, or intoxicating liquor between the hours of eleven a.m. and midnight or one p.m. and midnight, as applicable, shall continue at that particular location.

Sec. 4301.366. If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote

"yes," the sale of beer and intoxicating liquor shall be allowed 667
 at the community facility ~~and on days of the week other than~~ 668
Sunday and during the hours on Sunday specified in division (A) of 669
section 4303.182 of the Revised Code, for the use specified in the 670
 question, subject only to this chapter and Chapter 4303. of the 671
 Revised Code. Failure to continue to use the location as a 672
 community facility constitutes good cause for rejection of the 673
 renewal of the liquor permit under division (A) of section 674
 4303.271 of the Revised Code. 675

If a majority of the electors voting on the question 676
 specified in section 4301.356 of the Revised Code vote "no," no 677
 sales of beer or intoxicating liquor shall be made at or within 678
 the community facility during the period the election is in effect 679
 as defined in section 4301.37 of the Revised Code." 680

Between lines 71687 and 71688, insert: 681

"Sec. 4303.182. (A) Except as otherwise provided in divisions 682
 (B) to (J) of this section, permit D-6 shall be issued to the 683
 holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 684
 D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 685
 D-5k, D-5l, D-5m, or D-7 permit to allow sale under that permit 686
between as follows: 687

(1) Between the hours of ten a.m. and midnight, ~~or between on~~ 688
Sunday if sale during those hours has been approved under question 689
(C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 690
Code, under question (B)(2) of section 4301.355 of the Revised 691
Code, or under section 4301.356 of the Revised Code and has been 692
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 693
of the Revised Code, under the restrictions of that authorization; 694

(2) Between the hours of ~~one p.m.~~ eleven a.m. and midnight, 695
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on Sunday, ~~as applicable,~~ if that sale during those hours has been 697
approved on or after the effective date of this amendment under 698
question (B) (1), (2), or (3) of section 4301.351 or 4301.354 of 699
the Revised Code, under question (B) (2) of section 4301.355 of the 700
Revised Code, or under section 4301.356 of the Revised Code and 701
has been authorized under section 4301.361, 4301.364, 4301.365, or 702
4301.366 of the Revised Code ~~and,~~ under the restrictions of that 703
authorization; 704

(3) Between the hours of eleven a.m. and midnight on Sunday 705
if sale between the hours of one p.m. and midnight was approved 706
before the effective date of this amendment under question (B) (1), 707
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 708
under question (B) (2) of section 4301.355 of the Revised Code, or 709
under section 4301.356 of the Revised Code and has been authorized 710
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 711
Revised Code, under the other restrictions of that authorization. 712

(B) Permit D-6 shall be issued to the holder of any permit, 713
including a D-4a and D-5d permit, authorizing the sale of 714
intoxicating liquor issued for a premises located at any publicly 715
owned airport, as defined in section 4563.01 of the Revised Code, 716
at which commercial airline companies operate regularly scheduled 717
flights on which space is available to the public, to allow sale 718
under such permit between the hours of ten a.m. and midnight on 719
Sunday, whether or not that sale has been authorized under section 720
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 721

(C) Permit D-6 shall be issued to the holder of a D-5a 722
permit, and to the holder of a D-3 or D-3a permit who is the owner 723
or operator of a hotel or motel that is required to be licensed 724
under section 3731.03 of the Revised Code, that contains at least 725
fifty rooms for registered transient guests, and that has on its 726
premises a retail food establishment or a food service operation 727

licensed pursuant to Chapter 3717. of the Revised Code that
operates as a restaurant for purposes of this chapter and is
affiliated with the hotel or motel and within or contiguous to the
hotel or motel and serving food within the hotel or motel, to
allow sale under such permit between the hours of ten a.m. and
midnight on Sunday, whether or not that sale has been authorized
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the
Revised Code.

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(D) The holder of a D-6 permit that is issued to a sports
facility may make sales under the permit between the hours of
eleven a.m. and midnight on any Sunday on which a professional
baseball, basketball, football, hockey, or soccer game is being
played at the sports facility. As used in this division, "sports
facility" means a stadium or arena that has a seating capacity of
at least four thousand and that is owned or leased by a
professional baseball, basketball, football, hockey, or soccer
franchise or any combination of those franchises.

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(E) Permit D-6 shall be issued to the holder of any permit
that authorizes the sale of beer or intoxicating liquor and that
is issued to a premises located in or at the Ohio historical
society area or the state fairgrounds, as defined in division (B)
of section 4301.40 of the Revised Code, to allow sale under that
permit between the hours of ten a.m. and midnight on Sunday,
whether or not that sale has been authorized under section
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

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(F) Permit D-6 shall be issued to the holder of any permit
that authorizes the sale of intoxicating liquor and that is issued
to an outdoor performing arts center to allow sale under that
permit between the hours of one p.m. and midnight on Sunday,
whether or not that sale has been authorized under section
4301.361 of the Revised Code. A D-6 permit issued under this

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division is subject to the results of an election, held after the
D-6 permit is issued, on question (B)(4) as set forth in section
4301.351 of the Revised Code. Following the end of the period
during which an election may be held on question (B)(4) as set
forth in that section, sales of intoxicating liquor may continue
at an outdoor performing arts center under a D-6 permit issued
under this division, unless an election on that question is held
during the permitted period and a majority of the voters voting in
the precinct on that question vote "no."

As used in this division, "outdoor performing arts center"
means an outdoor performing arts center that is located on not
less than eight hundred acres of land and that is open for
performances from the first day of April to the last day of
October of each year.

(G) Permit D-6 shall be issued to the holder of any permit
that authorizes the sale of beer or intoxicating liquor and that
is issued to a golf course owned by the state, a conservancy
district, a park district created under Chapter 1545. of the
Revised Code, or another political subdivision to allow sale under
that permit between the hours of ten a.m. and midnight on Sunday,
whether or not that sale has been authorized under section
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(H) Permit D-6 shall be issued to the holder of a D-5g permit
to allow sale under that permit between the hours of ten a.m. and
midnight on Sunday, whether or not that sale has been authorized
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the
Revised Code.

(I) Permit D-6 shall be issued to the holder of any D permit
for a premises that is licensed under Chapter 3717. of the Revised
Code and that is located at a ski area to allow sale under the D-6
permit between the hours of ten a.m. and midnight on Sunday,

whether or not that sale has been authorized under section 790
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 791

As used in this division, "ski area" means a ski area as 792
defined in section 4169.01 of the Revised Code, provided that the 793
passenger tramway operator at that area is registered under 794
section 4169.03 of the Revised Code. 795

(J) Permit D-6 shall be issued to the holder of a D-5j permit 796
for a permit premises that is located in a community entertainment 797
district, as defined in section 4301.80 of the Revised Code, that 798
was approved by the legislative authority of a municipal 799
corporation under that section between October 1 and October 15, 800
2005, to allow sale under the permit between the hours of ten a.m. 801
and midnight on Sunday, whether or not that sale has been 802
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 803
of the Revised Code. 804

(K) If the restriction to licensed premises where the sale of 805
food and other goods and services exceeds fifty per cent of the 806
total gross receipts of the permit holder at the premises is 807
applicable, the division of liquor control may accept an affidavit 808
from the permit holder to show the proportion of the permit 809
holder's gross receipts derived from the sale of food and other 810
goods and services. If the liquor control commission determines 811
that affidavit to have been false, it shall revoke the permits of 812
the permit holder at the premises concerned. 813

(L) The fee for the D-6 permit is five hundred dollars when 814
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 815
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 816
D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 permit. The fee for the D-6 817
permit is four hundred dollars when it is issued to the holder of 818
a C-2 permit." 819

In line 98971, after "4171.04," insert "4301.333, 4301.334, 820

4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 821
 4301.365, 4301.366,"; after "4301.43," insert "4303.182," 822

Between lines 111783 and 111784, insert: 823

"Section 743.____. If a petition seeks the holding of an 824
 election on Sunday liquor sales on or after the effective date of 825
 this section under question (B)(1), (2), or (3) of section 826
 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of 827
 section 4301.355 of the Revised Code, or under section 4301.356 of 828
 the Revised Code and the petition contains signatures that were 829
 placed on it before the effective date of this section, the 830
 petition is not invalid merely because the question or questions 831
 sought to be submitted to the electors and contained in the 832
 petition state that Sunday liquor sales may commence beginning at 833
 1 p.m. rather than 11 a.m. 834

Section 743.____. (A) Notwithstanding division (A)(3) of 835
 section 4303.182 of the Revised Code, as amended by this act, the 836
 electors in a precinct in which the first hour of sale on Sunday 837
 was changed from one p.m. to eleven a.m. by operation of that 838
 division may petition to hold an election to revert that first 839
 hour of sale to one p.m. That election shall be held under the 840
 following conditions: 841

(1) At the first general election that occurs after the 842
 effective date of this section unless that general election will 843
 be held less than one hundred thirty-five days after that date, in 844
 which case the election shall be held at the immediately following 845
 general election; 846

(2) Under division (B)(1), (2), or (3) of section 4301.351 or 847
 4301.354 of the Revised Code, under division (B)(2) of section 848
 4301.355 of the Revised Code, or under section 4301.356 of the 849
 Revised Code, as applicable, except that the starting time for 850

sales under the question shall be one p.m. rather than eleven a.m.;

(3) In accordance with the applicable requirements and provisions governing elections that are held under those divisions or that section and that are established under Chapter 4301. of the Revised Code.

(B) Not later than forty-five days after the effective date of this section, the Superintendent of Liquor Control shall publish notice of the provisions of division (A) of this section in a newspaper of general circulation in each county of the state."

Between lines 112543 and 112544, insert:

"Section 4301.355 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.

Section 4303.182 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly."

In line 152 of the title, after "4171.04," insert "4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 4301.365, 4301.366,"; after "4301.43," insert "4303.182,"

The motion was _____ agreed to.

SYNOPSIS

Sunday Liquor Sales 871

R.C. 4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 4301.361, 4301.364, 4301.365, 4301.366, and 4303.182 873

Changes local option elections on Sunday sales of 874

intoxicating liquor allowing sales between 1 p.m. and midnight to
instead allow sales between 11 a.m. and midnight; authorizes
certain Sunday liquor sales to begin at 11 a.m. even if the sales
previously were approved by the voters to commence at 1 p.m., but
allows voters to hold an election to revert the time of
commencement to 1 p.m. in accordance with certain conditions; and
makes other changes in the law governing local option elections on
Sunday sales of beer and intoxicating liquor at or in election
precincts, parts of a precinct, specific locations, and community
facilities.

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Sub. H.B. 1
LSC 128 0516-4
HC-2334

5 _____ moved to amend as follows:

6 In line 104475, delete "\$6,594,504 \$6,602,446" and
7 insert "\$6,494,504 \$6,502,446"

8 In line 104477, delete "\$6,963,226 \$6,977,487" and
9 insert "\$7,063,226 \$7,077,487"

10 In line 104583, delete "\$2,575,641" and insert "\$2,675,641"

11 In line 104584, delete "\$2,575,966" and insert "\$2,675,966"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Department of Education**

15 **Sections 281.10 and 281.30**

16 Decreases GRF appropriation item 935409, Technology
17 Operations, by \$100,000 in each fiscal year, increases, by the
18 same amount in each fiscal year, GRF appropriation 935411,
19 Technology Integration and Professional Development, and
20 increases the earmark from 935411 for eTech to use to contract
21 with educational television to provide Ohio's public schools
22 with instructional resources and services from \$2,575,641 to
23 \$2,675,641 in fiscal year 2010 and from \$2,575,966 to \$2,675,966
24 in fiscal year 2011.

5 _____ moved to amend as follows:

6 In line 100591, delete "\$46,499,699 \$46,499,699" and
7 insert "\$46,399,699 \$46,399,699"

8 Between lines 100591 and 100592, insert:

9 "GRF 055405 Law-Related Education \$100,000 \$100,000"

10 Between lines 100637 and 100638, insert:

11 "LAW-RELATED EDUCATION

12 The foregoing appropriation item 055405, Law-Related
13 Education, shall be distributed directly to the Ohio Center for
14 Law-Related Education for the purpose of providing continuing
15 citizenship education activities to primary and secondary
16 students, expanding delinquency prevention programs, increasing
17 activities for at-risk youth, and accessing additional public
18 and private money for new programs."

19 The motion was _____ agreed to.

20 SYNOPSIS

21 **Attorney General**

22 **Section 223.10**

23 Reduces the appropriation for GRF line item 055321,
24 Operating Expenses, by \$100,000 in each fiscal year.

25 Establishes GRF line item 055405, Law-Related Education, with an
26 appropriation of \$100,000 in each fiscal year, and earmarks that
27 amount in each fiscal year for distribution to the Ohio Center
28 for Law-Related Education.

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Sub. H.B. 1
LSC 128 0516-4
HC-2339

5 _____ moved to amend as follows:

6 In line 8020, delete "granted" and insert "issued by the
7 director of development"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Public Database of Tax Credits**

11 **R.C. 125.20**

12 Regarding the proposed public database of business tax
13 credits (and state employee wages and state expenditures),
14 specifies that the tax credits to be contained in the database
15 are those issued by the Director of Development.

Sub. H.B. 1
LSC 128 0516-4
HC-2342

_____ moved to amend as follows:

In line 331, after "109.572," insert "109.802, 109.803," 1

Between lines 1570 and 1571, insert: 2

"Sec. 109.802. (A) There is hereby created in the state 3
treasury the law enforcement assistance fund. The ~~fund~~ attorney 4
general shall ~~be used~~ use the fund to pay reimbursements for 5
continuing professional training programs for peace officers and 6
troopers as provided in this section and section 109.803 of the 7
Revised Code, ~~the~~ compensation of any employees of the attorney 8
general required to administer those sections, and any other 9
administrative costs incurred by the attorney general to 10
administer those sections. 11

(B) The attorney general shall adopt rules in accordance with 12
Chapter 119. of the Revised Code establishing application 13
procedures, standards, and guidelines, and prescribing an 14
application form, for the reimbursement of public appointing 15
authorities for the cost of continuing professional training 16
programs for their peace officers and troopers. The rules shall 17
include, but are not limited to, all of the following: 18

(1) A requirement that applications for reimbursement be 19
submitted on a calendar-year basis; 20

(2) The documentation required to substantiate any costs for which the applicant seeks reimbursement;

(3) Procedures for submitting applications for reimbursement for the cost of continuing professional training programs completed by a peace officer or trooper for whom the executive director of the Ohio peace officer training commission granted pursuant to division (A) (2) of section 109.803 of the Revised Code an extension of the time for compliance with the continuing professional training requirement specified in division (A) of that section and who complied with the requirement prior to the date on which the extension ends;

(4) Any other requirements necessary for the proper administration of the reimbursement program.

(C) The Ohio peace officer training commission shall administer a program for reimbursing public appointing authorities for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. The commission shall administer the reimbursement program in accordance with rules adopted by the attorney general pursuant to division (B) of this section.

(D) Each public appointing authority may apply each calendar year to the peace officer training commission for reimbursement for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. Each application shall be made in accordance with, on an application form prescribed in, and be supported by the documentation required by, the rules adopted by the attorney general pursuant to division (B) of this section.

(E) (1) The Ohio peace officer training commission, in accordance with rules of the attorney general adopted under division (B) of this section, shall review each application for

reimbursement made under division (D) of this section to determine 52
 if the applicant is entitled to reimbursement for the training 53
 programs for which the applicant seeks reimbursement. Except as 54
 provided in division (E) (2) of this section, a public appointing 55
 authority that complies with division (B) of section 109.761 of 56
the Revised Code and applies under division (D) of this section 57
 for reimbursement is entitled to reimbursement ~~only if all for~~ 58
~~each~~ of the appointing authority's peace officers or troopers 59
~~comply who timely complies~~ with the continuing professional 60
 training requirement specified in division (A) (1) of section 61
 109.803 of the Revised Code by completing the minimum number of 62
 hours of training directed by the Ohio peace officer training 63
 commission under that division and with the other requirements 64
 described in that division. 65

~~(2) If a public appointing authority applies under division 66
 (D) of this section for reimbursement, if one or more of its peace 67
 officers or troopers have not complied with the continuing 68
 professional training requirement specified in division (A) (1) of 69
 section 109.803 of the Revised Code by completing the minimum 70
 number of hours of training directed by the Ohio peace officer 71
 training commission under that division, and if the executive 72
 director of the commission granted pursuant to division (A) (2) of 73
 section 109.803 of the Revised Code an extension of the time 74
 within which each of those peace officers or troopers who have not 75
 complied with the continuing professional training requirement 76
 must comply with that requirement, notwithstanding division (E) (1) 77
 of this section, both of the following apply: 78~~

~~(a) If each peace officer or trooper of the public appointing 79
 authority for whom the executive director of the commission did 80
 not grant an extension pursuant to division (A) (2) of section 81
 109.803 of the Revised Code has complied with the continuing 82~~

~~professional training requirement and with the other requirements 83
described in division (A) (1) of section 109.803 of the Revised 84
Code, the public appointing authority is entitled to reimbursement 85
for the training programs completed by all of its peace officers 86
or troopers who have so complied with the continuing professional 87
training requirement and the other specified requirements. 88~~

(b) If a peace officer or trooper of the public appointing 89
authority for whom the executive director of the commission 90
granted an extension pursuant to division (A) (2) of section 91
109.803 of the Revised Code complies prior to the date on which 92
the extension ends with the continuing professional training 93
requirement, and if the peace officer or trooper also has complied 94
with the other requirements described in division (A) (1) of 95
section 109.803 of the Revised Code, the public appointing 96
authority is entitled to reimbursement for the training programs 97
completed by that peace officer or trooper. An application for 98
reimbursement of the type described in this division shall be made 99
in accordance with rules adopted by the attorney general pursuant 100
to division (B) of section 109.802 of the Revised Code. 101

(3) If a public appointing authority that applies under 102
division (D) of this section for reimbursement is entitled to 103
reimbursement under division (E) (1) or (2) of this section for 104
each peace officer and trooper who successfully completes a 105
training program, the commission shall approve reimbursing the 106
appointing authority for the cost of that program. The actual 107
amount of reimbursement for each authorized training program shall 108
be determined by rules adopted by the attorney general under 109
division (B) of this section. 110

If the public appointing authority is entitled to 111
reimbursement under division (E) (2) (a) of this section, payment of 112
the reimbursement shall not be withheld during the period of the 113

extension granted to the other peace officers or troopers of the 114
 authority pursuant to division (A) (2) of section 109.803 of the 115
 Revised Code, pending their compliance with the requirement. If 116
 the public appointing authority is entitled to reimbursement under 117
 division (E) (2) ~~(a)~~ of this section and if one or more of its peace 118
 officers or troopers who were granted an extension pursuant to 119
 division (A) (2) of section 109.803 of the Revised Code fails to 120
 complete prior to the date on which the extension ends the 121
 required minimum number of hours of continuing professional 122
 training set by the commission under division (A) (1) of section 123
 109.803 of the Revised Code, the failure does not affect the 124
 reimbursement made to the public appointing authority, and the 125
 public appointing authority is not required to return the 126
 reimbursement or any portion of it. 127

(F) Each public appointing authority that receives funds 128
 under this section shall keep those funds separate from any other 129
 funds of the appointing authority and shall use those funds only 130
 for paying the cost of continuing professional training programs. 131

(G) As used in this section and section 109.803 of the 132
 Revised Code: 133

(1) "Peace officer" has the same meaning as in section 109.71 134
 of the Revised Code. 135

(2) "Trooper" means an individual appointed as a state 136
 highway patrol trooper under section 5503.01 of the Revised Code. 137

(3) "Appointing authority" means any agency or entity that 138
 appoints a peace officer or trooper. 139

Sec. 109.803. (A) (1) Subject to division (A) (2) of this 140
 section, every appointing authority shall require each of its 141
 appointed peace officers and troopers to complete up to 142
 twenty-four hours of continuing professional training each 143

calendar year, as directed by the Ohio peace officer training 144
commission. The number of hours directed by the commission, up to 145
twenty-four hours, is intended to be a minimum requirement, and 146
appointing authorities are encouraged to exceed the number of 147
hours the commission directs as the minimum. The commission shall 148
set the required minimum number of hours based upon available 149
funding for reimbursement as described in this division. If no 150
funding for the reimbursement is available, no continuing 151
professional training will be required. 152

(2) An appointing authority may submit a written request to 153
the peace officer training commission that requests for a calendar 154
year because of emergency circumstances an extension of the time 155
within which one or more of its appointed peace officers or 156
troopers must complete the required minimum number of hours of 157
continuing professional training set by the commission, as 158
described in division (A)(1) of this section. A request made under 159
this division shall set forth the name of each of the appointing 160
authority's peace officers or troopers for whom an extension is 161
requested, identify the emergency circumstances related to that 162
peace officer or trooper, include documentation of those emergency 163
circumstances, and set forth the date on which the request is 164
submitted to the commission. A request shall be made under this 165
division not later than the fifteenth day of December in the 166
calendar year for which the extension is requested. 167

Upon receipt of a written request made under this division, 168
the executive director of the commission shall review the request 169
and the submitted documentation. If the executive director of the 170
commission is satisfied that emergency circumstances exist for any 171
peace officer or trooper for whom a request was made under this 172
division, the executive director may approve the request for that 173
peace officer or trooper and grant an extension of the time within 174

which that peace officer or trooper must complete the required 175
 minimum number of hours of continuing professional training set by 176
 the commission. An extension granted under this division may be 177
 for any period of time the executive director believes to be 178
 appropriate, and the executive director shall specify in the 179
 notice granting the extension the date on which the extension 180
 ends. Not later than thirty days after the date on which a request 181
 is submitted to the commission, for each peace officer and trooper 182
 for whom an extension is requested, the executive director either 183
 shall approve the request and grant an extension or deny the 184
 request and deny an extension and shall send to the appointing 185
 authority that submitted the request written notice of the 186
 executive director's decision. 187

If the executive director grants an extension of the time 188
 within which a particular appointed peace officer or trooper of an 189
 appointing authority must complete the required minimum number of 190
 hours of continuing professional training set by the commission, 191
 the appointing authority shall require that peace officer or 192
 trooper to complete the required minimum number of hours of 193
 training not later than the date on which the extension ends. 194

~~(3) (a) If a public appointing authority complies with the 195
 training requirement specified in division (A) (1) of this section 196
 by requiring each of its appointed peace officers and troopers to 197
 complete the number of hours of training the commission directs as 198
 the minimum and with division (B) of section 109.761 of the 199
 Revised Code and if the appointed peace officers and troopers of 200
 the public appointing authority comply with section 109.801 of the 201
 Revised Code to the extent that they are subject to that section 202
 and comply with all other training mandated by the general 203
 assembly or the attorney general, the attorney general shall 204
 reimburse the public appointing authority for the successful 205~~

~~training costs of each of its appointed peace officers and troopers as provided in section 109.802 of the Revised Code.~~ 206
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~~(b) If the executive director of the Ohio peace officer training commission grants pursuant to division (A)(2) of this section an extension of the time within which one or more appointed peace officers or troopers of a public appointing authority must complete the required minimum number of hours of continuing professional training set by the commission, and if the criteria set forth in division (A)(3)(a) of this section are satisfied regarding each appointed peace officer or trooper of the public appointing authority for whom such an extension was not granted, the attorney general shall reimburse the public appointing authority for the successful training costs of each of its appointed peace officers and troopers for whom such an extension was not granted, as provided in section 109.802 of the Revised Code.~~ 208
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~~If an appointed peace officer or trooper of a public appointing authority for whom the executive director granted such an extension completes prior to the date on which the extension ends the number of hours of training the commission directs as the minimum, if the officer or trooper also has complied with section 109.801 of the Revised Code to the extent that the officer or trooper is subject to that section and has complied with all other training mandated by the general assembly or the attorney general, and if the public appointing authority has complied with division (B) of section 109.761 of the Revised Code, the attorney general shall reimburse the public appointing authority for the successful training costs of that peace officer or trooper as provided in section 109.802 of the Revised Code.~~ 222
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~~(B)(1) Subject to division (B)(2) of this section, no appointed peace officer or trooper of an appointing authority who~~ 235
236

~~fails to complete in any calendar year the required hours of~~ 237
~~continuing professional training the Ohio peace officer training~~ 238
~~commission directs pursuant to division (A) of this section as the~~ 239
~~minimum number of hours or who fails to comply with section~~ 240
~~109.801 of the Revised Code or any other required training shall~~ 241
~~carry a firearm during the course of official duties or perform~~ 242
~~the functions of a peace officer or trooper until evidence of the~~ 243
~~peace officer's or trooper's compliance with those requirements is~~ 244
~~filed with the executive director of the Ohio peace officer~~ 245
~~training commission.~~ 246

~~(2) If the executive director of the Ohio peace officer~~ 247
~~training commission grants pursuant to division (A) (2) of this~~ 248
~~section an extension of the time within which an appointed peace~~ 249
~~officer or trooper of an appointing authority must complete the~~ 250
~~required minimum number of hours of continuing professional~~ 251
~~training set by the commission, during the period of the extension~~ 252
~~division (B) (1) of this section does not apply to a peace officer~~ 253
~~or trooper for whom such an extension was granted, provided that~~ 254
~~peace officer or trooper has complied with section 109.801 of the~~ 255
~~Revised Code to the extent that the officer or trooper is subject~~ 256
~~to that section and has complied with all other required training.~~ 257
~~If a peace officer or trooper of an appointing authority for whom~~ 258
~~such an extension was granted fails to complete prior to the date~~ 259
~~on which the extension ends the required minimum number of hours~~ 260
~~of continuing professional training set by the commission,~~ 261
~~division (B) (1) of this section applies to that officer or trooper~~ 262
~~after the date on which the extension ends.~~ 263

~~(C)(B)~~ With the advice of the Ohio peace officer training 264
~~commission, the attorney general shall adopt in accordance with~~ 265
~~Chapter 119. of the Revised Code rules setting forth minimum~~ 266
~~standards for continuing professional training for peace officers~~ 267

and troopers and governing the administration of continuing professional training programs for peace officers and troopers. The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state."

In line 98861, after "109.572," insert "109.802, 109.803,"

In line 1 of the title, after "109.572," insert "109.802, 108.803,"

The motion was _____ agreed to.

SYNOPSIS

Reimbursements for Continuing Professional Training for Peace Officers and Troopers

R.C. 109.802 and 109.803

Specifies that a public appointing authority that complies with the employment reporting requirements of R.C. 109.761 may be reimbursed from the Law Enforcement Assistance Fund for each peace officer or trooper who timely complies with the continuing professional training requirements, whether or not other peace officers or troopers have timely complied, eliminates the prohibition on the carrying of a firearm or carrying out duties by a peace officer or trooper who has failed to complete required continuing professional training.

Sub. H.B. 1
LSC 128 0516-4
HC-2343

_____ moved to amend as follows:

In line 331, after "109.572," insert "109.73, 109.742,
109.744, 109.751, 109.761, 109.77,"

Between lines 1570 and 1571, insert:

"Sec. 109.73. (A) The Ohio peace officer training commission
shall recommend rules to the attorney general with respect to all
of the following:

(1) The approval, or revocation of approval, of peace officer
training schools administered by the state, counties, municipal
corporations, public school districts, technical college
districts, and the department of natural resources;

(2) Minimum courses of study, attendance requirements, and
equipment and facilities to be required at approved state, county,
municipal, and department of natural resources peace officer
training schools;

(3) Minimum qualifications for instructors at approved state,
county, municipal, and department of natural resources peace
officer training schools;

(4) The requirements of minimum basic training that peace
officers appointed to probationary terms shall complete before
being eligible for permanent appointment, which requirements shall

include ~~a minimum of fifteen hours of~~ training in the handling of 21
the offense of domestic violence, other types of domestic 22
violence-related offenses and incidents, and protection orders and 23
consent agreements issued or approved under section 2919.26 or 24
3113.31 of the Revised Code; ~~a minimum of six hours of~~ crisis 25
intervention training; and ~~a specified amount of~~ training in the 26
handling of missing children and child abuse and neglect cases; 27
and the time within which such basic training shall be completed 28
following appointment to a probationary term; 29

(5) The requirements of minimum basic training that peace 30
officers not appointed for probationary terms but appointed on 31
other than a permanent basis shall complete in order to be 32
eligible for continued employment or permanent appointment, which 33
requirements shall include ~~a minimum of fifteen hours of~~ training 34
in the handling of the offense of domestic violence, other types 35
of domestic violence-related offenses and incidents, and 36
protection orders and consent agreements issued or approved under 37
section 2919.26 or 3113.31 of the Revised Code, ~~a minimum of six~~ 38
~~hours of~~ crisis intervention training, and ~~a specified amount of~~ 39
training in the handling of missing children and child abuse and 40
neglect cases, and the time within which such basic training shall 41
be completed following appointment on other than a permanent 42
basis; 43

(6) Categories or classifications of advanced in-service 44
training programs for peace officers, including programs in the 45
handling of the offense of domestic violence, other types of 46
domestic violence-related offenses and incidents, and protection 47
orders and consent agreements issued or approved under section 48
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 49
and in the handling of missing children and child abuse and 50
neglect cases, and minimum courses of study and attendance 51

requirements with respect to such categories or classifications; 52

(7) Permitting persons, who are employed as members of a 53
campus police department appointed under section 1713.50 of the 54
Revised Code; who are employed as police officers by a qualified 55
nonprofit corporation police department pursuant to section 56
1702.80 of the Revised Code; who are appointed and commissioned as 57
bank, savings and loan association, savings bank, credit union, or 58
association of banks, savings and loan associations, savings 59
banks, or credit unions police officers, as railroad police 60
officers, or as hospital police officers pursuant to sections 61
4973.17 to 4973.22 of the Revised Code; or who are appointed and 62
commissioned as amusement park police officers pursuant to section 63
4973.17 of the Revised Code, to attend approved peace officer 64
training schools, including the Ohio peace officer training 65
academy, and to receive certificates of satisfactory completion of 66
basic training programs, if the private college or university that 67
established the campus police department; qualified nonprofit 68
corporation police department; bank, savings and loan association, 69
savings bank, credit union, or association of banks, savings and 70
loan associations, savings banks, or credit unions; railroad 71
company; hospital; or amusement park sponsoring the police 72
officers pays the entire cost of the training and certification 73
and if trainee vacancies are available; 74

(8) Permitting undercover drug agents to attend approved 75
peace officer training schools, other than the Ohio peace officer 76
training academy, and to receive certificates of satisfactory 77
completion of basic training programs, if, for each undercover 78
drug agent, the county, township, or municipal corporation that 79
employs that undercover drug agent pays the entire cost of the 80
training and certification; 81

(9) (a) The requirements for basic training programs for 82

bailiffs and deputy bailiffs of courts of record of this state and 83
 for criminal investigators employed by the state public defender 84
 that those persons shall complete before they may carry a firearm 85
 while on duty; 86

(b) The requirements for any training received by a bailiff 87
 or deputy bailiff of a court of record of this state or by a 88
 criminal investigator employed by the state public defender prior 89
 to June 6, 1986, that is to be considered equivalent to the 90
 training described in division (A) (9) (a) of this section. 91

(10) Establishing minimum qualifications and requirements for 92
 certification for dogs utilized by law enforcement agencies; 93

(11) Establishing minimum requirements for certification of 94
 persons who are employed as correction officers in a full-service 95
 jail, five-day facility, or eight-hour holding facility or who 96
 provide correction services in such a jail or facility; 97

(12) Establishing requirements for the training of agents of 98
 a county humane society under section 1717.06 of the Revised Code, 99
 including, without limitation, a requirement that the agents 100
 receive instruction on traditional animal husbandry methods and 101
 training techniques, including customary owner-performed 102
 practices. 103

(B) The commission shall appoint an executive director, with 104
 the approval of the attorney general, who shall hold office during 105
 the pleasure of the commission. The executive director shall 106
 perform such duties assigned by the commission. The executive 107
 director shall receive a salary fixed pursuant to Chapter 124. of 108
 the Revised Code and reimbursement for expenses within the amounts 109
 available by appropriation. The executive director may appoint 110
 officers, employees, agents, and consultants as the executive 111
 director considers necessary, prescribe their duties, and provide 112
 for reimbursement of their expenses within the amounts available 113

for reimbursement by appropriation and with the approval of the
commission. 114
115

(C) The commission may do all of the following: 116

(1) Recommend studies, surveys, and reports to be made by the
executive director regarding the carrying out of the objectives 117
and purposes of sections 109.71 to 109.77 of the Revised Code; 118
119

(2) Visit and inspect any peace officer training school that 120
has been approved by the executive director or for which 121
application for approval has been made; 122

(3) Make recommendations, from time to time, to the executive 123
director, the attorney general, and the general assembly regarding 124
the carrying out of the purposes of sections 109.71 to 109.77 of 125
the Revised Code; 126

(4) Report to the attorney general from time to time, and to 127
the governor and the general assembly at least annually, 128
concerning the activities of the commission; 129

(5) Establish fees for the services the commission offers 130
under sections 109.71 to 109.79 of the Revised Code, including, 131
but not limited to, fees for training, certification, and testing; 132

(6) Perform such other acts as are necessary or appropriate 133
to carry out the powers and duties of the commission as set forth 134
in sections 109.71 to 109.77 of the Revised Code. 135

(D) In establishing the requirements, under division (A) (12) 136
of this section, the commission may consider any portions of the 137
curriculum for instruction on the topic of animal husbandry 138
practices, if any, of the Ohio state university college of 139
veterinary medicine. No person or entity that fails to provide 140
instruction on traditional animal husbandry methods and training 141
techniques, including customary owner-performed practices, shall 142
qualify to train a humane agent for appointment under section 143

1717.06 of the Revised Code. 144

Sec. 109.742. The attorney general shall adopt, in accordance 145
with Chapter 119. or pursuant to section 109.74 of the Revised 146
Code, rules governing the training of peace officers in crisis 147
intervention. The rules shall specify ~~six or more hours of that~~ 148
the amount of training necessary for the satisfactory completion 149
of basic training programs at approved peace officer training 150
schools, other than the Ohio peace officer training academy. 151
152

Sec. 109.744. The attorney general shall adopt, in accordance 153
with Chapter 119. of the Revised Code or pursuant to section 154
109.74 of the Revised Code, rules governing the training of peace 155
officers in the handling of the offense of domestic violence, 156
other types of domestic violence-related offenses and incidents, 157
and protection orders and consent agreements issued or approved 158
under section 2919.26 or 3113.31 of the Revised Code. The 159
provisions of the rules shall include, but shall not be limited 160
to, all of the following: 161

(A) A ~~specification that fifteen or more hours specified~~ 162
amount of that training that is required necessary for the 163
satisfactory completion of basic training programs at approved 164
peace officer training schools, other than the Ohio peace officer 165
training academy; 166

(B) A requirement that the training include, but not be 167
limited to, training in all of the following: 168

(1) All recent amendments to domestic violence-related laws; 169

(2) Notifying a victim of domestic violence of ~~his~~ the 170
victim's rights; 171

(3) Processing protection orders and consent agreements 172

issued or approved under section 2919.26 or 3113.31 of the Revised Code. 173
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Sec. 109.751. (A) The executive director of the Ohio peace officer training commission shall neither approve nor issue a certificate of approval to a peace officer training school pursuant to section 109.75 of the Revised Code unless the school agrees to permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs. The executive director shall revoke approval, and the certificate of approval of, a peace officer training school that does not permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs. 175
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This division does not apply to peace officer training schools for employees of conservancy districts who are designated pursuant to section 6101.75 of the Revised Code or for a natural resources law enforcement staff officer, park officers, forest officers, preserve officers, wildlife officers, or state watercraft officers of the department of natural resources. 187
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(B)(1) A peace officer training school is not required to permit an undercover drug agent, a bailiff or deputy bailiff of a court of record of this state, or a criminal investigator employed by the state public defender to attend its basic training programs if either of the following applies: 193
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(a) In the case of the Ohio peace officer training academy, the employer county, township, municipal corporation, court, or state public defender or the particular undercover drug agent, bailiff, deputy bailiff, or criminal investigator has not paid the tuition costs of training in accordance with section 109.79 of the 198
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Revised Code;	203
(b) In the case of other peace officer training schools, the	204
employer <u>employing</u> county, township, municipal corporation, court,	205
or state public defender fails to pay the entire cost of the	206
training and certification.	207
(2) A training school shall not permit a bailiff or deputy	208
bailiff of a court of record of this state or a criminal	209
investigator employed by the state public defender to attend its	210
basic training programs unless the employing court of the bailiff	211
or deputy bailiff or the state public defender, whichever is	212
applicable, has authorized the bailiff, deputy bailiff, or	213
investigator to attend the school.	214
(C) The attorney general shall adopt, in accordance with	215
Chapter 119. or pursuant to section 109.74 of the Revised Code,	216
rules governing the attendance of undercover drug agents at	217
approved peace officer training schools, other than the Ohio peace	218
officer training academy, and the certification of the agents upon	219
their satisfactory completion of basic training programs.	220
Sec. 109.761. (A) (1) Each agency or entity that appoints or	221
employs one or more peace officers shall report to the Ohio peace	222
officer training commission all of the following that occur on or	223
after February 20, 2002:	224
(a) The appointment or employment of any person to serve the	225
agency or entity as a peace officer in any full-time, part-time,	226
reserve, auxiliary, or other capacity;	227
(b) The termination, resignation, felony conviction, or	228
<u>death, or guilty plea as specified in division (F) of section</u>	229
<u>109.77 of the Revised Code</u> of any person who has been appointed to	230
or employed by the agency or entity as a peace officer in any	231
full-time, part-time, reserve, auxiliary, or other capacity and is	232

serving the agency or entity in any of those peace officer 233
 capacities. 234

(2) An agency or entity shall make each report required by 235
 this division not later than ten days after the occurrence of the 236
 event being reported. The agency or entity shall make the report 237
 in the manner and format prescribed by the executive director of 238
 the Ohio peace officer training commission. 239

(B) Each agency or entity that appoints or employs one or 240
 more peace officers or state highway patrol troopers shall 241
 annually provide to the Ohio peace officer training commission a 242
 roster of all persons who have been appointed to or employed by 243
 the agency or entity as peace officers or troopers in any 244
 full-time, part-time, reserve, auxiliary, or other capacity and 245
 are serving, or during the year covered by the report have served, 246
 the agency or entity in any of those peace officer or trooper 247
 capacities. The agency or entity shall provide the roster in the 248
 manner and format, and by the date, prescribed by the executive 249
 director of the Ohio peace officer training commission. 250

(C) The Ohio peace officer training commission shall 251
 prescribe the manner and format of making reports under division 252
 (A) of this section and providing annual rosters under division 253
 (B) of this section and shall prescribe the date by which the 254
 annual rosters must be provided. 255

Sec. 109.77. (A) As used in this section, "felony" has the 256
 same meaning as in section 109.511 of the Revised Code. 257

(B) (1) Notwithstanding any general, special, or local law or 258
 charter to the contrary, and except as otherwise provided in this 259
 section, no person shall receive an original appointment on a 260
 permanent basis as any of the following unless the person 261
 previously has been awarded a certificate by the executive 262

director of the Ohio peace officer training commission attesting	263
to the person's satisfactory completion of an approved state,	264
county, municipal, or department of natural resources peace	265
officer basic training program:	266
(a) A peace officer of any county, township, municipal	267
corporation, regional transit authority, or metropolitan housing	268
authority;	269
(b) A natural resources law enforcement staff officer, park	270
officer, forest officer, preserve officer, wildlife officer, or	271
state watercraft officer of the department of natural resources;	272
(c) An employee of a park district under section 511.232 or	273
1545.13 of the Revised Code;	274
(d) An employee of a conservancy district who is designated	275
pursuant to section 6101.75 of the Revised Code;	276
(e) A state university law enforcement officer;	277
(f) A special police officer employed by the department of	278
mental health pursuant to section 5119.14 of the Revised Code or	279
the department of mental retardation and developmental	280
disabilities pursuant to section 5123.13 of the Revised Code;	281
(g) An enforcement agent of the department of public safety	282
whom the director of public safety designates under section	283
5502.14 of the Revised Code;	284
(h) A special police officer employed by a port authority	285
under section 4582.04 or 4582.28 of the Revised Code;	286
(i) A special police officer employed by a municipal	287
corporation at a municipal airport, or other municipal air	288
navigation facility, that has scheduled operations, as defined in	289
section 119.3 of Title 14 of the Code of Federal Regulations, 14	290
C.F.R. 119.3, as amended, and that is required to be under a	291

security program and is governed by aviation security rules of the 292
transportation security administration of the United States 293
department of transportation as provided in Parts 1542. and 1544. 294
of Title 49 of the Code of Federal Regulations, as amended. 295

(2) Every person who is appointed on a temporary basis or for 296
a probationary term or on other than a permanent basis as any of 297
the following shall forfeit the appointed position unless the 298
person previously has completed satisfactorily or, within the time 299
prescribed by rules adopted by the attorney general pursuant to 300
section 109.74 of the Revised Code, satisfactorily completes a 301
state, county, municipal, or department of natural resources peace 302
officer basic training program for temporary or probationary 303
officers and is awarded a certificate by the director attesting to 304
the satisfactory completion of the program: 305

(a) A peace officer of any county, township, municipal 306
corporation, regional transit authority, or metropolitan housing 307
authority; 308

(b) A natural resources law enforcement staff officer, park 309
officer, forest officer, preserve officer, wildlife officer, or 310
state watercraft officer of the department of natural resources; 311

(c) An employee of a park district under section 511.232 or 312
1545.13 of the Revised Code; 313

(d) An employee of a conservancy district who is designated 314
pursuant to section 6101.75 of the Revised Code; 315

(e) A special police officer employed by the department of 316
mental health pursuant to section 5119.14 of the Revised Code or 317
the department of mental retardation and developmental 318
disabilities pursuant to section 5123.13 of the Revised Code; 319

(f) An enforcement agent of the department of public safety 320
whom the director of public safety designates under section 321

5502.14 of the Revised Code; 322

(g) A special police officer employed by a port authority 323
under section 4582.04 or 4582.28 of the Revised Code; 324

(h) A special police officer employed by a municipal 325
corporation at a municipal airport, or other municipal air 326
navigation facility, that has scheduled operations, as defined in 327
section 119.3 of Title 14 of the Code of Federal Regulations, 14 328
C.F.R. 119.3, as amended, and that is required to be under a 329
security program and is governed by aviation security rules of the 330
transportation security administration of the United States 331
department of transportation as provided in Parts 1542. and 1544. 332
of Title 49 of the Code of Federal Regulations, as amended. 333

(3) For purposes of division (B) of this section, a state, 334
county, municipal, or department of natural resources peace 335
officer basic training program, regardless of whether the program 336
is to be completed by peace officers appointed on a permanent or 337
temporary, probationary, or other nonpermanent basis, shall 338
include ~~at least fifteen hours of~~ training in the handling of the 339
offense of domestic violence, other types of domestic 340
violence-related offenses and incidents, and protection orders and 341
consent agreements issued or approved under section 2919.26 or 342
3113.31 of the Revised Code and ~~at least six hours of~~ crisis 343
intervention training. The requirement to complete ~~fifteen hours~~ 344
~~of~~ training in the handling of the offense of domestic violence, 345
other types of domestic violence-related offenses and incidents, 346
and protection orders and consent agreements issued or approved 347
under section 2919.26 or 3113.31 of the Revised Code does not 348
apply to any person serving as a peace officer on March 27, 1979, 349
and the requirement to complete ~~six hours of~~ training in crisis 350
intervention does not apply to any person serving as a peace 351
officer on April 4, 1985. Any person who is serving as a peace 352

officer on April 4, 1985, who terminates that employment after 353
that date, and who subsequently is hired as a peace officer by the 354
same or another law enforcement agency shall complete ~~the six~~ 355
~~hours of~~ training in crisis intervention ~~within the time as~~ 356
prescribed by rules adopted by the attorney general pursuant to 357
section 109.742 of the Revised Code. No peace officer shall have 358
employment as a peace officer terminated and then be reinstated 359
with intent to circumvent this section. 360

(4) Division (B) of this section does not apply to any person 361
serving on a permanent basis on March 28, 1985, as a park officer, 362
forest officer, preserve officer, wildlife officer, or state 363
watercraft officer of the department of natural resources or as an 364
employee of a park district under section 511.232 or 1545.13 of 365
the Revised Code, to any person serving on a permanent basis on 366
March 6, 1986, as an employee of a conservancy district designated 367
pursuant to section 6101.75 of the Revised Code, to any person 368
serving on a permanent basis on January 10, 1991, as a preserve 369
officer of the department of natural resources, to any person 370
employed on a permanent basis on July 2, 1992, as a special police 371
officer by the department of mental health pursuant to section 372
5119.14 of the Revised Code or by the department of mental 373
retardation and developmental disabilities pursuant to section 374
5123.13 of the Revised Code, to any person serving on a permanent 375
basis on May 17, 2000, as a special police officer employed by a 376
port authority under section 4582.04 or 4582.28 of the Revised 377
Code, to any person serving on a permanent basis on ~~the effective~~ 378
~~date of this amendment~~ March 19, 2003, as a special police officer 379
employed by a municipal corporation at a municipal airport or 380
other municipal air navigation facility described in division 381
(A) (19) of section 109.71 of the Revised Code, to any person 382
serving on a permanent basis on June 19, 1978, as a state 383
university law enforcement officer pursuant to section 3345.04 of 384

the Revised Code and who, immediately prior to June 19, 1978, was 385
serving as a special police officer designated under authority of 386
that section, or to any person serving on a permanent basis on 387
September 20, 1984, as a liquor control investigator, known after 388
June 30, 1999, as an enforcement agent of the department of public 389
safety, engaged in the enforcement of Chapters 4301. and 4303. of 390
the Revised Code. 391

(5) Division (B) of this section does not apply to any person 392
who is appointed as a regional transit authority police officer 393
pursuant to division (Y) of section 306.35 of the Revised Code if, 394
on or before July 1, 1996, the person has completed satisfactorily 395
an approved state, county, municipal, or department of natural 396
resources peace officer basic training program and has been 397
awarded a certificate by the executive director of the Ohio peace 398
officer training commission attesting to the person's satisfactory 399
completion of such an approved program and if, on July 1, 1996, 400
the person is performing peace officer functions for a regional 401
transit authority. 402

(C) No person, after September 20, 1984, shall receive an 403
original appointment on a permanent basis as a veterans' home 404
police officer designated under section 5907.02 of the Revised 405
Code unless the person previously has been awarded a certificate 406
by the executive director of the Ohio peace officer training 407
commission attesting to the person's satisfactory completion of an 408
approved police officer basic training program. Every person who 409
is appointed on a temporary basis or for a probationary term or on 410
other than a permanent basis as a veterans' home police officer 411
designated under section 5907.02 of the Revised Code shall forfeit 412
that position unless the person previously has completed 413
satisfactorily or, within one year from the time of appointment, 414
satisfactorily completes an approved police officer basic training 415
program. 416

(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following:

(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program approved by the Ohio peace officer training commission prior to employment as a bailiff, deputy bailiff, or criminal investigator;

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in the case of a criminal investigator, by the state public defender and has received training in the use of firearms that the Ohio peace officer training commission determines is equivalent to the training that otherwise is required by division (D) of this section.

(E) (1) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director of the Ohio peace officer training commission shall request the person to disclose, and the person shall disclose, any previous criminal conviction of or plea of guilty of that person to a felony.

(2) Before a person seeking a certificate completes an approved peace officer basic training program, the executive

director shall request a criminal history records check on the 448
person. The executive director shall submit the person's 449
fingerprints to the bureau of criminal identification and 450
investigation, which shall submit the fingerprints to the federal 451
bureau of investigation for a national criminal history records 452
check. 453

Upon receipt of the executive director's request, the bureau 454
of criminal identification and investigation and the federal 455
bureau of investigation shall conduct a criminal history records 456
check on the person and, upon completion of the check, shall 457
provide a copy of the criminal history records check to the 458
executive director. The executive director shall not award any 459
certificate prescribed in this section unless the executive 460
director has received a copy of the criminal history records check 461
on the person to whom the certificate is to be awarded. 462

(3) The executive director of the commission shall not award 463
a certificate prescribed in this section to a person who has been 464
convicted of or has pleaded guilty to a felony or who fails to 465
disclose any previous criminal conviction of or plea of guilty to 466
a felony as required under division (E) (1) of this section. 467

(4) The executive director of the commission shall revoke the 468
certificate awarded to a person as prescribed in this section, and 469
that person shall forfeit all of the benefits derived from being 470
certified as a peace officer under this section, if the person, 471
before completion of an approved peace officer basic training 472
program, failed to disclose any previous criminal conviction of or 473
plea of guilty to a felony as required under division (E) (1) of 474
this section. 475

(F) (1) Regardless of whether the person has been awarded the 476
certificate or has been classified as a peace officer prior to, 477
on, or after October 16, 1996, the executive director of the Ohio 478

peace officer training commission shall revoke any certificate 479
that has been awarded to a person as prescribed in this section if 480
the person does either of the following: 481

(a) Pleads guilty to a felony committed on or after January 482
1, 1997; 483

(b) Pleads guilty to a misdemeanor committed on or after 484
January 1, 1997, pursuant to a negotiated plea agreement as 485
provided in division (D) of section 2929.43 of the Revised Code in 486
which the person agrees to surrender the certificate awarded to 487
the person under this section. 488

(2) The executive director of the commission shall suspend 489
any certificate that has been awarded to a person as prescribed in 490
this section if the person is convicted, after trial, of a felony 491
committed on or after January 1, 1997. The executive director 492
shall suspend the certificate pursuant to division (F) (2) of this 493
section pending the outcome of an appeal by the person from that 494
conviction to the highest court to which the appeal is taken or 495
until the expiration of the period in which an appeal is required 496
to be filed. If the person files an appeal that results in that 497
person's acquittal of the felony or conviction of a misdemeanor, 498
or in the dismissal of the felony charge against that person, the 499
executive director shall reinstate the certificate awarded to the 500
person under this section. If the person files an appeal from that 501
person's conviction of the felony and the conviction is upheld by 502
the highest court to which the appeal is taken or if the person 503
does not file a timely appeal, the executive director shall revoke 504
the certificate awarded to the person under this section. 505

(G) (1) If a person is awarded a certificate under this 506
section and the certificate is revoked pursuant to division (E) (4) 507
or (F) of this section, the person shall not be eligible to 508
receive, at any time, a certificate attesting to the person's 509

satisfactory completion of a peace officer basic training program. 510

(2) The revocation or suspension of a certificate under 511
division (E) (4) or (F) of this section shall be in accordance with 512
Chapter 119. of the Revised Code. 513

(H) (1) A person who was employed as a peace officer of a 514
county, township, or municipal corporation of the state on January 515
1, 1966, and who has completed at least sixteen years of full-time 516
active service as such a peace officer, or equivalent service as 517
determined by the executive director of the Ohio peace officer 518
training commission, may receive an original appointment on a 519
permanent basis and serve as a peace officer of a county, 520
township, or municipal corporation, or as a state university law 521
enforcement officer, without complying with the requirements of 522
division (B) of this section. 523

(2) Any person who held an appointment as a state highway 524
trooper on January 1, 1966, may receive an original appointment on 525
a permanent basis and serve as a peace officer of a county, 526
township, or municipal corporation, or as a state university law 527
enforcement officer, without complying with the requirements of 528
division (B) of this section. 529

(I) No person who is appointed as a peace officer of a 530
county, township, or municipal corporation on or after April 9, 531
1985, shall serve as a peace officer of that county, township, or 532
municipal corporation unless the person has received training in 533
the handling of missing children and child abuse and neglect cases 534
from an approved state, county, township, or municipal police 535
officer basic training program or receives the training within the 536
time prescribed by rules adopted by the attorney general pursuant 537
to section 109.741 of the Revised Code. 538

(J) No part of any approved state, county, or municipal basic 539
training program for bailiffs and deputy bailiffs of courts of 540

record and no part of any approved state, county, or municipal
 basic training program for criminal investigators employed by the
 state public defender shall be used as credit toward the
 completion by a peace officer of any part of the approved state,
 county, or municipal peace officer basic training program that the
 peace officer is required by this section to complete
 satisfactorily.

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(K) This section does not apply to any member of the police
 department of a municipal corporation in an adjoining state
 serving in this state under a contract pursuant to section 737.04
 of the Revised Code."

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In line 98861, after "109.572," insert "109.73, 109.742,
 109.744, 109.751, 109.761, 109.77,"

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Between lines 112513 and 112514, insert:

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"Section 109.77 of the Revised Code as amended by Am. Sub.
 H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General
 Assembly."

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In line 1 of the title, after "109.572," insert "109.73,
 109.742, 109.744, 109.751, 109.761, 109.77,"

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The motion was _____ agreed to.

SYNOPSIS

Minimum Basic Training Requirements for Peace Officers 560

R.C. 109.73, 109.742, 109.744, 109.751, 109.761, and 109.77 561

(1) Removes the requirement that minimum basic peace officer
 training include a minimum of fifteen hours of training in the
 handling of the offense of domestic violence, other types of

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domestic violence-related offenses and incidents, and protection 565
orders and consent agreements and a minimum of six hours of crisis 566
intervention training from the rules the Ohio Peace Officer 567
Training Commission must recommend to the Attorney General, the 568
rules the Attorney General must adopt governing the training of 569
peace officers, and from the minimum training requirements of 570
state, county, municipal, and Department of Natural Resources 571
peace officer basic training programs with a general requirement 572
for training in those two areas. 573

(2) Requires each agency or entity that appoints or employs 574
one or more peace officers to report to the Ohio Peace Officer 575
Training Commission the guilty plea to a felony or a specified 576
misdemeanor, as specified in R.C. 109.77(F), of any person who is 577
serving the agency or entity in a peace officer capacity. 578

(3) Requires certain peace officers who terminate employment 579
and are subsequently hired as peace officers to complete an 580
unspecified amount of training in crisis intervention instead of 581
six hours of such training. 582

(4) Provides that a person who was employed as a county, 583
township, or municipal peace officer on January 1, 1966, and who 584
has completed at least 16 years of full-time service as such a 585
peace officer, or equivalent service as determined by the 586
executive director of the Ohio Peace Officer Training Commission 587
(added by the amendment), may receive an original appointment on a 588
permanent basis and serve as such a peace officer or a state 589
university law enforcement officer without complying with the 590
training requirements of R.C. 109.77(B). 591

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Sub. H.B. 1
LSC 128 0516-4
HC-2346-1

5 _____ moved to amend as follows:

6 Between lines 109558 and 109559, insert:

7 "FEE WAIVER FOR INITIAL BUSINESS FILINGS

8 Of the foregoing appropriation item 050321, Operating
9 Expenses, \$250,000 shall be used in fiscal year 2010 to pay the
10 costs of the first \$125 of fees charged and collected by the
11 Secretary of State, pursuant to section 111.16 of the Revised
12 Code, for the initial filing by new domestic or foreign business
13 entities of for-profit corporation articles, nonprofit
14 corporation articles, foreign license applications, professional
15 corporation articles, limited liability company articles,
16 partnership certificates, limited partnership certificates, and
17 limited liability partnership certificates until the earlier of
18 December 31, 2009, or when the \$250,000 is expended."

19 Delete lines 109561 through 109564 and insert:

20 "Expenses, up to \$250,000 shall be used in fiscal year 2010
21 to pay the first \$100 of costs associated with all level one
22 expedited business filings for the initial filings of new
23 domestic or foreign business entities, including for-profit

24 corporation articles, nonprofit corporation articles, foreign
25 license applications, professional corporation articles, limited
26 liability company articles, partnership certificates, limited
27 partnership certificates, and limited liability partnership
28 certificates."

29 The motion was _____ agreed to.

30 SYNOPSIS

31 **Secretary of State Business Filings**

32 **Section 387.10**

33 Requires that \$250,000 in FY 2010 from GRF appropriation
34 item 050321, Operating Expenses, be used to fund a fee waiver on
35 initial business filings until December 31, 2009 or until the
36 \$250,000 is expended, whichever is earlier.

37 Requires that up to \$250,000 in fiscal year 2010 from GRF
38 appropriation item 050321, Operating Expenses, be used to pay
39 the first \$100 of costs associated with all level one expedited
40 business filings for the initial filings of new domestic or
41 foreign business entities.

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5 _____ moved to amend as follows:

6 In line 68062, after "(e)" insert "Two individuals or
7 representatives of individuals authorized to practice any of the
8 following:

- 9 (i) Dentistry under Chapter 4715. of the Revised Code;
10 (ii) Optometry under Chapter 4725. of the Revised Code;
11 (iii) Podiatry under Chapter 4731. of the Revised Code;
12 (iv) Chiropractic under Chapter 4734. of the Revised Code.
13 (f)"

14 In line 68067, delete "(f)" and insert "(g)"

15 In line 68068, delete "(g)" and insert "(h)"

16 In line 68070, delete "(h)" and insert "(i)"

17 In line 68072, delete "(i)" and insert "(j)"

18 In line 68073, delete "(j)" and insert "(k)"

19 The motion was _____ agreed to.

20 SYNOPSIS

21 **Health Care Coverage and Quality Council Membership**

22 **R.C. 3923.90**

23 Revises the membership of the Health Care Coverage and
24 Quality Council, which the bill creates, by including two
25 individuals or representatives of individuals authorized to
26 practice any of the following: (1) dentistry, (2) optometry,
27 (3) podiatry, or (4) chiropractic.

Sub. H.B. 1
LSC 128 0516-4
HC-2349

_____ moved to amend as follows:

Between lines 99406 and 99407 insert:

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"Section 115.____. That sections 5104.01 and 5104.38 of the
Revised Code be amended to read as follows:

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Sec. 5104.01. As used in this chapter:

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(A) "Administrator" means the person responsible for the
daily operation of a center or type A home. The administrator and
the owner may be the same person.

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(B) "Approved child day camp" means a child day camp approved
pursuant to section 5104.22 of the Revised Code.

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(C) "Authorized provider" means a person authorized by a
county director of job and family services to operate a certified
type B family day-care home.

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(D) "Border state child care provider" means a child care
provider that is located in a state bordering Ohio and that is
licensed, certified, or otherwise approved by that state to
provide child care.

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(E) "Caretaker parent" means the father or mother of a child
whose presence in the home is needed as the caretaker of the
child, a person who has legal custody of a child and whose

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presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(F) "Certified type B family day-care home" and "certified type B home" mean a type B family day-care home that is certified by the director of the county department of job and family services pursuant to section 5104.11 of the Revised Code to receive public funds for providing child care pursuant to this chapter and any rules adopted under it.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool child, or school child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.

(J) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day.

For purposes of this division, the maximum seven hours of
 operation time does not include transportation time from a child's
 home to a child day camp and from a child day camp to a child's
 home.

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(K) "Child care" means administering to the needs of infants,
 toddlers, preschool children, and school children outside of
 school hours by persons other than their parents or guardians,
 custodians, or relatives by blood, marriage, or adoption for any
 part of the twenty-four-hour day in a place or residence other
 than a child's own home.

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(L) "Child day-care center" and "center" mean any place in
 which child care or publicly funded child care is provided for
 thirteen or more children at one time or any place that is not the
 permanent residence of the licensee or administrator in which
 child care or publicly funded child care is provided for seven to
 twelve children at one time. In counting children for the purposes
 of this division, any children under six years of age who are
 related to a licensee, administrator, or employee and who are on
 the premises of the center shall be counted. "Child day-care
 center" and "center" do not include any of the following:

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(1) A place located in and operated by a hospital, as defined
 in section 3727.01 of the Revised Code, in which the needs of
 children are administered to, if all the children whose needs are
 being administered to are monitored under the on-site supervision
 of a physician licensed under Chapter 4731. of the Revised Code or
 a registered nurse licensed under Chapter 4723. of the Revised
 Code, and the services are provided only for children who, in the
 opinion of the child's parent, guardian, or custodian, are
 exhibiting symptoms of a communicable disease or other illness or
 are injured;

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(2) A child day camp;

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(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	82 83
(a) An organized religious body provides the child care;	84
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	85 86 87
(c) The child care is not provided for more than thirty days a year;	88 89
(d) The child care is provided only for preschool and school children.	90 91
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	92 93 94
(N) "Child care resource and referral services" means all of the following services:	95 96
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	97 98 99
(2) Provision of individualized consumer education to families seeking child care;	100 101
(3) Provision of timely referrals of available child care providers to families seeking child care;	102 103
(4) Recruitment of child care providers;	104
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	105 106 107 108
(6) Collection and analysis of data on the supply of and	109

demand for child care in the community;	110
(7) Technical assistance concerning locally, state, and	111
federally funded child care and early childhood education	112
programs;	113
(8) Stimulation of employer involvement in making child care	114
more affordable, more available, safer, and of higher quality for	115
their employees and for the community;	116
(9) Provision of written educational materials to caretaker	117
parents and informational resources to child care providers;	118
(10) Coordination of services among child care resource and	119
referral service organizations to assist in developing and	120
maintaining a statewide system of child care resource and referral	121
services if required by the department of job and family services;	122
(11) Cooperation with the county department of job and family	123
services in encouraging the establishment of parent cooperative	124
child care centers and parent cooperative type A family day-care	125
homes.	126
(O) "Child-care staff member" means an employee of a child	127
day-care center or type A family day-care home who is primarily	128
responsible for the care and supervision of children. The	129
administrator may be a part-time child-care staff member when not	130
involved in other duties.	131
(P) "Drop-in child day-care center," "drop-in center,"	132
"drop-in type A family day-care home," and "drop-in type A home"	133
mean a center or type A home that provides child care or publicly	134
funded child care for children on a temporary, irregular basis.	135
(Q) "Employee" means a person who either:	136
(1) Receives compensation for duties performed in a child	137
day-care center or type A family day-care home;	138

(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	139 140
(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	141 142 143 144
(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	145 146 147 148 149
(T) "Full time week" means at least thirty two and one half hours and not more than sixty hours of care in a week for licensed child care centers and licensed type A homes and at least thirty two and one half hours and not more than fifty hours of care in a week for certified type B providers.	150 151 152 153 154
(U) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.	155 156 157 158
(V) <u>(U)</u> "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	159 160 161
(W) <u>(V)</u> "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center or type A family day-care home's compliance with licensing requirements.	162 163 164 165 166 167
(X) <u>(W)</u> "Infant" means a child who is less than eighteen	168

months of age.

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~~(Y)~~(X) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

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~~(Z)~~(Y) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers and type A family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

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~~(AA)~~(Z) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, number of available child-care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

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~~(BB)~~(AA) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

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~~(CC)~~(BB) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

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(DD) <u>(CC)</u> "Operate a child day camp" means to operate,	200
establish, manage, conduct, or maintain a child day camp.	201
(EE) <u>(DD)</u> "Owner" includes a person, as defined in section	202
1.59 of the Revised Code, or government entity.	203
(FF) <u>(EE)</u> "Parent cooperative child day-care center," "parent	204
cooperative center," "parent cooperative type A family day-care	205
home," and "parent cooperative type A home" mean a corporation or	206
association organized for providing educational services to the	207
children of members of the corporation or association, without	208
gain to the corporation or association as an entity, in which the	209
services of the corporation or association are provided only to	210
children of the members of the corporation or association,	211
ownership and control of the corporation or association rests	212
solely with the members of the corporation or association, and at	213
least one parent-member of the corporation or association is on	214
the premises of the center or type A home during its hours of	215
operation.	216
(GG) <u>(FF)</u> "Part-time child day-care center," "part-time	217
center," "part-time type A family day-care home," and "part-time	218
type A home" mean a center or type A home that provides child care	219
or publicly funded child care for no more than four hours a day	220
for any child.	221
(HH) <u>(GG)</u> "Place of worship" means a building where activities	222
of an organized religious group are conducted and includes the	223
grounds and any other buildings on the grounds used for such	224
activities.	225
(II) <u>(HH)</u> "Preschool child" means a child who is three years	226
old or older but is not a school child.	227
(JJ) <u>(II)</u> "Protective child care" means publicly funded child	228
care for the direct care and protection of a child to whom either	229

of the following applies:

- 230
- (1) A case plan prepared and maintained for the child 231
pursuant to section 2151.412 of the Revised Code indicates a need 232
for protective care and the child resides with a parent, 233
stepparent, guardian, or another person who stands in loco 234
parentis as defined in rules adopted under section 5104.38 of the 235
Revised Code; 236
- (2) The child and the child's caretaker either temporarily 237
reside in a facility providing emergency shelter for homeless 238
families or are determined by the county department of job and 239
family services to be homeless, and are otherwise ineligible for 240
publicly funded child care. 241
- ~~(KK)~~ (JJ) "Publicly funded child care" means administering to 242
the needs of infants, toddlers, preschool children, and school 243
children under age thirteen during any part of the 244
twenty-four-hour day by persons other than their caretaker parents 245
for remuneration wholly or in part with federal or state funds, 246
including funds available under the child care block grant act, 247
Title IV-A, and Title XX, distributed by the department of job and 248
family services. 249
- ~~(LL)~~ (KK) "Religious activities" means any of the following: 250
worship or other religious services; religious instruction; Sunday 251
school classes or other religious classes conducted during or 252
prior to worship or other religious services; youth or adult 253
fellowship activities; choir or other musical group practices or 254
programs; meals; festivals; or meetings conducted by an organized 255
religious group. 256
- ~~(MM)~~ (LL) "School child" means a child who is enrolled in or 257
is eligible to be enrolled in a grade of kindergarten or above but 258
is less than fifteen years old. 259
- ~~(NN)~~ (MM) "School child day-care center," "school child 260

center," "school child type A family day-care home," and "school
 child type A family home" mean a center or type A home that
 provides child care for school children only and that does either
 or both of the following:

(1) Operates only during that part of the day that
 immediately precedes or follows the public school day of the
 school district in which the center or type A home is located;

(2) Operates only when the public schools in the school
 district in which the center or type A home is located are not
 open for instruction with pupils in attendance.

~~(OO)~~(NN) "State median income" means the state median income
 calculated by the department of development pursuant to division
 (A) (1) (g) of section 5709.61 of the Revised Code.

~~(PP)~~(OO) "Title IV-A" means Title IV-A of the "Social
 Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

~~(QQ)~~(PP) "Title XX" means Title XX of the "Social Security
 Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

~~(RR)~~(OO) "Toddler" means a child who is at least eighteen
 months of age but less than three years of age.

~~(SS)~~(RR) "Type A family day-care home" and "type A home" mean
 a permanent residence of the administrator in which child care or
 publicly funded child care is provided for seven to twelve
 children at one time or a permanent residence of the administrator
 in which child care is provided for four to twelve children at one
 time if four or more children at one time are under two years of
 age. In counting children for the purposes of this division, any
 children under six years of age who are related to a licensee,
 administrator, or employee and who are on the premises of the type
 A home shall be counted. "Type A family day-care home" and "type A
 home" do not include any child day camp.

~~(TT)~~(SS) "Type B family day-care home" and "type B home" mean 291
 a permanent residence of the provider in which child care is 292
 provided for one to six children at one time and in which no more 293
 than three children are under two years of age at one time. In 294
 counting children for the purposes of this division, any children 295
 under six years of age who are related to the provider and who are 296
 on the premises of the type B home shall be counted. "Type B 297
 family day-care home" and "type B home" do not include any child 298
 day camp. 299

Sec. 5104.38. In addition to any other rules adopted under 300
 this chapter, the director of job and family services shall adopt 301
 rules in accordance with Chapter 119. of the Revised Code 302
 governing financial and administrative requirements for publicly 303
 funded child care and establishing all of the following: 304

(A) Procedures and criteria to be used in making 305
 determinations of eligibility for publicly funded child care that 306
 give priority to children of families with lower incomes and 307
 procedures and criteria for eligibility for publicly funded 308
 protective child care. The rules shall specify the maximum amount 309
 of income a family may have for initial and continued eligibility. 310
 The maximum amount shall not exceed two hundred per cent of the 311
 federal poverty line. 312

(B) Procedures under which a county department of job and 313
 family services may, if the department, under division (A) of this 314
 section, specifies a maximum amount of income a family may have 315
 for eligibility for publicly funded child care that is less than 316
 the maximum amount specified in that division, specify a maximum 317
 amount of income a family residing in the county the county 318
 department serves may have for initial and continued eligibility 319
 for publicly funded child care that is higher than the amount 320
 specified by the department but does not exceed the maximum amount 321

specified in division (A) of this section; 322

(C) A schedule of fees requiring all eligible caretaker 323
parents to pay a fee for publicly funded child care according to 324
income and family size, which shall be uniform for all types of 325
publicly funded child care, except as authorized by rule, and, to 326
the extent permitted by federal law, shall permit the use of state 327
and federal funds to pay the customary deposits and other advance 328
payments that a provider charges all children who receive child 329
care from that provider. The schedule of fees may not provide for 330
a caretaker parent to pay a fee that exceeds ten per cent of the 331
parent's family income. 332

(D) A formula based upon a percentage of the county's total 333
expenditures for publicly funded child care for determining the 334
maximum amount of state and federal funds appropriated for 335
publicly funded child care that a county department may use for 336
administrative purposes; 337

(E) Procedures to be followed by the department and county 338
departments in recruiting individuals and groups to become 339
providers of child care; 340

(F) Procedures to be followed in establishing state or local 341
programs designed to assist individuals who are eligible for 342
publicly funded child care in identifying the resources available 343
to them and to refer the individuals to appropriate sources to 344
obtain child care; 345

(G) Procedures to deal with fraud and abuse committed by 346
either recipients or providers of publicly funded child care; 347

(H) Procedures for establishing a child care grant or loan 348
program in accordance with the child care block grant act; 349

(I) Standards and procedures for applicants to apply for 350
grants and loans, and for the department to make grants and loans; 351

(J) A definition of "person who stands in loco parentis" for 352
 the purposes of division ~~(JJ)~~(II) (1) of section 5104.01 of the 353
 Revised Code; 354

(K) Procedures for a county department of job and family 355
 services to follow in making eligibility determinations and 356
 redeterminations for publicly funded child care available through 357
 telephone, computer, and other means at locations other than the 358
 county department; 359

(L) Any other rules necessary to carry out sections 5104.30 360
 to 5104.39 of the Revised Code. 361

Section 115. ____. That existing sections 5104.01 and 5104.38 362
 of the Revised Code are hereby repealed. 363

Section 115. ____. Sections 115. ____ and 115. ____ take effect 364
 July 1, 2011." 365

In line 319 of the title, after the semicolon insert "to 366
 amend sections 5104.01 and 5104.38 of the Revised Code, effective 367
 July 1, 2011, to revive the law as it existed prior to this act;" 368

The motion was _____ agreed to.

SYNOPSIS

Publicly Funded Child Care Definitions 369

R.C. 5104.01 and 5104.38 370

Automatically repeals the definition of "full-time" for 371
 publicly funded child care providers as being at least 32.5 hours 372
 per week effective July 1, 2011, and reverts the law to its 373
 original set of requirements. 374

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5 _____ moved to amend as follows:

6 In line 509, delete "3702.594,"

7 In line 54783, delete the underlined comma and insert "and"

8 In line 54784, delete ", and 3702.594"

9 Delete lines 55031 through 55051

10 In line 244 of the title, delete "3702.594,"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Certificate of Need Program**

14 **R.C. 3702.59 and ~~3702.594~~**

15 Removes the bill's provision that requires the Director of
16 Health to accept applications under the Certificate of Need
17 (CON) Program for an increase in long-term care facility beds in
18 an existing facility if all of the following conditions are met:
19 (1) the proposed increase is attributable solely to a relocation
20 of beds from one existing facility to another in a contiguous
21 county, (2) beds will remain in the original county after the
22 relocation, (3) the facility to receive the beds is located in a
23 county in which a CON has not been approved and implemented
24 since January 1, 2005, involving the relocation of beds between
25 existing facilities that are not related by common ownership,
26 and (4) the relocated beds are to be licensed as nursing home
27 beds.

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5 _____ moved to amend as follows:

6 In line 104420, delete "\$662,000 \$662,000" and insert
7 "\$637,000 \$637,000"

8 In line 104435, delete "\$151,049,782 \$153,436,200" and
9 insert "\$151,024,782 \$153,411,200"

10 In line 104439, delete "\$206,640,378 \$208,758,171" and
11 insert "\$206,615,378 \$208,733,171"

12 In line 104461, delete "a law clerk, hearing examiner," and
13 insert "two staff attorneys."

14 Delete line 104462

15 The motion was _____ agreed to.

16 SYNOPSIS

17 **Environmental Review Appeals Commission Funding**

18 **Section 277.10**

19 Decreases appropriation item 715690, Environmental Review
20 Appeals, by \$25,000 in each fiscal year, and requires the
21 Commission to use the appropriation to fund the Environmental
22 Review Appeals Commission, including the hiring of two staff
23 attorneys instead of hiring a law clerk, hearing examiner, and
24 legal intern.

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5 _____ moved to amend as follows:

6 In line 472, delete "5705.392,"

7 Delete lines 89105 through 89135

8 In line 99001, delete "5705.392,"

9 In line 194 of the title, delete "5705.392,"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **County Quarterly Spending Plans**

13 **R.C. 5705.392**

14 Removes the pending bill's proposal to authorize boards of
15 county commissioners to adopt quarterly spending plans for any
16 appropriation from any county fund. Current law authorizes
17 spending plans only for appropriations from the county's general
18 fund.

Sub. H.B. 1
LSC 128 0516-4
HC-2353

_____ moved to amend as follows:

In line 442, after "4503.103," insert "4503.19, 4503.40, 1
4503.42," 2

Between lines 72237 and 72238, insert: 3

"Sec. 4503.19. (A) Upon the filing of an application for 4
registration and the payment of the tax for registration, the 5
registrar of motor vehicles or a deputy registrar shall determine 6
whether the owner previously has been issued license plates for 7
the motor vehicle described in the application. If no license 8
plates previously have been issued to the owner for that motor 9
vehicle, the registrar or deputy registrar shall assign to the 10
motor vehicle a distinctive number and issue and deliver to the 11
owner in the manner that the registrar may select a certificate of 12
registration, in the form that the registrar shall prescribe, and, 13
except as otherwise provided in this section, two license plates, 14
duplicates of each other, and a validation sticker, or a 15
validation sticker alone, to be attached to the number plates as 16
provided in section 4503.191 of the Revised Code. The registrar or 17
deputy registrar also shall charge the owner any fees required 18
under division (C) of section 4503.10 of the Revised Code. 19
Trailers, manufactured homes, mobile homes, semitrailers, the 20
manufacturer thereof, the dealer, or in transit companies therein, 21

shall be issued one license plate only and one validation sticker, 22
or a validation sticker alone, and the license plate and 23
validation sticker shall be displayed only on the rear of such 24
vehicles. A commercial tractor that does not receive an 25
apportioned license plate under the international registration 26
plan shall be issued two license plates and one validation 27
sticker, and the validation sticker shall be displayed on the 28
front of the commercial tractor. An apportioned vehicle receiving 29
an apportioned license plate under the international registration 30
plan shall be issued one license plate only and one validation 31
sticker, or a validation sticker alone; the license plate shall be 32
displayed only on the front of a semitractor and on the rear of 33
all other vehicles. School buses shall not be issued license 34
plates but shall bear identifying numbers in the manner prescribed 35
by section 4511.764 of the Revised Code. The certificate of 36
registration and license plates and validation stickers, or 37
validation stickers alone, shall be issued and delivered to the 38
owner in person or by mail. Chauffeured limousines shall be issued 39
license plates, a validation sticker, and a livery sticker as 40
provided in section 4503.24 of the Revised Code. In the event of 41
the loss, mutilation, or destruction of any certificate of 42
registration, or of any license plates or validation stickers, or 43
if the owner chooses to replace license plates previously issued 44
for a motor vehicle, or if the registration certificate and 45
license plates have been impounded as provided by division (B) (1) 46
of section 4507.02 and section 4507.16 of the Revised Code, the 47
owner of a motor vehicle, or manufacturer or dealer, may obtain 48
from the registrar, or from a deputy registrar if authorized by 49
the registrar, a duplicate thereof or new license plates bearing a 50
different number, if the registrar considers it advisable, upon 51
filing an application prescribed by the registrar, and upon paying 52
a fee of one dollar for such certificate of registration, which 53

one dollar fee shall be deposited into the state treasury to the 54
credit of the state bureau of motor vehicles fund created in 55
section 4501.25 of the Revised Code. Commencing with each request 56
made on or after October 1, 2009, or in conjunction with 57
replacement license plates issued for renewal registrations 58
expiring on or after October 1, 2009, a fee of seven dollars and 59
fifty cents for each set of two license plates, or six dollars and 60
fifty cents for each single license plate or validation sticker 61
shall be charged and collected, of which the registrar shall 62
deposit five dollars and fifty cents of each seven dollar and 63
fifty cent fee or each six dollar and fifty cent fee into the 64
state treasury to the credit of the state highway safety fund 65
created in section 4501.06 of the Revised Code and the remaining 66
portion of each such fee into the state treasury to the credit of 67
the state bureau of motor vehicles fund created in section 4501.25 68
of the Revised Code. In addition, each applicant for a replacement 69
certificate of registration, license plate, or validation sticker 70
shall pay the fees provided in divisions (C) and (D) of section 71
4503.10 of the Revised Code. 72

~~The registrar shall pay five dollars and fifty cents of the~~ 73
~~fee collected for each license plate or set of license plates~~ 74
~~issued into the state highway safety fund created in section~~ 75
~~4501.06 of the Revised Code.~~ 76

Additionally, the registrar and each deputy registrar who 77
 either issues license plates and a validation sticker for use on 78
 any vehicle other than a commercial tractor, semitrailer, or 79
 apportioned vehicle, or who issues a validation sticker alone for 80
 use on such a vehicle and the owner has changed the owner's county 81
 of residence since the owner last was issued county identification 82
 stickers, also shall issue and deliver to the owner either one or 83
 two county identification stickers, as appropriate, which shall be 84

attached to the license plates in a manner prescribed by the 85
 director of public safety. The county identification stickers 86
 shall identify prominently by name or number the county in which 87
 the owner of the vehicle resides at the time of registration. 88

(B) Whoever violates this section is guilty of a minor 89
 misdemeanor. 90

Sec. 4503.40. The For each registration renewal with an 91
expiration date before October 1, 2009, and for each initial 92
application for registration received before that date the 93
registrar of motor vehicles shall be allowed a fee not to exceed 94
ten dollars, and for each registration renewal with an expiration 95
date on or after October 1, 2009, and for each initial application 96
for registration received on or after that date the registrar of 97
~~motor vehicles~~ shall be allowed a fee of twenty-five dollars, for 98
 each application received by the registrar for special state 99
 reserved license plate numbers and the issuing of such licenses, 100
 and validation stickers, in the several series as the registrar 101
 may designate. The fee shall be in addition to the license tax 102
 established by this chapter and, where applicable, Chapter 4504. 103
 of the Revised Code. Seven dollars and fifty cents of the fee 104
 shall be for the purpose of compensating the bureau of motor 105
 vehicles for additional services required in the issuing of such 106
 licenses, and the remaining ~~seventeen dollars and fifty cents~~ 107
portion of the fee shall be deposited by the registrar into the 108
 state treasury to the credit of the state highway safety fund 109
 created by section 4501.06 of the Revised Code. The types of motor 110
 vehicles for which special state reserved license plates may be 111
 issued in accordance with this section shall include at least 112
 motorcycles, buses, passenger cars, and noncommercial motor 113
 vehicles. 114

Sec. 4503.42. The For each registration renewal with an 115
expiration date before October 1, 2009, and for each initial 116
application for registration received before that date the 117
registrar of motor vehicles shall be allowed a fee not to exceed 118
thirty-five dollars, and for each registration renewal with an 119
expiration date on or after October 1, 2009, and for each initial 120
application for registration received on or after that date the 121
 registrar ~~of motor vehicles~~ shall be allowed a fee of fifty 122
 dollars, which shall be in addition to the regular license fee for 123
 tags as prescribed under section 4503.04 of the Revised Code and 124
 any tax levied under section 4504.02 or 4504.06 of the Revised 125
 Code, for each application received by the registrar for special 126
 reserved license plate numbers containing more than three letters 127
 or numerals, and the issuing of such licenses and validation 128
 stickers in the several series as the registrar may designate. 129
 Five dollars of the fee shall be for the purpose of compensating 130
 the bureau of motor vehicles for additional services required in 131
 the issuing of such licenses and validation stickers, and the 132
 remaining ~~forty five dollars~~ portion of the fee shall be deposited 133
 by the registrar into the state treasury to the credit of the 134
 state highway safety fund created by section 4501.06 of the 135
 Revised Code. 136

This section does not apply to the issuance of reserved 137
 license plates as authorized by sections 4503.14, 4503.15, and 138
 4503.40 of the Revised Code. The types of motor vehicles for which 139
 license plate numbers containing more than three letters or 140
 numerals may be issued in accordance with this section shall 141
 include at least buses, passenger cars, and noncommercial motor 142
 vehicles." 143

In line 98972, after "4503.103," insert "4503.19, 4503.40, 144
 4503.42," 145

In line 154 of the title, after "4503.103," insert "4503.19, 146
 4503.40, 4503.42," 147

The motion was _____ agreed to.

SYNOPSIS

Fees for Certain Special and Replacement License Plates	148
R.C. 4503.19, 4503.40, and 4503.42	149
Provides that the fee increases for special field reserve license plates from \$10 to \$25 and special personalized license plates from \$35 to \$50 enacted in Am. Sub. H.B. 2 of the 128th General Assembly apply for each registration renewal with an expiration date on or after October 1, 2009, and for each initial application for registration received on or after that date.	150 151 152 153 154 155
Clarifies that \$7.50 of each special field reserve license plate fee, whether it is \$10 or \$25, is to compensate the Bureau of Motor Vehicles for the expenses it incurs in issuing the license plates and the remainder of each such fee, whether it is \$2.50 or \$17.50, is to be deposited into the State Highway Safety Fund.	156 157 158 159 160
Clarifies that \$5 of each special personalized license plate fee, whether it is \$35 or \$50, is to compensate the Bureau of Motor Vehicles for the expenses it incurs in issuing the license plates and the remainder of each such fee, whether it is \$30 or \$45, is to be deposited into the State Highway Safety Fund. Clarifies that the \$1 fee charged for a replacement certificate of registration is to be deposited into the State Bureau of Motor Vehicles Fund.	161 162 163 164 165 166 167
Provides that \$2 of each \$7.50 fee charged for a replacement set of two license plates and each \$6.50 fee charged for a single replacement license plate or replacement validation sticker is to be deposited into the State Bureau of Motor Vehicles Fund.	168 169 170 171

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5 _____ moved to amend as follows:

6 In line 23309, reinsert "ten"; delete "twelve"; reinsert
7 "fifty"; delete "twenty-five"; after "fee" insert "when there is
8 a notation of a lien or security interest on the certificate of
9 title and twelve dollars when there is no lien or security
10 interest noted on the certificate of title"

11 In line 72734, reinsert "eleven"; delete "twelve"; reinsert
12 "fifty"; delete "twenty-five"

13 In line 72735, after "fee" insert "for each certificate of
14 title when there is a notation of a lien or security interest on
15 the certificate of title, twelve dollars and twenty-five cents
16 when there is no lien or security interest noted on the
17 certificate of title, and eleven dollars and fifty cents for
18 each duplicate certificate of title"

19 In line 72750, reinsert "to a motor"

20 In line 72751, reinsert "vehicle dealer for resale"; after
21 "and" insert an underlined comma; reinsert "one dollar for"

22 In line 72752, reinsert "certificates of title issued" and
23 insert "with a lien or security interest noted on the

24 certificate of title, and twenty-five cents for each certificate
25 of title with no lien or security interest noted on the
26 certificate of title"

27 In line 76236, reinsert "eleven"; delete "twelve"; reinsert
28 "fifty"; delete "twenty-five"

29 In line 76237, after "fee" insert "for each certificate of
30 title when there is a notation of a lien or security interest on
31 the certificate of title, twelve dollars and twenty-five cents
32 when there is no lien or security interest noted on the
33 certificate of title, and eleven dollars and fifty cents for
34 each duplicate certificate of title"

35 In line 76252, reinsert "that is issued to a"

36 In line 76253, reinsert "motor vehicle dealer for resale";
37 after "and" insert an underlined comma; reinsert "one dollar
38 for"

39 In line 76254, reinsert "certificates of title"; after
40 "issued" insert "with a lien or security interest noted on the
41 certificate of title, and twenty-five cents for each certificate
42 of title with no lien or security interest noted on the
43 certificate of title"

44 The motion was _____ agreed to.

45 SYNOPSIS

46 **Clerk of Courts Titling Fees**

47 **R.C. 1548.10, 4505.09, and 4519.59**

48 Revises the amount of each fee (generally increased by \$10
49 in Am. Sub. H.B. 2 of the 128th General Assembly) that a clerk
50 of a court of common pleas retains for issuing a certificate of
51 title as follows: (1) \$10.50 for each watercraft or outboard
52 motor certificate of title issued with a lien or security
53 interest noted on the certificate of title and \$12 when there is
54 no lien or security interest notation and (2) \$11.50 for each
55 motor vehicle, off-highway motorcycle, or all-purpose vehicle
56 certificate of title when there is a lien or security interest
57 noted on the certificate of title, \$12.25 when there is no lien
58 or security interest notation, and \$11.50 for each duplicate
59 certificate of title; accordingly adjusts the remaining amounts
60 paid by a clerk to the Registrar of Motor Vehicles.

5 _____ moved to amend as follows:

6 In line 517, delete "5111.179,"

7 Delete lines 83634 through 83654

8 Between lines 105915 and 105916, insert:

9 "Section ____ . MEDICAID NONEMERGENCY MEDICAL
10 TRANSPORTATION MANAGEMENT PILOT PROGRAM

11 (A) The Department of Job and Family Services shall
12 establish a Medicaid nonemergency medical transportation
13 management pilot program. The pilot program shall be operated
14 for two years.

15 (B) A county department of job and family services serving
16 a county with a population greater than four hundred thousand
17 persons may participate in the pilot program. A county
18 department participating in the pilot program shall identify
19 which groups of Medicaid recipients residing in the county shall
20 be required to participate in the pilot program. The county
21 department shall also contract with one or more medical
22 transportation management organizations to have the
23 organizations manage nonemergency medical transportation

24 services provided under the Medicaid program to the groups
25 required to participate in the pilot program. To be eligible to
26 contract with a county department, a medical transportation
27 management organization must have experience in coordinating
28 nonemergency medical transportation services.

29 (C) A medical transportation management organization that
30 contracts with a county department shall report monthly to the
31 county department. Each report shall contain all of the
32 following information:

33 (1) A description of the transportation services provided
34 to Medicaid recipients participating in the pilot program,
35 including details on the varying modes of transportation used in
36 providing the services and the frequency at which the services
37 were provided;

38 (2) The number of times nonemergency medical
39 transportation providers failed to arrive for an appointment to
40 transport a participant in the pilot program;

41 (3) The number of times nonemergency medical
42 transportation providers were late for an appointment to
43 transport a participant in the pilot program and the lengths of
44 the delays;

45 (4) The cost of the nonemergency medical transportation
46 services provided to participants in the pilot program;

47 (5) Other indicators of the quality of nonemergency
48 transportation services provided to participants in the pilot
49 program that the county department requests to be included in
50 the reports.

51 (D) On conclusion of the pilot program, the Department,
52 with assistance from each county department that participated in
53 the pilot program, shall submit a report regarding the pilot
54 program to the Governor, and in accordance with section 101.68
55 of the Revised Code, the General Assembly. The report shall
56 specify the amount of savings, if any, the Medicaid program
57 realized as a result of the pilot program."

58 In line 254 of the title, delete "5111.179,"

59 The motion was _____ agreed to.

60 SYNOPSIS

61 **Medicaid Nonemergency Medical Transportation Management**

62 **Section _____**

63 Requires the Department of Job and Family Services to
64 establish a two-year pilot program under which county
65 departments of job and family services serving a county with at
66 least 400,000 persons may contract with nonemergency medical
67 transportation management organizations to manage nonemergency
68 medical transportation services provided to groups of Medicaid
69 recipients the county department includes in the pilot program.

Sub. H.B. 1
LSC 128 0516-4
HC-2357

_____ moved to amend as follows:

In line 452, after "4733.10," insert "4734.25," 1

Between lines 76903 and 76904, insert: 2

"Sec. 4734.25. A license to practice chiropractic from the 3
state chiropractic board expires ~~annually on the first day of~~ 4
January biennially in accordance with the schedule established in 5
rules adopted under this section and may be renewed. The renewal 6
process shall be conducted in accordance with the standard renewal 7
procedures of Chapter 4745. of the Revised Code, except that the 8
board's executive director shall notify each license holder of the 9
license renewal requirements of this section not later than sixty 10
days prior to the license's expiration date. When an application 11
for renewal is submitted, the applicant shall provide the 12
information necessary to process the application and pay a renewal 13
fee ~~of two hundred fifty dollars~~ in an amount the board specifies 14
in rules adopted under this section. 15

Before a renewal of license is issued by the board, the 16
licensee shall furnish the board with satisfactory evidence that 17
the licensee has completed during the current licensing period not 18
less than the number of hours of continuing education that the 19
board requires in rules adopted under this section. For an 20
activity to be applied toward the continuing education 21

requirement, the activity must meet the board's approval as a 22
 continuing education activity, as specified in rules adopted under 23
 this section. Any exception from the continuing education 24
 requirement must be approved by the board. 25

Failure of a licensee to comply with this section, ~~including~~ 26
~~failure to pay the renewal fee on or before the first day of~~ 27
~~January of each year,~~ shall operate as an automatic forfeiture of 28
 the right of the licensee to practice chiropractic in this state. 29
 A forfeited license may be reinstated by the board upon payment of 30
 all fees due and a penalty fee ~~of one hundred fifty dollars~~ in an 31
amount the board specifies in rules adopted under this section for 32
 reinstatement, in addition to satisfying the board of having 33
 complied with the continuing education requirements of this 34
 section. If an individual's license has been forfeited for two or 35
 more years, the board may also require as a condition of 36
 reinstatement that the individual complete training or testing as 37
 specified by the board. 38

The board shall adopt any rules it considers necessary to 39
 implement this section, including standards for approval of 40
 continuing education in the practice of chiropractic. All rules 41
 adopted under this section shall be adopted in accordance with 42
 Chapter 119. of the Revised Code." 43

In line 98981, after "4733.10," insert "4734.25," 44

In line 167 of the title, after "4733.10," insert "4734.25," 45

The motion was _____ agreed to.

SYNOPSIS

Renewal of Chiropractic License

R.C. 4734.25

47

Requires a license to practice chiropractic to be renewed
biennially (rather than annually as provided under current law).

48

49

Provides that the fee for the renewal of a license to
practice chiropractic and penalty for failure to renew be in an
amount determined by the State Chiropractic Board (rather than,
respectively, \$250 and \$150 as provided under current law).

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Sub. H.B. 1
LSC 128 0516-4
HC-2360

_____ moved to amend as follows:

In line 472, after "5705.392," insert "5709.62, 5709.63,
5709.632,"

Between lines 89135 and 89136, insert:

"Sec. 5709.62. (A) In any municipal corporation that is
defined by the United States office of management and budget as a
principal city of a metropolitan statistical area, the legislative
authority of the municipal corporation may designate one or more
areas within its municipal corporation as proposed enterprise
zones. Upon designating an area, the legislative authority shall
petition the director of development for certification of the area
as having the characteristics set forth in division (A) (1) of
section 5709.61 of the Revised Code as amended by Substitute
Senate Bill No. 19 of the 120th general assembly. Except as
otherwise provided in division (E) of this section, on and after
July 1, 1994, legislative authorities shall not enter into
agreements under this section unless the legislative authority has
petitioned the director and the director has certified the zone
under this section as amended by that act; however, all agreements
entered into under this section as it existed prior to July 1,
1994, and the incentives granted under those agreements shall
remain in effect for the period agreed to under those agreements.

Within sixty days after receiving such a petition, the director 22
shall determine whether the area has the characteristics set forth 23
in division (A)(1) of section 5709.61 of the Revised Code, and 24
shall forward the findings to the legislative authority of the 25
municipal corporation. If the director certifies the area as 26
having those characteristics, and thereby certifies it as a zone, 27
the legislative authority may enter into an agreement with an 28
enterprise under division (C) of this section. 29

(B) Any enterprise that wishes to enter into an agreement 30
with a municipal corporation under division (C) of this section 31
shall submit a proposal to the legislative authority of the 32
municipal corporation on a form prescribed by the director of 33
development, together with the application fee established under 34
section 5709.68 of the Revised Code. The form shall require the 35
following information: 36

(1) An estimate of the number of new employees whom the 37
enterprise intends to hire, or of the number of employees whom the 38
enterprise intends to retain, within the zone at a facility that 39
is a project site, and an estimate of the amount of payroll of the 40
enterprise attributable to these employees; 41

(2) An estimate of the amount to be invested by the 42
enterprise to establish, expand, renovate, or occupy a facility, 43
including investment in new buildings, additions or improvements 44
to existing buildings, machinery, equipment, furniture, fixtures, 45
and inventory; 46

(3) A listing of the enterprise's current investment, if any, 47
in a facility as of the date of the proposal's submission. 48

The enterprise shall review and update the listings required 49
under this division to reflect material changes, and any agreement 50
entered into under division (C) of this section shall set forth 51
final estimates and listings as of the time the agreement is 52

entered into. The legislative authority may, on a separate form 53
 and at any time, require any additional information necessary to 54
 determine whether an enterprise is in compliance with an agreement 55
 and to collect the information required to be reported under 56
 section 5709.68 of the Revised Code. 57

(C) Upon receipt and investigation of a proposal under 58
 division (B) of this section, if the legislative authority finds 59
 that the enterprise submitting the proposal is qualified by 60
 financial responsibility and business experience to create and 61
 preserve employment opportunities in the zone and improve the 62
 economic climate of the municipal corporation, the legislative 63
 authority, on or before October 15, ~~2009~~ 2010, may do one of the 64
 following: 65

(1) Enter into an agreement with the enterprise under which 66
 the enterprise agrees to establish, expand, renovate, or occupy a 67
 facility and hire new employees, or preserve employment 68
 opportunities for existing employees, in return for one or more of 69
 the following incentives: 70

(a) Exemption for a specified number of years, not to exceed 71
 fifteen, of a specified portion, up to seventy-five per cent, of 72
 the assessed value of tangible personal property first used in 73
 business at the project site as a result of the agreement. If an 74
 exemption for inventory is specifically granted in the agreement 75
 pursuant to this division, the exemption applies to inventory 76
 required to be listed pursuant to sections 5711.15 and 5711.16 of 77
 the Revised Code, except that, in the instance of an expansion or 78
 other situations in which an enterprise was in business at the 79
 facility prior to the establishment of the zone, the inventory 80
 that is exempt is that amount or value of inventory in excess of 81
 the amount or value of inventory required to be listed in the 82
 personal property tax return of the enterprise in the return for 83

the tax year in which the agreement is entered into. 84

(b) Exemption for a specified number of years, not to exceed 85
 fifteen, of a specified portion, up to seventy-five per cent, of 86
 the increase in the assessed valuation of real property 87
 constituting the project site subsequent to formal approval of the 88
 agreement by the legislative authority; 89

(c) Provision for a specified number of years, not to exceed 90
 fifteen, of any optional services or assistance that the municipal 91
 corporation is authorized to provide with regard to the project 92
 site. 93

(2) Enter into an agreement under which the enterprise agrees 94
 to remediate an environmentally contaminated facility, to spend an 95
 amount equal to at least two hundred fifty per cent of the true 96
 value in money of the real property of the facility prior to 97
 remediation as determined for the purposes of property taxation to 98
 establish, expand, renovate, or occupy the remediated facility, 99
 and to hire new employees or preserve employment opportunities for 100
 existing employees at the remediated facility, in return for one 101
 or more of the following incentives: 102

(a) Exemption for a specified number of years, not to exceed 103
 fifteen, of a specified portion, not to exceed fifty per cent, of 104
 the assessed valuation of the real property of the facility prior 105
 to remediation; 106

(b) Exemption for a specified number of years, not to exceed 107
 fifteen, of a specified portion, not to exceed one hundred per 108
 cent, of the increase in the assessed valuation of the real 109
 property of the facility during or after remediation; 110

(c) The incentive under division (C) (1) (a) of this section, 111
 except that the percentage of the assessed value of such property 112
 exempted from taxation shall not exceed one hundred per cent; 113

(d) The incentive under division (C) (1) (c) of this section.	114
(3) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of the assessed value of tangible personal property used in business at the project site as a result of the agreement, or of the assessed valuation of real property constituting the project site, or both.	115 116 117 118 119 120 121 122 123
(D) (1) Notwithstanding divisions (C) (1) (a) and (b) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed seventy-five per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed sixty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of seventy-five per cent.	124 125 126 127 128 129 130 131 132 133 134
(2) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (C) (1) (a), (b), and (c), (C) (2) (a), (b), and (c), and (C) (3) of this section may be for up to fifteen years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in excess of ten.	135 136 137 138 139 140 141
(3) For the purpose of obtaining the approval of a city, local, or exempted village school district under division (D) (1) or (2) of this section, the legislative authority shall deliver to	142 143 144

the board of education a notice not later than forty-five days
prior to approving the agreement, excluding Saturdays, Sundays,
and legal holidays as defined in section 1.14 of the Revised Code.
The notice shall state the percentage to be exempted, an estimate
of the true value of the property to be exempted, and the number
of years the property is to be exempted. The board of education,
by resolution adopted by a majority of the board, shall approve or
disapprove the agreement and certify a copy of the resolution to
the legislative authority not later than fourteen days prior to
the date stipulated by the legislative authority as the date upon
which approval of the agreement is to be formally considered by
the legislative authority. The board of education may include in
the resolution conditions under which the board would approve the
agreement, including the execution of an agreement to compensate
the school district under division (B) of section 5709.82 of the
Revised Code. The legislative authority may approve the agreement
at any time after the board of education certifies its resolution
approving the agreement to the legislative authority, or, if the
board approves the agreement conditionally, at any time after the
conditions are agreed to by the board and the legislative
authority.

If a board of education has adopted a resolution waiving its
right to approve agreements and the resolution remains in effect,
approval of an agreement by the board is not required under this
division. If a board of education has adopted a resolution
allowing a legislative authority to deliver the notice required
under this division fewer than forty-five business days prior to
the legislative authority's approval of the agreement, the
legislative authority shall deliver the notice to the board not
later than the number of days prior to such approval as prescribed
by the board in its resolution. If a board of education adopts a
resolution waiving its right to approve agreements or shortening

the notification period, the board shall certify a copy of the
 resolution to the legislative authority. If the board of education
 rescinds such a resolution, it shall certify notice of the
 rescission to the legislative authority.

(4) The legislative authority shall comply with section
 5709.83 of the Revised Code unless the board of education has
 adopted a resolution under that section waiving its right to
 receive such notice.

(E) This division applies to zones certified by the director
 of development under this section prior to July 22, 1994.

On or before October 15, ~~2009~~ 2010, the legislative authority
 that designated a zone to which this division applies may enter
 into an agreement with an enterprise if the legislative authority
 finds that the enterprise satisfies one of the criteria described
 in divisions (E) (1) to (5) of this section:

(1) The enterprise currently has no operations in this state
 and, subject to approval of the agreement, intends to establish
 operations in the zone;

(2) The enterprise currently has operations in this state
 and, subject to approval of the agreement, intends to establish
 operations at a new location in the zone that would not result in
 a reduction in the number of employee positions at any of the
 enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement,
 intends to relocate operations, currently located in another
 state, to the zone;

(4) The enterprise, subject to approval of the agreement,
 intends to expand operations at an existing site in the zone that
 the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement,

intends to relocate operations, currently located in this state, 207
to the zone, and the director of development has issued a waiver 208
for the enterprise under division (B) of section 5709.633 of the 209
Revised Code. 210

The agreement shall require the enterprise to agree to 211
establish, expand, renovate, or occupy a facility in the zone and 212
hire new employees, or preserve employment opportunities for 213
existing employees, in return for one or more of the incentives 214
described in division (C) of this section. 215

(F) All agreements entered into under this section shall be 216
in the form prescribed under section 5709.631 of the Revised Code. 217
After an agreement is entered into under this section, if the 218
legislative authority revokes its designation of a zone, or if the 219
director of development revokes a zone's certification, any 220
entitlements granted under the agreement shall continue for the 221
number of years specified in the agreement. 222

(G) Except as otherwise provided in this division, an 223
agreement entered into under this section shall require that the 224
enterprise pay an annual fee equal to the greater of one per cent 225
of the dollar value of incentives offered under the agreement or 226
five hundred dollars; provided, however, that if the value of the 227
incentives exceeds two hundred fifty thousand dollars, the fee 228
shall not exceed two thousand five hundred dollars. The fee shall 229
be payable to the legislative authority once per year for each 230
year the agreement is effective on the days and in the form 231
specified in the agreement. Fees paid shall be deposited in a 232
special fund created for such purpose by the legislative authority 233
and shall be used by the legislative authority exclusively for the 234
purpose of complying with section 5709.68 of the Revised Code and 235
by the tax incentive review council created under section 5709.85 236
of the Revised Code exclusively for the purposes of performing the 237

duties prescribed under that section. The legislative authority
may waive or reduce the amount of the fee charged against an
enterprise, but such a waiver or reduction does not affect the
obligations of the legislative authority or the tax incentive
review council to comply with section 5709.68 or 5709.85 of the
Revised Code.

(H) When an agreement is entered into pursuant to this
section, the legislative authority authorizing the agreement shall
forward a copy of the agreement to the director of development and
to the tax commissioner within fifteen days after the agreement is
entered into. If any agreement includes terms not provided for in
section 5709.631 of the Revised Code affecting the revenue of a
city, local, or exempted village school district or causing
revenue to be foregone by the district, including any compensation
to be paid to the school district pursuant to section 5709.82 of
the Revised Code, those terms also shall be forwarded in writing
to the director of development along with the copy of the
agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall
file with each personal property tax return required to be filed,
or annual report required to be filed under section 5727.08 of the
Revised Code, while the agreement is in effect, an informational
return, on a form prescribed by the tax commissioner for that
purpose, setting forth separately the property, and related costs
and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of
the zone within which the agreement applies relative to residents
of this state who do not reside in the zone when hiring new
employees under the agreement.

(K) An agreement entered into under this section may include
a provision requiring the enterprise to create one or more

temporary internship positions for students enrolled in a course 269
of study at a school or other educational institution in the 270
vicinity, and to create a scholarship or provide another form of 271
educational financial assistance for students holding such a 272
position in exchange for the student's commitment to work for the 273
enterprise at the completion of the internship. 274

(L) The tax commissioner's authority in determining the 275
accuracy of any exemption granted by an agreement entered into 276
under this section is limited to divisions (C) (1) (a) and (b), 277
(C) (2) (a), (b), and (c), (C) (3), (D), and (I) of this section and 278
divisions (B) (1) to (10) of section 5709.631 of the Revised Code 279
and, as authorized by law, to enforcing any modification to, or 280
revocation of, that agreement by the legislative authority of a 281
municipal corporation or the director of development. 282

Sec. 5709.63. (A) With the consent of the legislative 283
authority of each affected municipal corporation or of a board of 284
township trustees, a board of county commissioners may, in the 285
manner set forth in section 5709.62 of the Revised Code, designate 286
one or more areas in one or more municipal corporations or in 287
unincorporated areas of the county as proposed enterprise zones. A 288
board of county commissioners may designate no more than one area 289
within a township, or within adjacent townships, as a proposed 290
enterprise zone. The board shall petition the director of 291
development for certification of the area as having the 292
characteristics set forth in division (A) (1) or (2) of section 293
5709.61 of the Revised Code as amended by Substitute Senate Bill 294
No. 19 of the 120th general assembly. Except as otherwise provided 295
in division (D) of this section, on and after July 1, 1994, boards 296
of county commissioners shall not enter into agreements under this 297
section unless the board has petitioned the director and the 298
director has certified the zone under this section as amended by 299

that act; however, all agreements entered into under this section 300
 as it existed prior to July 1, 1994, and the incentives granted 301
 under those agreements shall remain in effect for the period 302
 agreed to under those agreements. The director shall make the 303
 determination in the manner provided under section 5709.62 of the 304
 Revised Code. 305

Any enterprise wishing to enter into an agreement with the 306
 board under division (B) or (D) of this section shall submit a 307
 proposal to the board on the form and accompanied by the 308
 application fee prescribed under division (B) of section 5709.62 309
 of the Revised Code. The enterprise shall review and update the 310
 estimates and listings required by the form in the manner required 311
 under that division. The board may, on a separate form and at any 312
 time, require any additional information necessary to determine 313
 whether an enterprise is in compliance with an agreement and to 314
 collect the information required to be reported under section 315
 5709.68 of the Revised Code. 316

(B) If the board of county commissioners finds that an 317
 enterprise submitting a proposal is qualified by financial 318
 responsibility and business experience to create and preserve 319
 employment opportunities in the zone and to improve the economic 320
 climate of the municipal corporation or municipal corporations or 321
 the unincorporated areas in which the zone is located and to which 322
 the proposal applies, the board, on or before October 15, ~~2009~~ 323
2010, and with the consent of the legislative authority of each 324
 affected municipal corporation or of the board of township 325
 trustees may do either of the following: 326

(1) Enter into an agreement with the enterprise under which 327
 the enterprise agrees to establish, expand, renovate, or occupy a 328
 facility in the zone and hire new employees, or preserve 329
 employment opportunities for existing employees, in return for the 330

following incentives: 331

(a) When the facility is located in a municipal corporation, 332
the board may enter into an agreement for one or more of the 333
incentives provided in division (C) of section 5709.62 of the 334
Revised Code, subject to division (D) of that section; 335

(b) When the facility is located in an unincorporated area, 336
the board may enter into an agreement for one or more of the 337
following incentives: 338

(i) Exemption for a specified number of years, not to exceed 339
fifteen, of a specified portion, up to sixty per cent, of the 340
assessed value of tangible personal property first used in 341
business at a project site as a result of the agreement. If an 342
exemption for inventory is specifically granted in the agreement 343
pursuant to this division, the exemption applies to inventory 344
required to be listed pursuant to sections 5711.15 and 5711.16 of 345
the Revised Code, except, in the instance of an expansion or other 346
situations in which an enterprise was in business at the facility 347
prior to the establishment of the zone, the inventory that is 348
exempt is that amount or value of inventory in excess of the 349
amount or value of inventory required to be listed in the personal 350
property tax return of the enterprise in the return for the tax 351
year in which the agreement is entered into. 352

(ii) Exemption for a specified number of years, not to exceed 353
fifteen, of a specified portion, up to sixty per cent, of the 354
increase in the assessed valuation of real property constituting 355
the project site subsequent to formal approval of the agreement by 356
the board; 357

(iii) Provision for a specified number of years, not to 358
exceed fifteen, of any optional services or assistance the board 359
is authorized to provide with regard to the project site; 360

(iv) The incentive described in division (C) (2) of section 361
5709.62 of the Revised Code. 362

(2) Enter into an agreement with an enterprise that plans to 363
purchase and operate a large manufacturing facility that has 364
ceased operation or has announced its intention to cease 365
operation, in return for exemption for a specified number of 366
years, not to exceed fifteen, of a specified portion, up to one 367
hundred per cent, of tangible personal property used in business 368
at the project site as a result of the agreement, or of real 369
property constituting the project site, or both. 370

(C) (1) (a) Notwithstanding divisions (B) (1) (b) (i) and (ii) of 371
this section, the portion of the assessed value of tangible 372
personal property or of the increase in the assessed valuation of 373
real property exempted from taxation under those divisions may 374
exceed sixty per cent in any year for which that portion is 375
exempted if the average percentage exempted for all years in which 376
the agreement is in effect does not exceed fifty per cent, or if 377
the board of education of the city, local, or exempted village 378
school district within the territory of which the property is or 379
will be located approves a percentage in excess of sixty per cent. 380

(b) Notwithstanding any provision of the Revised Code to the 381
contrary, the exemptions described in divisions (B) (1) (b) (i), 382
(ii), (iii), and (iv) and (B) (2) of this section may be for up to 383
fifteen years if the board of education of the city, local, or 384
exempted village school district within the territory of which the 385
property is or will be located approves a number of years in 386
excess of ten. 387

(c) For the purpose of obtaining the approval of a city, 388
local, or exempted village school district under division 389
(C) (1) (a) or (b) of this section, the board of county 390
commissioners shall deliver to the board of education a notice not 391

later than forty-five days prior to approving the agreement, 392
 excluding Saturdays, Sundays, and legal holidays as defined in 393
 section 1.14 of the Revised Code. The notice shall state the 394
 percentage to be exempted, an estimate of the true value of the 395
 property to be exempted, and the number of years the property is 396
 to be exempted. The board of education, by resolution adopted by a 397
 majority of the board, shall approve or disapprove the agreement 398
 and certify a copy of the resolution to the board of county 399
 commissioners not later than fourteen days prior to the date 400
 stipulated by the board of county commissioners as the date upon 401
 which approval of the agreement is to be formally considered by 402
 the board of county commissioners. The board of education may 403
 include in the resolution conditions under which the board would 404
 approve the agreement, including the execution of an agreement to 405
 compensate the school district under division (B) of section 406
 5709.82 of the Revised Code. The board of county commissioners may 407
 approve the agreement at any time after the board of education 408
 certifies its resolution approving the agreement to the board of 409
 county commissioners, or, if the board of education approves the 410
 agreement conditionally, at any time after the conditions are 411
 agreed to by the board of education and the board of county 412
 commissioners. 413

If a board of education has adopted a resolution waiving its 414
 right to approve agreements and the resolution remains in effect, 415
 approval of an agreement by the board of education is not required 416
 under division (C) of this section. If a board of education has 417
 adopted a resolution allowing a board of county commissioners to 418
 deliver the notice required under this division fewer than 419
 forty-five business days prior to approval of the agreement by the 420
 board of county commissioners, the board of county commissioners 421
 shall deliver the notice to the board of education not later than 422
 the number of days prior to such approval as prescribed by the 423

board of education in its resolution. If a board of education 424
adopts a resolution waiving its right to approve agreements or 425
shortening the notification period, the board of education shall 426
certify a copy of the resolution to the board of county 427
commissioners. If the board of education rescinds such a 428
resolution, it shall certify notice of the rescission to the board 429
of county commissioners. 430

(2) The board of county commissioners shall comply with 431
section 5709.83 of the Revised Code unless the board of education 432
has adopted a resolution under that section waiving its right to 433
receive such notice. 434

(D) This division applies to zones certified by the director 435
of development under this section prior to July 22, 1994. 436

On or before October 15, ~~2009~~ 2010, and with the consent of 437
the legislative authority of each affected municipal corporation 438
or board of township trustees of each affected township, the board 439
of county commissioners that designated a zone to which this 440
division applies may enter into an agreement with an enterprise if 441
the board finds that the enterprise satisfies one of the criteria 442
described in divisions (D) (1) to (5) of this section: 443

(1) The enterprise currently has no operations in this state 444
and, subject to approval of the agreement, intends to establish 445
operations in the zone; 446

(2) The enterprise currently has operations in this state 447
and, subject to approval of the agreement, intends to establish 448
operations at a new location in the zone that would not result in 449
a reduction in the number of employee positions at any of the 450
enterprise's other locations in this state; 451

(3) The enterprise, subject to approval of the agreement, 452
intends to relocate operations, currently located in another 453

state, to the zone;

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(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

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(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

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The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (B) of this section.

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(E) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the board of county commissioners revokes its designation of a zone, or if the director of development revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

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(F) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the board of county commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a

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special fund created for such purpose by the board and shall be 485
 used by the board exclusively for the purpose of complying with 486
 section 5709.68 of the Revised Code and by the tax incentive 487
 review council created under section 5709.85 of the Revised Code 488
 exclusively for the purposes of performing the duties prescribed 489
 under that section. The board may waive or reduce the amount of 490
 the fee charged against an enterprise, but such waiver or 491
 reduction does not affect the obligations of the board or the tax 492
 incentive review council to comply with section 5709.68 or 5709.85 493
 of the Revised Code, respectively. 494

(G) With the approval of the legislative authority of a 495
 municipal corporation or the board of township trustees of a 496
 township in which a zone is designated under division (A) of this 497
 section, the board of county commissioners may delegate to that 498
 legislative authority or board any powers and duties of the board 499
 of county commissioners to negotiate and administer agreements 500
 with regard to that zone under this section. 501

(H) When an agreement is entered into pursuant to this 502
 section, the board of county commissioners authorizing the 503
 agreement or the legislative authority or board of township 504
 trustees that negotiates and administers the agreement shall 505
 forward a copy of the agreement to the director of development and 506
 to the tax commissioner within fifteen days after the agreement is 507
 entered into. If any agreement includes terms not provided for in 508
 section 5709.631 of the Revised Code affecting the revenue of a 509
 city, local, or exempted village school district or causing 510
 revenue to be foregone by the district, including any compensation 511
 to be paid to the school district pursuant to section 5709.82 of 512
 the Revised Code, those terms also shall be forwarded in writing 513
 to the director of development along with the copy of the 514
 agreement forwarded under this division. 515

(I) After an agreement is entered into, the enterprise shall 516
 file with each personal property tax return required to be filed, 517
 or annual report that is required to be filed under section 518
 5727.08 of the Revised Code, while the agreement is in effect, an 519
 informational return, on a form prescribed by the tax commissioner 520
 for that purpose, setting forth separately the property, and 521
 related costs and values, exempted from taxation under the 522
 agreement. 523

(J) Enterprises may agree to give preference to residents of 524
 the zone within which the agreement applies relative to residents 525
 of this state who do not reside in the zone when hiring new 526
 employees under the agreement. 527

(K) An agreement entered into under this section may include 528
 a provision requiring the enterprise to create one or more 529
 temporary internship positions for students enrolled in a course 530
 of study at a school or other educational institution in the 531
 vicinity, and to create a scholarship or provide another form of 532
 educational financial assistance for students holding such a 533
 position in exchange for the student's commitment to work for the 534
 enterprise at the completion of the internship. 535

(L) The tax commissioner's authority in determining the 536
 accuracy of any exemption granted by an agreement entered into 537
 under this section is limited to divisions (B)(1)(b)(i) and (ii), 538
 (B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 539
 this section as it pertains to divisions (C)(2)(a), (b), and (c) 540
 of section 5709.62 of the Revised Code, and divisions (B)(1) to 541
 (10) of section 5709.631 of the Revised Code and, as authorized by 542
 law, to enforcing any modification to, or revocation of, that 543
 agreement by the board of county commissioners or the director of 544
 development or, if the board's powers and duties are delegated 545
 under division (G) of this section, by the legislative authority 546

of a municipal corporation or board of township trustees. 547

Sec. 5709.632. (A) (1) The legislative authority of a 548
municipal corporation defined by the United States office of 549
management and budget as a principal city of a metropolitan 550
statistical area may, in the manner set forth in section 5709.62 551
of the Revised Code, designate one or more areas in the municipal 552
corporation as a proposed enterprise zone. 553

(2) With the consent of the legislative authority of each 554
affected municipal corporation or of a board of township trustees, 555
a board of county commissioners may, in the manner set forth in 556
section 5709.62 of the Revised Code, designate one or more areas 557
in one or more municipal corporations or in unincorporated areas 558
of the county as proposed urban jobs and enterprise zones, except 559
that a board of county commissioners may designate no more than 560
one area within a township, or within adjacent townships, as a 561
proposed urban jobs and enterprise zone. 562

(3) The legislative authority or board of county 563
commissioners may petition the director of development for 564
certification of the area as having the characteristics set forth 565
in division (A) (3) of section 5709.61 of the Revised Code. Within 566
sixty days after receiving such a petition, the director shall 567
determine whether the area has the characteristics set forth in 568
that division and forward the findings to the legislative 569
authority or board of county commissioners. If the director 570
certifies the area as having those characteristics and thereby 571
certifies it as a zone, the legislative authority or board may 572
enter into agreements with enterprises under division (B) of this 573
section. Any enterprise wishing to enter into an agreement with a 574
legislative authority or board of county commissioners under this 575
section and satisfying one of the criteria described in divisions 576
(B) (1) to (5) of this section shall submit a proposal to the 577

legislative authority or board on the form prescribed under 578
 division (B) of section 5709.62 of the Revised Code and shall 579
 review and update the estimates and listings required by the form 580
 in the manner required under that division. The legislative 581
 authority or board may, on a separate form and at any time, 582
 require any additional information necessary to determine whether 583
 an enterprise is in compliance with an agreement and to collect 584
 the information required to be reported under section 5709.68 of 585
 the Revised Code. 586

(B) Prior to entering into an agreement with an enterprise, 587
 the legislative authority or board of county commissioners shall 588
 determine whether the enterprise submitting the proposal is 589
 qualified by financial responsibility and business experience to 590
 create and preserve employment opportunities in the zone and to 591
 improve the economic climate of the municipal corporation or 592
 municipal corporations or the unincorporated areas in which the 593
 zone is located and to which the proposal applies, and whether the 594
 enterprise satisfies one of the following criteria: 595

(1) The enterprise currently has no operations in this state 596
 and, subject to approval of the agreement, intends to establish 597
 operations in the zone; 598

(2) The enterprise currently has operations in this state 599
 and, subject to approval of the agreement, intends to establish 600
 operations at a new location in the zone that would not result in 601
 a reduction in the number of employee positions at any of the 602
 enterprise's other locations in this state; 603

(3) The enterprise, subject to approval of the agreement, 604
 intends to relocate operations, currently located in another 605
 state, to the zone; 606

(4) The enterprise, subject to approval of the agreement, 607
 intends to expand operations at an existing site in the zone that 608

the enterprise currently operates; 609

(5) The enterprise, subject to approval of the agreement, 610
intends to relocate operations, currently located in this state, 611
to the zone, and the director of development has issued a waiver 612
for the enterprise under division (B) of section 5709.633 of the 613
Revised Code. 614

(C) If the legislative authority or board determines that the 615
enterprise is so qualified and satisfies one of the criteria 616
described in divisions (B) (1) to (5) of this section, the 617
legislative authority or board may, after complying with section 618
5709.83 of the Revised Code and on or before October 15, ~~2009~~ 619
2010, and, in the case of a board of commissioners, with the 620
consent of the legislative authority of each affected municipal 621
corporation or of the board of township trustees, enter into an 622
agreement with the enterprise under which the enterprise agrees to 623
establish, expand, renovate, or occupy a facility in the zone and 624
hire new employees, or preserve employment opportunities for 625
existing employees, in return for the following incentives: 626

(1) When the facility is located in a municipal corporation, 627
a legislative authority or board of commissioners may enter into 628
an agreement for one or more of the incentives provided in 629
division (C) of section 5709.62 of the Revised Code, subject to 630
division (D) of that section; 631

(2) When the facility is located in an unincorporated area, a 632
board of commissioners may enter into an agreement for one or more 633
of the incentives provided in divisions (B) (1) (b), (B) (2), and 634
(B) (3) of section 5709.63 of the Revised Code, subject to division 635
(C) of that section. 636

(D) All agreements entered into under this section shall be 637
in the form prescribed under section 5709.631 of the Revised Code. 638
After an agreement under this section is entered into, if the 639

legislative authority or board of county commissioners revokes its
designation of the zone, or if the director of development revokes
the zone's certification, any entitlements granted under the
agreement shall continue for the number of years specified in the
agreement.

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(E) Except as otherwise provided in this division, an
agreement entered into under this section shall require that the
enterprise pay an annual fee equal to the greater of one per cent
of the dollar value of incentives offered under the agreement or
five hundred dollars; provided, however, that if the value of the
incentives exceeds two hundred fifty thousand dollars, the fee
shall not exceed two thousand five hundred dollars. The fee shall
be payable to the legislative authority or board of commissioners
once per year for each year the agreement is effective on the days
and in the form specified in the agreement. Fees paid shall be
deposited in a special fund created for such purpose by the
legislative authority or board and shall be used by the
legislative authority or board exclusively for the purpose of
complying with section 5709.68 of the Revised Code and by the tax
incentive review council created under section 5709.85 of the
Revised Code exclusively for the purposes of performing the duties
prescribed under that section. The legislative authority or board
may waive or reduce the amount of the fee charged against an
enterprise, but such waiver or reduction does not affect the
obligations of the legislative authority or board or the tax
incentive review council to comply with section 5709.68 or 5709.85
of the Revised Code, respectively.

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(F) With the approval of the legislative authority of a
municipal corporation or the board of township trustees of a
township in which a zone is designated under division (A) (2) of
this section, the board of county commissioners may delegate to

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that legislative authority or board any powers and duties of the 671
board to negotiate and administer agreements with regard to that 672
zone under this section. 673

(G) When an agreement is entered into pursuant to this 674
section, the legislative authority or board of commissioners 675
authorizing the agreement shall forward a copy of the agreement to 676
the director of development and to the tax commissioner within 677
fifteen days after the agreement is entered into. If any agreement 678
includes terms not provided for in section 5709.631 of the Revised 679
Code affecting the revenue of a city, local, or exempted village 680
school district or causing revenue to be foregone by the district, 681
including any compensation to be paid to the school district 682
pursuant to section 5709.82 of the Revised Code, those terms also 683
shall be forwarded in writing to the director of development along 684
with the copy of the agreement forwarded under this division. 685
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(H) After an agreement is entered into, the enterprise shall 687
file with each personal property tax return required to be filed 688
while the agreement is in effect, an informational return, on a 689
form prescribed by the tax commissioner for that purpose, setting 690
forth separately the property, and related costs and values, 691
exempted from taxation under the agreement. 692

(I) An agreement entered into under this section may include 693
a provision requiring the enterprise to create one or more 694
temporary internship positions for students enrolled in a course 695
of study at a school or other educational institution in the 696
vicinity, and to create a scholarship or provide another form of 697
educational financial assistance for students holding such a 698
position in exchange for the student's commitment to work for the 699
enterprise at the completion of the internship." 700

In line 99001, after "5705.392," insert "5709.62, 5709.63, 701

5709.632,"

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In line 194 of the title, after "5705.392," insert "5709.62,
5709.63, 5709.632,"

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The motion was _____ agreed to.

SYNOPSIS

Enterprise Zones

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R.C. 5709.62, 5709.63, and 5709.632

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Extends the time from October 15, 2009, to October 15, 2010,
during which local governments may enter enterprise zone
agreements.

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Sub. H.B. 1
LSC 128 0516-4
HC-2361

5 _____ moved to amend as follows:

6 In line 108687, delete "(1)"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 Allocation of Need-Based Block Grant for Nonprofit Private
10 Institutions
11 Section 371.50.82
12 Corrects an internal cross reference.

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5 _____ moved to amend as follows:

6 In line 49269, delete "courses of study" and insert
7 "educator preparation programs"

8 In line 49272, delete "courses of study" and insert
9 "educator preparation programs"

10 In line 49277, delete "courses of study" and insert
11 "educator preparation programs"

12 In line 49295, delete "courses of study" and insert
13 "educator preparation programs"

14 In line 49301, delete "courses"

15 In line 49302, delete "of study" and insert "educator
16 preparation programs"

17 In line 49303, delete "courses of study" and insert
18 "educator preparation programs"

19 In line 49313, delete "courses of study" and insert
20 "educator preparation programs"

21 In line 49316, delete "courses of study" and insert
22 "educator preparation programs"

23 The motion was _____ agreed to.

SYNOPSIS

24

25 **Educator Preparation Programs**

26 **R.C. 3333.048**

27 Requires the Chancellor of the Ohio Board of Regents and
28 the Superintendent of Public Instruction to establish "educator
29 preparation programs" (instead of "courses of study," as in the
30 bill) for the preparation of educators and other school
31 personnel.

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Sub. H.B. 1
LSC 128 0516-4
HC-2363

5 _____ moved to amend as follows:

6 In line 47589, delete "teacher" and insert "educator"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Educator Standards Board**

10 **R.C. 3319.60**

11 Appoints three people employed by institutions of higher
12 education that offer "educator" preparation programs, as opposed
13 to "teacher" preparation programs, as stands currently in the
14 bill.

Sub. H.B. 1

LSC 128 0516-4

HC-2365

_____ moved to amend as follows:

In line 404, after "3333.61," insert "3333.62," 1

Between lines 50127 and 50128, insert: 2

"Sec. 3333.62. The chancellor of the Ohio board of regents 3
shall establish a competitive process for making awards under the 4
choose Ohio first scholarship program and the Ohio research 5
scholars program. The chancellor, on completion of that process, 6
shall make a recommendation to the controlling board asking for 7
approval of each award selected by the chancellor. 8

Any state university or college may apply for one or more 9
awards under one or both programs. The state university or college 10
shall submit a proposal and other documentation required by the 11
chancellor, in the form and manner prescribed by the chancellor, 12
for each award it seeks. A proposal may propose an initiative to 13
be implemented solely by the state university or college or in 14
collaboration with other state institutions of higher education, 15
nonpublic Ohio universities or colleges, or other public or 16
nonpublic Ohio entities. A single proposal may seek an award under 17
one or both programs. 18

The chancellor shall determine which proposals will receive 19
awards each fiscal year, and the amount of each award, on the 20

basis of the merit of each proposal, which the chancellor, subject
to approval by the controlling board, shall determine based on one
or more of the following criteria:

(A) The quality of the program that is the subject of the
proposal and the extent to which additional resources will enhance
its quality;

(B) The extent to which the proposal is integrated with the
strengths of the regional economy;

(C) The extent to which the proposal is integrated with
centers of research excellence within the private sector;

(D) The amount of other institutional, public, or private
resources, whether monetary or nonmonetary, that the proposal
pledges to leverage;

(E) The extent to which the proposal is collaborative with
other public or nonpublic Ohio institutions of higher education;

(F) The extent to which the proposal is integrated with the
university's or college's mission and does not displace existing
resources already committed to the mission;

(G) The extent to which the proposal facilitates a more
efficient utilization of existing faculty and programs;

(H) The extent to which the proposal meets a statewide
educational need;

(I) The demonstrated productivity or future capacity of the
students or scientists to be recruited;

(J) The extent to which the proposal will create additional
capacity in educational or economic areas of need;

(K) The extent to which the proposal will encourage students
who received degrees in the fields of science, technology,
engineering, mathematics, or medicine from two-year institutions

to transfer to state universities or colleges to pursue 50
 baccalaureate degrees in science, technology, engineering, 51
 mathematics, or medicine; 52

(L) The extent to which the proposal encourages students 53
 enrolled in state universities to transfer into science, 54
 technology, engineering, mathematics, or medicine programs; 55

(M) The extent to which the proposal facilitates the 56
 completion of a baccalaureate degree in a cost-effective manner, 57
 for example, by facilitating students' completing two years at a 58
 two-year institution and two years at a state university or 59
 college; 60

(N) The extent to which the proposal allows attendance at a 61
 state university or college of students who otherwise could not 62
 afford to attend; 63

(O) The extent to which other institutional, public, or 64
 private resources pledged to the proposal will be deployed to 65
 assist in sustaining students' scholarships over their academic 66
 careers; 67

(P) The extent to which the proposal increases the likelihood 68
 that students will successfully complete their degree programs in 69
 science, technology, engineering, mathematics, or medicine or in 70
 science, technology, engineering, mathematics, or medical 71
 education; 72

(Q) The extent to which the proposal ensures that a student 73
 who is awarded a scholarship is appropriately qualified and 74
 prepared to successfully complete a degree program in science, 75
 technology, engineering, mathematics, or medicine or in science, 76
 technology, engineering, mathematics, or medical education; 77

(R) The extent to which the proposal will increase the number 78
of women participating in the choose Ohio first scholarship 79

program." 80

In line 98933, after "3333.61," insert "3333.62," 81

In line 112411, after "3333.61," insert "3333.62," 82

In line 101 of the title, after "3333.61," insert "3333.62," 83

The motion was _____ agreed to.

SYNOPSIS

Choose Ohio First Scholarship Program 84

R.C. 3333.62 85

Specifies that the criteria the Chancellor of the Board of 86
Regents uses in awarding grants under the Scholarship Program 87
include the extent to which a grant proposal will increase the 88
number of women participating in the Scholarship Program. 89

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Sub. H.B. 1
LSC 128 0516-4
HC-2366

5 _____ moved to amend as follows:

6 In line 46538, delete "accredited"

7 In line 46539, after "education" insert "accredited by a
8 regional accrediting organization"

9 In line 46548, delete "accredited"

10 In line 46549, after "education" insert "accredited by a
11 regional accrediting organization"

12 In line 46559, delete "accredited"

13 In line 46560, after "education" insert "accredited by a
14 regional accrediting organization"

15 The motion was _____ agreed to.

16 SYNOPSIS

17 **Teacher Licensure**

18 **R.C. 3319.22(B)**

19 Specifies that the accreditation of the institutions of
20 higher education from which applicants for a professional,
21 senior, or lead educator license have degrees must be from a
22 regional accrediting organization.

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5 _____ moved to amend as follows:

6 In line 101888, after the period insert "Any unexpended and
7 unencumbered portion of the appropriation item at the end of
8 fiscal year 2009 is hereby reappropriated for the same purpose
9 in fiscal year 2010, and any unexpended and unencumbered portion
10 of the appropriation item at the end of fiscal year 2010 is
11 hereby reappropriated for the same purpose in fiscal year 2011."

12 The motion was _____ agreed to.

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SYNOPSIS

14

Department of Development

15

Section 259.20.90

16 Specifies that any unexpended and unencumbered portion of
17 Fund 7008 appropriation item 195698, Logistics and Distribution
18 Infrastructure, at the end of fiscal year 2009 is reappropriated
19 for the same purpose in fiscal year 2010, and that any
20 unexpended and unencumbered portion of the appropriation item at
21 the end of fiscal year 2010 is reappropriated for the same
22 purpose in fiscal year 2011.

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5 _____ moved to amend as follows:

6 In line 107853, after the period insert "Information
7 technology solutions shall be provided by the Ohio Academic
8 Research Network (OARnet)."

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Board of Regents**

12 **Section 371.10.40**

13 Specifies that the information technology solutions under
14 GRF appropriation item 235409, Information System, are provided
15 by Ohio Academic Research Network (OARnet).

5 _____ moved to amend as follows:

6 Between lines 109164 and 109165, insert:

7 "At the request of the Chancellor of the Board of Regents,
8 the Director of Budget and Management may transfer any
9 unexpended, unencumbered appropriation in fiscal year 2010 or
10 fiscal year 2011 from appropriation item 235502, Student Support
11 Services, to appropriation item 415506, Services for People with
12 Disabilities. Any appropriation so transferred shall be used by
13 the Ohio Rehabilitation Services Commission to obtain additional
14 federal matching funds to serve disabled students."

15 The motion was _____ agreed to.

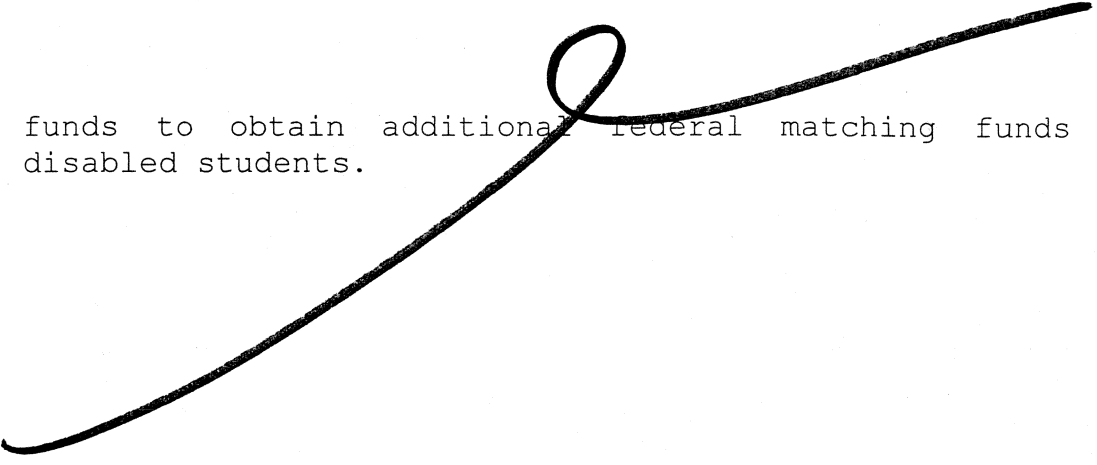
16 SYNOPSIS

17 **Board of Regents/Rehabilitation Services Commission**

18 **Section 377.10**

19 Authorizes the Chancellor to request that the Director of
20 Budget and Management transfer funds from GRF appropriation item
21 235502, Student Support Services, to GRF appropriation item
22 415506, Services for People with Disabilities. Requires that
23 the Ohio Rehabilitation Services Commission use any transferred

24 funds to obtain additional federal matching funds to serve
25 disabled students.



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5 _____ moved to amend as follows:

6 Between lines 106233 and 106234, insert:

7 "Section 309.45. __. REIMBURSEMENT CEILING FOR PROVIDERS OF
8 PUBLICLY FUNDED CHILD CARE

9 For the purposes of rules adopted under division (E) of
10 section 5104.30 of the Revised Code, the Director of Job and
11 Family Services shall set the reimbursement ceiling for
12 providers of publicly funded child care for the fiscal years of
13 2009 and 2010 at the fifty-first percentile of the results of
14 the child care market rate survey commissioned by the Department
15 of Job and Family Services in 2008."

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Reimbursement Ceiling for Providers of Publicly Funded**
19 **Child Care**

20 **Section 309.45. __.**

21 Codifies the reimbursement ceiling for providers of
22 publicly funded child care for fiscal years 2009 and 2010 at the
23 51st percentile of the child care market rate survey
24 commissioned by the Department of Job and Family Services in
25 2008.

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5 _____ moved to amend as follows:

6 In line 68051, delete ", with the"

7 In line 68052, delete "advice and consent of the senate"

8 In line 68103, delete the second "shall" and insert "may"

9 The motion was _____ agreed to.

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SYNOPSIS

11

Health Care Coverage and Quality Council

12

R.C. 3923.90 and 3923.91

13

14 Removes from the bill a provision specifying that the
15 Governor's appointees of the Health Care Coverage and Quality
16 Council, which the bill creates, were to be appointed with the
advice and consent of the Senate.

17

18 Permits, rather than requires, the Council to reimburse
19 Council members for mileage and actual and necessary expenses
incurred in the performance of official duties.

5 _____ moved to amend as follows:

6 In line 489, after "122.85," insert "123.154,"

7 In line 4953, delete "executive"

8 In line 4954, delete "order 2008-13S" and insert "section
9 123.154 of the Revised Code"

10 Between lines 4961 and 4962, insert:

11 "Sec. 123.154. (A) Each state agency shall appoint an
12 equal employment opportunity officer who shall be responsible
13 for monitoring the agency's compliance with sections 123.151,
14 123.152, and 125.081 of the Revised Code and for reporting the
15 level of the agency's compliance to the deputy director of the
16 equal opportunity division of the department of administrative
17 services. The equal employment opportunity officer for each
18 state agency shall also do all of the following:

19 (1) Analyze spending on goods, services, and construction
20 projects for the officer's agency and determine any missed
21 opportunities for the inclusion of certified minority business
22 enterprise and EDGE business vendors;

23 (2) Analyze the spending of the officer's agency with EDGE
24 business enterprise vendors, as well as EDGE business enterprise
25 vendor availability by regions of this state, and communicate
26 the analysis to the department of administrative services so
27 that the department may determine the appropriate EDGE business
28 enterprise goal for each contract;

29 (3) Report minority business enterprise or EDGE business
30 enterprise enrollment for all contracts issued by the officer's
31 agency to the deputy director of the equal opportunity division;

32 (4) Implement a scorecard system that tracks compliance
33 with minority business enterprise and EDGE business enterprise
34 program requirements for the officer's agency;

35 (5) Implement the outreach and training plan to ensure
36 compliance by the officer's agency with minority business
37 enterprise and EDGE business enterprise requirements;

38 (6) Attend the semiannual training conducted by the deputy
39 director of the equal opportunity division on minority business
40 enterprise and EDGE business enterprise requirements; and

41 (7) Participate in the annual compliance review conducted
42 by the deputy director of the equal employment opportunity
43 division and implement recommendations made by the deputy
44 director as a result of the review process.

45 The deputy director of the equal opportunity division shall
46 develop the scorecard system and the outreach and training plan,

47 shall conduct semiannual training on minority business
48 enterprise and EDGE business enterprise requirements for equal
49 employment opportunity officers, shall conduct an annual review
50 of each state agency's compliance with minority business
51 enterprise and EDGE business enterprise requirements, and shall
52 make recommendations for improved compliance as a result of each
53 review.

54 (B) Each state agency shall ensure that all contracts the
55 agency enters into for the purchase of goods and services
56 contain provisions that do all of the following:

57 (1) Prohibit contractors and subcontractors from engaging
58 in discriminatory employment practices;

59 (2) Certify that contractors and subcontractors are in
60 compliance with all applicable federal and state laws and rules
61 that govern fair labor and employment practices; and

62 (3) Encourage contractors and subcontractors to purchase
63 goods and services from certified minority business enterprise
64 and EDGE business enterprise vendors.

65 (C)(1) A state agency shall not issue an EDGE business
66 enterprise waiver without doing all of the following:

67 (a) Having all waivers reviewed by the agency's procurement
68 officer, in collaboration with the agency's equal employment
69 opportunity officer, who shall certify that each waiver the
70 agency issues complies with criteria for granting the waiver;

71 (b) Submitting quarterly reports to the equal opportunity
72 division that lists each waiver the agency grants;

73 (c) Permitting the equal opportunity division to complete
74 its review of the agency's quarterly report and to conduct
75 periodic audits of the agency's administration of the waiver
76 process.

77 The deputy director of the equal opportunity division shall
78 review each quarterly report of EDGE business enterprise waivers
79 and shall conduct periodic audits of each agency's
80 administration of the waiver process.

81 (2) If the deputy director of the equal opportunity
82 division determines that a state agency has not properly
83 administered the issuance of EDGE business enterprise waivers,
84 subsequent waivers shall not be issued by that state agency
85 without the authorization and approval of the deputy director.
86 The deputy director may release a state agency from the approval
87 process when the deputy director has determined that the agency
88 has the ability to consistently administer the waiver process.

89 (D) On the first day of October of each year, the deputy
90 director of the equal opportunity division shall submit a
91 written report to the governor, the speaker of the house of
92 representatives, the president of the senate, and the minority
93 leaders of the house of representatives and senate that describe
94 the progress of state agencies in advancing the minority

95 business enterprise and EDGE business enterprise programs, as
96 well as any initiatives that have been implemented to increase
97 the number of certified minority business enterprise and EDGE
98 business enterprise vendors doing business with this state."

99 In line 7977, delete "executive order 2008-13S" and insert
100 "section 123.154 of the Revised Code"

101 In line 217 of the title, after "122.85," insert "123.154,"

102 The motion was _____ agreed to.

103 SYNOPSIS

104 **Codifying Executive Order 2008-13S**

105 **R.C. 123.152, 123.154, and 125.081**

106 Replaces a reference to Executive Order 2008-13S in
107 provisions of the pending bill that deal with minority business
108 enterprise and EDGE business enterprise programs with a new
109 section of the Revised Code that codifies that executive order.

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Sub. H.B. 1
LSC 128 0516-4
HC-2383

5 _____ moved to amend as follows:

6 In line 53609, delete "nineteen" and insert "twenty-one"

7 In line 53611, after the period insert "The governor also
8 shall appoint two members who are representatives of the lupus
9 awareness and education program."

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Commission on Minority Health**

13 **R.C. 3701.78**

14 Adds two representatives of the Lupus Awareness and
15 Education Program as members of the Commission on Minority
16 Health.

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Sub. H.B. 1
ISC 128 0516-4
HC-2384

5 _____ moved to amend as follows:

6 In line 95684, strike through "Fifteen per cent of the
7 moneys" and insert "The money"

8 In line 95686, strike through "and the remainder shall"

9 In line 95687, strike through "be credited to the"; delete
10 "permit and lease fund"

11 In line 95688, delete everything before the period

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Salt Severance Tax Revenue Use**

15 **R.C. 5749.02(B)**

16 Amends the pending bill's proposed allocation of salt
17 severance tax revenue by requiring all such revenue to be
18 credited to the Geological Mapping Fund for purposes of
19 performing necessary field, laboratory, and administrative tasks
20 to map and make public reports on the geology and mineral
21 resources of each county. The pending bill requires 15% of salt
22 severance tax revenue to be credited to the Geological Mapping
23 Fund and 85% to be credited to the Permit and Lease Fund, which
24 funds Lake Erie water and shore erosion protection and
25 recreation facilities. Under current law, 85% of revenue is
26 credited to the Unreclaimed Lands Fund, which funds reclaiming
27 public or private land affected by mining or controlling mine
28 drainage.

5 _____ moved to amend as follows:

6 In line 3590, strike through "an"; after "elected" insert
7 "a"

8 In line 3715, delete everything after the second "the"

9 In line 3716, delete everything before "of" and insert
10 "superintendent of insurance is required to certify to the
11 treasurer of state under section 5725.20 or 5729.05"; after
12 "Code" insert "the amount of taxes due from insurance companies"

13 In line 3722, after the comma insert "the superintendent of
14 insurance in the case of an insurance company,"

15 In line 3781, after the second comma insert "the
16 superintendent of insurance in the case of an insurance
17 company,"

18 In line 3926, after the comma insert "or the superintendent
19 of insurance in the case of an insurance company,"

20 In line 3927, after "commissioner" insert "or
21 superintendent"

22 In line 3929, after "commissioner" insert "or
23 superintendent"

24 In line 3941, after the first "commissioner" insert "or
25 superintendent"

26 In line 4006, after "commissioner" insert "and the
27 superintendent of insurance"

28 The motion was _____ agreed to.

29 SYNOPSIS

30 **Job Retention Tax Credit: Insurance Companies**

31 **R.C. 122.171**

32 Corrects an error in the pending bill's description of
33 insurance companies' taxable year.

34 Requires the Superintendent of Insurance to consider
35 applications filed by insurance companies.

36 Requires the Director of Development to consult with the
37 Superintendent of Insurance in adopting rules necessary to
38 implement the tax credit.

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Sub. H.B. 1
LSC 128 0516-4
HC-2387

5 _____ moved to amend as follows:

6 In line 88682, delete "all or a portion of"; after "levies"
7 insert "as"

8 In line 88688, delete "amounts and existing levies to be
9 repealed" and insert "rate"

10 In line 88689, delete "divisions" and insert "division";
11 delete ", (3), and (4)"

12 In line 88690 after the underlined period insert "The
13 amount certified under division (B)(4) and the levies to be
14 repealed as certified under division (B)(3) of this section
15 shall not be redetermined."

16 In line 88693, delete "those amounts and existing levies"
17 and insert "the rate"; delete "them" and insert "it"

18 In line 88695, delete everything after the underlined
19 period

20 Delete line 88696

21 In line 88697, delete everything before "Only"

22 The motion was _____ agreed to.

SYNOPSIS

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Conversion Levies

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R.C. 5705.219(C)

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Clarifies that a board may not repeal fewer mills than is necessary to reduce the effective tax rate for current expense levies on residential/agricultural real property to 20 mills. Clarifies that if a board of education determines to levy a conversion levy for a sum of money less than the amount that would be raised by re-levying the effective millage required to be repealed, no additional compensation for nonresidential/agricultural real property and public utility tangible personal property losses shall be paid.

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5 _____ moved to amend as follows:

6 In line 104063, after the first "Center" insert ", who
7 shall report to the Superintendent and the Governor"

8 In line 104071, after "Education" insert "and advised by
9 the Early Childhood Advisory Council,"

10 In line 104073, delete "August" and insert "December"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Center for Early Childhood Development**

14 **Section 265.70.10**

15 Requires the Director of the Center for Early Childhood
16 Development to report to the Superintendent of Public
17 Instruction and the Governor; requires the Director of the Early
18 Childhood Cabinet to consider advice from the Early Childhood
19 Advisory Council when submitting the required implementation
20 plan; and changes the date for submitting the implementation
21 plan from August 31, 2009, to December 31, 2009.

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Sub. H.B. 1
LSC 128 0516-4
HC-2389
EDU196-1

6 _____ moved to amend as follows:

7 In line 31058, delete "Each" and insert "Beginning in
8 fiscal year 2012, each"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Use of Professional Development Funds**

12 **R.C. 3306.031**

13 Specifies that school districts, community schools, and
14 STEM schools that receive funds from the professional
15 development factor of the bill's school funding model are not
16 required to use those funds for teacher professional development
17 until FY 2012.

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Sub. H.B. 1
LSC 128 0516-4
HC-2390
EDU141-01

6 _____ moved to amend as follows:

7 In line 30480, delete "public on the department's web site"

8 Delete line 30481

9 In line 30482, delete "school district"; strike through
10 "superintendent"

11 In line 30483, delete ", community school chief
12 administrator, or STEM school"

13 In line 30484, delete "chief administrative officer" and
14 insert "public, school districts, community schools, and STEM
15 schools on the department's web site"

16 In line 112391, after "3301.82," insert "3302.031,"

17 The motion was _____ agreed to.

18

SYNOPSIS

19 **Additional School Reports**

20 **R.C. 3302.031**

21 Removes the requirement that the Department of Education
22 provide hard copies to school districts, community schools, and
23 STEM schools of the annual reports the Department must prepare

24 in addition to the report cards (such as the funding and
25 expenditure accountability report and the school safety and
26 discipline report). The Department still must make the reports
27 available on the Department's web site

28 Changes the effective date of this section to immediate.

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Sub. H.B. 1
LSC 128 0516-4
HC-2391

5 _____ moved to amend as follows:

6 In line 30912, delete "under the former"

7 In line 30913, delete all before the underlined period

8 In line 46569, after the second "for" insert "a master
9 teacher or other criteria for"

10 In line 46570, after "under" insert "division (F)(4) or (5)
11 of"

12 In line 47747, after "~~(5)~~" insert "(4)"; reinsert the
13 balance of the line

14 In line 47748, reinsert "uniformly by all school
15 districts"; delete "(4)" and insert ";

16 (5)"

17 In line 47769, delete "(5)" and insert "(6)"

18 The motion was _____ agreed to.

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SYNOPSIS

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Master Teachers

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R.C. 3306.02, 3319.22, and 3319.61

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Reinstates the Educator Standards Board's duty to define a "master teacher" and specifies that meeting either the definition of a master teacher or other criteria for a lead teacher established by the Educator Standards Board suffice as an alternative qualification for a lead professional educator license. (Retains the bill's provisions eliminating (1) the requirement to report the number of master teachers on school district and building report cards and (2) the requirement that the Department of Education identify promising practices for engaging master teachers.)

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5 _____ moved to amend as follows:

6 Between lines 104183 and 104184, insert:

7 "Section _____. Notwithstanding section 3306.31 of the
8 Revised Code, in fiscal year 2010, the Governor's Closing the
9 Achievement Gap Initiative shall work with those districts that
10 have a three-year overall average graduation rate of 80 per cent
11 or less to assist them in planning for the implementation of the
12 program in fiscal year 2011. Districts that are currently
13 participating in the program and that continue to have a three-
14 year overall graduation rate of 80 per cent or less are
15 encouraged to maintain existing programs during this planning
16 period."

17 The motion was _____ agreed to.

18

SYNOPSIS

19

Closing the Achievement Gap Activities

20

Section ____

21 Notwithstands the bill's codified provisions regarding
22 spending plans of school districts with three-year average
23 graduation rates of 80% or less, and directs the Governor's
24 Closing the Achievement Gap Initiative to work with those
25 districts in FY 2010 to assist them in planning for
26 implementation in FY 2011.

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5 _____ moved to amend as follows:

6 In line 32257, delete "joint vocational school district"
7 and insert "career-technical education"

8 In line 32259, delete all before "funding"; delete "are"
9 and insert "for joint vocational school districts and compact
10 and comprehensive career-technical schools is"

11 In line 32261, delete all after "committee"

12 Delete lines 32262 through 32268

13 In line 32229, delete all before "member" and insert "shall
14 consist of the following:

15 (1) One or more representatives of the partnership,
16 selected by the members of the partnership;

17 (2) One or more business leaders, selected by the
18 superintendent of public instruction;

19 (3) At least three representatives of joint vocational
20 school districts, selected by the superintendent of public
21 instruction;

22 (4) At least three representatives of compact career-
23 technical schools selected by the superintendent of public
24 instruction;

25 (5) At least three representatives of comprehensive
26 career-technical schools selected by the superintendent of
27 public instruction;

28 (6) One"

29 In line 32271, delete "The" and insert:

30 "Any of the members selected under divisions (A) (3) to (5)
31 of this section may be members of the partnership.

32 The"

33 In line 32276, delete "joint vocational school district"
34 and insert "career-technical education"

35 In line 32277, delete "and lead district funding"

36 In line 32279, delete "enact" and insert "consider the
37 enactment of"

38 Delete line 32280

39 In line 32281, delete all before "not" and insert "the
40 recommendations of the committee"

41 In line 32283, delete "joint vocational school district"
42 and insert "career-technical education"

43 The motion was _____ agreed to.

44 SYNOPSIS

45 **Career-Technical Education Study Committee**

46 **R.C. 3306.14**

47 Revises the makeup of the committee, which the bill
48 requires the Partnership for Continued Learning to establish, to
49 study the funding and programming of joint vocational school
50 districts (JVSDs) and comprehensive and compact career-technical
51 education programs to include three members from each of the
52 following (1) JVSDs, (2) compact career-technical programs, and
53 (3) comprehensive career-technical programs all appointed by the
54 state Superintendent. (Under the bill, both the state
55 Superintendent and the Chancellor of the Board of Regents must
56 appoint representatives from JVSDs, which appointments are
57 subject to approval by the Partnership.)

58 Specifies that the committee must study the current funding
59 for career-technical programs, and not both the funding and
60 programming for career-technical programs as under the bill.
61 (The amendment does specify that the recommendations of the
62 committee may include those involving both funding and
63 programming.)

64 Requires the General Assembly to "consider the enactment
65 of" revisions in career-technical education funding and
66 programming based on the committee's recommendation by July 1,
67 2011, rather than requiring the enactment of laws implementing
68 the committee's recommendations by that date.

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Sub. H.B. 1
LSC 128 0516-4
HC-2395
EDU193-1

6 _____ moved to amend as follows:

7 In line 39593, delete ", unless a"

8 In line 39594, delete "waiver is granted under division (D)
9 of this section,"

10 Delete lines 39605 through 39613

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Design Specifications for Community Schools**

14 **R.C. 3314.052**

15 Removes the authority of the Superintendent of Public
16 Instruction to waive for community schools compliance with any
17 specific design guideline of the School Facilities Commission if
18 the Superintendent finds that noncompliance will not impair the
19 school's mission or academic performance.

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Sub. H.B. 1
LSC 128 0516-4
HC-2396-1

5 _____ moved to amend as follows:

6 In line 102151, delete "\$8,250,000 \$8,250,000" and insert
7 "\$8,210,500 \$8,210,500"

8 In line 102154, delete "\$10,540,885 \$10,640,885" and
9 insert "\$10,015,885 \$10,015,885"

10 In line 102159, delete "\$7,289,861 \$7,289,861" and insert
11 "\$5,789,861 \$5,789,861"

12 Delete lines 102161 through 102161b

13 In line 102167, delete "\$2,080,000 \$2,080,000" and insert
14 "\$2,030,000 \$2,030,000"

15 Delete line 102174

16 In line 102176, delete "\$140,944,648 \$143,517,936" and
17 insert "\$139,719,648 \$142,292,936"

18 In line 102178, delete "\$4,896,732,136 \$4,788,353,026"
19 and insert "\$4,896,132,136 \$4,787,753,026"

20 In line 102182, delete "National Underground" and insert
21 "Community Projects"; delete "\$1,000,000 \$1,000,000" and
22 insert "\$7,225,517 \$7,065,517"

23 Delete lines 102182a and 102182b

24 In lines 102184 and 102259, add \$260,000 to fiscal year
25 2010

26 In line 102456, delete "of this set aside"

27 In line 102458, delete "Up"

28 Delete lines 102459 through 102461

29 Delete lines 102484 through 102509

30 In line 102510, delete "remainder of" and insert
31 "foregoing"

32 Delete lines 102693 through 102697

33 In line 102698, delete "remainder of" and insert
34 "foregoing"

35 Delete lines 102732 through 102744

36 Delete lines 102907 through 102909

37 Delete lines 103002 through 103007

38 Delete lines 103032 through 103040

39 Delete lines 103195 through 103203

40 In line 103284, delete "NATIONAL UNDERGROUND RAILROAD
41 FREEDOM CENTER" and insert "COMMUNITY PROJECTS"

42 In line 103285, delete "The" and insert "Of the"; after the
43 comma delete the balance of the line

44 In line 103286, delete "Railroad Freedom Center" and insert
45 "Community Projects"; after the comma insert "\$1,000,000 in each
46 fiscal year"; after "the" insert "National Underground Railroad
47 Freedom"

48 Between lines 103287 and 103288, insert:

49 "Of the foregoing appropriation item 200587, Community
50 Projects, up to \$39,500 in each fiscal year may be used to
51 support the application fee for candidates participating in the
52 Take One program for beginning teachers in years two and three.

53 Of the foregoing appropriation item 200587, Community
54 Projects, \$100,000 in each fiscal year shall be used to support
55 the Toledo Tech Academy. Of this amount, \$25,000 in each fiscal
56 year shall be used by the Toledo Tech Academy to enhance and
57 establish For Inspiration and Recognition in Science and
58 Technology programs (F.I.R.S.T.).

59 Of the foregoing appropriation item 200587, Community
60 Projects, \$25,000 in each fiscal year shall be distributed to
61 the Beaver Creek Wildlife Education Center for student field
62 trips.

63 Of the foregoing appropriation item 200587, Community
64 Projects, \$50,000 in each fiscal year shall be used for the
65 after-school programs of the Monroe Community Center in Stark
66 County.

67 Of the foregoing appropriation item 200587, Community
68 Projects, \$250,000 in each fiscal year shall be provided to Kids
69 Unlimited to support its after-school program.

70 Of the foregoing appropriation item 200587, Community
71 Projects, \$100,000 in fiscal year 2011 shall be used by the

72 Green Local School District in Summit County, in partnership
73 with The University of Akron, to create a distance learning
74 pilot program.

75 Of the foregoing appropriation item 200587, Community
76 Projects, \$100,000 in each fiscal year shall be provided to the
77 Cincinnati Arts and Technology Center to increase program
78 support for high-risk teens and unemployed urban adults.

79 Of the foregoing appropriation item 200587, Community
80 Projects, \$1,500,000 in each fiscal year shall be used for
81 Project Lead the Way leadership and management oversight and
82 initial and continuing support of Project Lead the Way workforce
83 development programs in participating school districts.

84 Of the foregoing appropriation item 200587, Community
85 Projects, up to \$900,000 in each fiscal year shall be used by
86 the Department of Education to fund the Reading Recovery
87 Training Network, to cover the cost of release time for the
88 teacher trainers.

89 Of the foregoing appropriation item 200587, Community
90 Projects, up to \$100,000 in each fiscal year shall be used to
91 establish a reading recovery teacher leader training site at
92 Marietta College in fiscal year 2010 and to provide training for
93 reading recovery teachers by a teacher leader in fiscal year
94 2011.

95 Of the foregoing appropriation item 200587, Community
96 Projects, \$50,000 in each fiscal year shall be used for the Ohio
97 University Leadership Project.

98 Of the foregoing appropriation item 200587, Community
99 Projects, up to \$1,026,017 in each fiscal year shall be used by
100 the Department of Education to fund the Summer Honors Institute,
101 including funding for the Martin Essex Program, which shall be
102 awarded through a request for proposals process.

103 Of the foregoing appropriation item 200587, Community
104 Projects, \$75,000 in each fiscal year shall be used for Leaf
105 Lake/Geauga Educational Assistance Funding.

106 Of the foregoing appropriation item 200587, Community
107 Projects, \$500,000 in each fiscal year shall be used to support
108 the Bellefaire Jewish Children's Bureau.

109 Of the foregoing appropriation item 200587, Community
110 Projects, \$650,000 in each fiscal year shall be used to support
111 Project More for one-to-one reading mentoring.

112 Of the foregoing appropriation item 200587, Community
113 Projects, \$100,000 in each fiscal year shall be used by the
114 American Academy of Pediatrics for the Reach Out and Read
115 Program.

116 Of the foregoing appropriation item 200587, Community
117 Projects, up to \$500,000 shall be used in each fiscal year by
118 the Department of Education to contract with the Children's

119 Hunger Alliance to expand access to child nutrition programs
120 consistent with the organization's continued ability to meet
121 specified performance measures as detailed in the contract.

122 Of the foregoing appropriation item 200587, Community
123 Projects, up to \$260,000 in fiscal year 2010 shall be used for
124 the development of a model dating violence policy and adoption
125 of dating violence prevention education standards."

126 The motion was _____ agreed to.

127 SYNOPSIS

128 **Department of Education**

129 **Sections 265.10, 265.10.25, 265.10.40, 265.10.80,**
130 **265.10.95, 265.20.50, 265.20.95, 265.30.20, 265.30.40, and**
131 **265.30.70**

132 Decreases appropriations for the following GRF
133 appropriation items:

134 200410, Educator Training, by \$39,500 in each fiscal year;
135 200421, Alternative Education Programs, by \$525,000 in FY 2010
136 and \$625,000 in FY 2011; 200427, Academic Standards, by
137 \$1,500,000 in each fiscal year; 200448, Educator Preparation, by
138 \$50,000 in each fiscal year; 200540, Special Education
139 Enhancements, by \$1,225,000 in each fiscal year; and, 200550,
140 Foundation Funding, by \$600,000 in each fiscal year.

141 Eliminates GRF appropriation items 200433, Literacy
142 Improvement-Professional Development, and 200521, Gifted Pupil
143 Program.

144 Changes GRF appropriation item 200587, National Underground
145 Railroad Freedom Center, to 200587, Community Projects, and
146 increases the appropriation item by \$6,225,517 in FY 2010 and

147 \$6,065,517 in FY 2011 to fund various earmarks moving from the
148 above mentioned appropriation items into 200587, Community
149 Projects, and a new earmark of \$260,000 in FY 2010 for the
150 development of a model dating violence policy and adoption of
151 dating violence prevention education standards.

1 128HB1-HC2397.docx/emr

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3 Sub. H.B. 1
4 LSC 128 0516-4
HC-2397

5 _____ moved to amend as follows:

6 In line 103422, delete "or is no longer funded from Title
7 IV-A"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Department of Education**

11 **Section 265.40.30**

12 Removes language that would require Early Learning
13 Initiative providers to reimburse the GRF for any retained Title
14 IV-A Head Start or Head Start Plus start-up grants when the
15 early learning program is no longer funded from Title IV-A.

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5 _____ moved to amend as follows:

6 In line 10421, after "appeals" insert a comma

7 In line 10422, after the first "district" insert "executed
8 on or before June 1, 2009"

9 In line 104046, delete "and"

10 In line 104048, after "amended" insert "; and Section
11 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Foundation and Transitional Aid Funding Reimbursement**

15 **Section 269.60.70**

16 Makes changes in the bill's provision barring a city,
17 exempted village, or local school district from claiming a right
18 to reimbursement for a reduction in foundation or transitional
19 aid funding for fiscal years 2005, 2006, or 2007 due to
20 adjustments in its formula ADM for reported community school
21 enrollments except as required under either a final court
22 judgment or a settlement agreement, by: (1) specifying that
23 such a settlement agreement must be executed on or before June
24 1, 2009, and (2) adding a reference to transitional aid payments
25 made under Am. Sub. H.B. 119 of the 127th General Assembly (for
26 fiscal years 2008 and 2009). The effect of the latter change is
27 not clear, since those transitional aid payments do not affect
28 payments made in fiscal years 2005, 2006, and 2007.

1 128HB1-HC2399.docx/ar

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Sub. H.B. 1
LSC 128 0516-4
HC-2399

5 _____ moved to amend as follows:

6 In line 103174, delete "the"

7 In line 103175, delete "program" and insert "programs"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Department of Education**

11 **Section 265.30.40**

12 Makes a technical change to clarify that both the Cleveland
13 Scholarship and Educational Choice Scholarship Programs may
14 receive earmarked funds from GRF appropriation item 200550,
15 Foundation Funding, for operations.

5 _____ moved to amend as follows:

6 In line 102566, after "districts" insert ", STEM schools,";
7 after the period insert "Unless conducted as part of the support
8 provided to a school district subject to Chapter 3316. of the
9 Revised Code, performance reviews for school districts, STEM
10 schools, and community schools shall not begin until fiscal year
11 2011."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Department of Education**

15 **Section 265.10.50**

16 Adds language that specifies performance reviews for school
17 districts, STEM schools, and community schools not begin until
18 fiscal year 2011 unless they are conducted as part of the
19 support provided to schools in fiscal watch or fiscal emergency.

1 128HB1-HC2401.docx/ar

2 Sub. H.B. 1
3 LSC 128 0516-4
4 HC-2401

5 _____ moved to amend as follows:

6 In line 104869, delete "\$500,000" and insert "\$250,000"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Department of Health**

10 **Section 289.20**

11 Decreases the earmark in GRF line item 440437, Healthy
12 Ohio, for the Activate Ohio - Diabetes Education, Support, and
13 Self-Management Program to \$250,000 per year from \$500,000 per
14 year.

Sub. H.B. 1

LSC 128 0516-4

HC-2404

_____ moved to amend as follows:

In line 102154, delete "\$10,540,885 \$10,640,885" and insert "\$11,540,885 \$11,640,885" 1
2

In lines 102184 and 102259, add \$1,000,000 to each fiscal year 3
4

Between lines 102509 and 102510, insert: 5

"Of the foregoing appropriation item 200421, Alternative Education Programs, \$1,000,000 in each fiscal year shall be provided to Big Brothers Big Sisters of Central Ohio." 6
7
8

In line 105244, delete "\$174,000,000 \$174,000,000" and insert "\$173,000,000 \$173,000,000" 9
10

In lines 105249, 105251, and 105326, subtract \$1,000,000 from each fiscal year 11
12

Delete lines 106164 through 106167 13

The motion was _____ agreed to.

SYNOPSIS

Sections 265.10 and 265.10.40 15

Increases GRF line item 200421, Alternative Education Programs, by \$1 million in each fiscal year and earmarks that amount for Big Brothers Big Sisters of Central Ohio. 16
17
18

Ohio Department of Job and Family Services 19

Sections 309.10 and 309.45.20 20

Decreases GRF line item 600535, Early Care and Education, by \$1 million in each fiscal year and removes the earmark of that amount for Big Brothers Big Sisters of Central Ohio. 21
22
23

1 128HB1-HC2405X1.docx/emr

2 Sub. H.B. 1
3 LSC 128 0516-4
4 HC-2405-1

5 _____ moved to amend as follows:

6 In line 105215, delete "\$191,607,468 \$203,858,335" and
7 insert "\$190,607,468 \$202,858,335"

8 Between lines 105245 and 105246, insert:

9 "GRF 600540 Second Harvest Food Banks \$3,500,000 \$3,500,000"

10 In lines 105249, 105251, and 105326, add \$2,500,000 to each
11 fiscal year

12 In line 105931, delete "Of the" and insert "The"; after
13 "item" delete the balance of the line and insert "600540, Second
14 Harvest Food Banks,"

15 In line 105932, delete "\$1,000,000 in each fiscal year";
16 delete "provided" and insert "used to provide funds"

17 In line 105935, delete "In" and insert "Notwithstanding
18 section 5101.46 of the Revised Code and any other provision in
19 this bill, in"

20 The motion was _____ agreed to.

21

SYNOPSIS

22

Ohio Department of Job and Family Services

23

Sections 309.10 and 309.40.30

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28

Decreases GRF line item 600410, TANF State, and removes the \$1 million earmark of that line item for the Ohio Association of Second Harvest Food Banks. Appropriates \$3.5 million to newly created GRF line item 600540, Second Harvest Food Banks, and earmarks those funds for the Association.

Sub. H.B. 1

LSC 128 0516-4

HC-2406

_____ moved to amend as follows:

In line 391, after "3317.01," insert "3317.011," 1

In line 30747, delete "third Wednesday" and insert "last day" 2

In line 30764, after "county" insert ", based on the average
daily membership reported under division (A) of section 3317.03 of
the Revised Code in October of the prior fiscal year" 3
4
5

Between lines 41692 and 41693, insert: 6

"**Sec. 3317.011.** On or before the ~~third Wednesday~~ last day of 7
each month, the department of education shall certify to the 8
director of budget and management for payment, for each county: 9

(A) (1) That portion of the allocation of money under sections 10
3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of 11
the Revised Code that is required to be paid in that month to each 12
school district located wholly within the county subsequent to the 13
deductions described in division (A) (2) of this section; and 14

(2) The amounts deducted from such allocation under sections 15
3307.31 and 3309.51 of the Revised Code for payment directly to 16
the school employees and state teachers retirement systems under 17
such sections. 18

(B) If the district is located in more than one county, an 19

apportionment of the amounts that would otherwise be certified 20
 under division (A) of this section. The amounts apportioned to the 21
 county shall equal the amounts certified under division (A) of 22
 this section times the percentage of the district's resident 23
 pupils who reside both in the district and in the county, based on 24
the average daily membership reported under division (A) of 25
section 3317.03 of the Revised Code in October of the prior fiscal 26
year." 27

In line 98920, after "3317.01," insert "3317.011," 28

In line 112403, after "3316.20," insert "3317.011," 29

In line 82 of the title, after "3317.01," insert "3317.011," 30

The motion was _____ agreed to.

SYNOPSIS

School Funding County Allocations 31

R.C. 3306.01 and 3317.011 32

Requires the Department of Education to certify to the 33
 Director of Budget and Management the amount of school district 34
 and educational service center operating funding by county on or 35
 before the last day of each month (instead of on or before the 36
 third Wednesday of each month as under current law and the bill). 37

Requires the Department's report to the Director for 38
 districts located in more than one county be apportioned on the 39
 basis of the average daily membership reported in October of the 40
 prior fiscal year. (Under current law and bill, the basis of this 41
 apportionment is not specified.) 42

1 128HB1-HC2407.docx/ss

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Sub. H.B. 1
LSC 128 0516-4
HC-2407

5 _____ moved to amend as follows:

6 In line 43253, reinsert "and of each educational service
7 center"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Average Daily Membership**

11 **R.C. 3317.03**

12 Reinserts current law requiring the superintendent of each
13 educational service center to report the average daily
14 membership of the schools under the superintendent's
15 supervision.

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5 _____ moved to amend as follows:

6 In line 32603, after "2010" insert ", as the sum is
7 adjusted under division (B)(1) of this section, if applicable"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **School District Transitional Aid**

11 **R.C. 3306.19**

12 Specifies that the base for a school district's
13 transitional aid payment for fiscal year 2011 includes any
14 adjustment that may have been made to the district's fiscal year
15 2010 adequacy amount and transportation payments due to the gain
16 cap prescribed by the bill for that fiscal year. (The bill
17 specifies that the sum of a district's payments for the adequacy
18 amount and student transportation for fiscal years 2010 and 2011
19 may not be greater than 1.9% of its base for that fiscal year.

2
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5 _____ moved to amend as follows:

6 In line 30746, after "used" insert "only"; delete "only"
7 and insert "or for either of the following purposes:

8 (1) The modification or purchase of classroom space to
9 provide all-day kindergarten as required by section 3321.05 of
10 the Revised Code, provided the district certifies its shortage
11 of space for providing all-day kindergarten to the department of
12 education, in a manner specified by the department;

13 (2) The modification or purchase of classroom space to
14 reduce class sizes in grades kindergarten through three to
15 attain the goal of fifteen students per core teacher, provided
16 the district certifies its need for additional classroom space
17 to the department, in a manner specified by the department"

18 The motion was _____ agreed to.

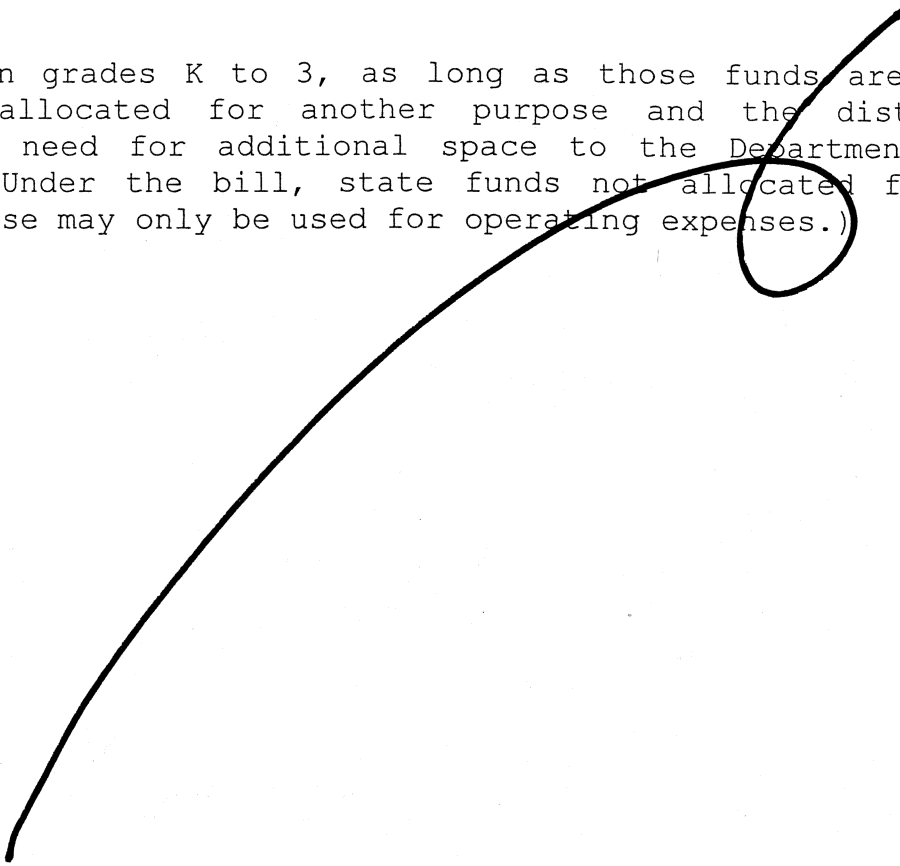
19 SYNOPSIS

20 **Use of State Education Funds**

21 **R.C. 3306.01(C)**

22 Allows school districts to use state funds provided under
23 the bill's school funding model for the modification or purchase
24 of classroom space to provide all-day kindergarten or to reduce

25 class sizes in grades K to 3, as long as those funds are not
26 specifically allocated for another purpose and the district
27 certifies its need for additional space to the Department of
28 Education. (Under the bill, state funds not allocated for a
29 specific purpose may only be used for operating expenses.)



5 _____ moved to amend as follows:

6 In line 21917, delete "who"

7 In line 21918, delete "are younger than eighteen years of
8 age"

9 In line 22049, after "grandchildren" insert "under eighteen
10 years of age"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Annual Deer and Wild Turkey Permits; Definition of**
14 **"Grandchildren" in Division of Wildlife and Hunting and Fishing**
15 **Laws**

16 **R.C. 1531.01 and 1533.11**

17 In the provision of the bill that requires a resident of
18 this state who owns land in this state and the owner's children
19 and grandchildren to procure a landowner deer or landowner wild
20 turkey permit free of charge in order to hunt deer or wild
21 turkeys on those lands, specifies that an owner's children and
22 grandchildren be younger than 18 years of age, and removes from
23 the provision in the bill that defines "grandchildren" for
24 purposes of the Division of Wildlife Law and the Hunting and
25 Fishing Law the specification that the grandchildren be younger
26 than 18 years of age.

5 _____ moved to amend as follows:

6 In line 490, after "149.308," insert "150.021,"

7 In line 10024, strike through "nine" and insert "three
8 voting"; after "members" insert ", one of whom shall be the
9 director of development or the director's designee, and two of
10 whom shall be appointed by the governor"; strike through "Seven
11 of the"

12 Strike through lines 10025 through 10046

13 In line 10047, strike through everything after "(C)"

14 Strike through line 10048

15 In line 10049, strike through everything before "The"

16 In line 10051, strike through "voting"

17 In line 10054, strike through everything after the period

18 Strike through lines 10055 and 10056

19 Between lines 10075 and 10076, insert:

20 "Sec. 150.021. (A) There is hereby created the Ohio
21 venture capital advisory board that, upon request of the Ohio

22 venture capital authority, shall provide general advice to the
23 authority on various issues relevant to the purpose of the Ohio
24 venture capital program as stated in section 150.01 of the
25 Revised Code, including, but not limited to, the following:

26 (1) Strategic planning, investment policy, and investment
27 prohibitions for programs that may be implemented by the
28 authority;

29 (2) Budget and investment targets, investment processes,
30 and other aspects of the professional management and
31 administration of programs implemented by the authority;

32 (3) Metrics and methods of measuring the progress and
33 impact of programs administered by the authority; and

34 (4) Qualifications and standards for evaluating the
35 performance of the program administrator and other professionals
36 and advisors that may be selected and retained to provide
37 services in connection with programs administered by the
38 authority.

39 (B) The authority shall not request, and the advisory
40 board shall not offer to the authority, advice about the
41 selection or retention of any specific professional service
42 provider, contractor, or other agent that has been or may be

43 retained by the authority, or about any specific investment that
44 may be considered or has been made by the program administrator.

45 (C) The advisory board shall be composed of seven members
46 who shall be appointed by the governor, with the advice and
47 consent of the senate, from among the general public. All
48 appointed members shall have experience with businesses in the
49 seed or early stages of development or investments in such
50 businesses. At least three members of the advisory board shall,
51 on account of their vocations, employment, or affiliations, have
52 experience investing in or managing investments in businesses in
53 the seed or early stages of development. At least two members
54 of the advisory board shall, on account of their vocations,
55 employment, or affiliations, have experience providing
56 professional services to individuals or funds investing in or
57 managing investments in businesses in the seed or early stages
58 of development or to businesses in the seed or early stages of
59 development with respect to the process of seeking and obtaining
60 such investments. The other members of the advisory board may,
61 on account of their vocations, employment, or affiliations, have
62 experience generally in investing in or managing investments in
63 businesses or providing professional services to entities whose
64 primary business is investing in or managing investments in

65 businesses or to businesses with respect to the process of
66 seeking and obtaining investment financing.

67 Initial gubernatorial appointees to the board shall serve
68 staggered terms, with two terms expiring on January 31, 2010,
69 two terms expiring on January 31, 2011, and three terms expiring
70 on January 31, 2012. Thereafter, terms of office for all
71 appointees shall be for three years, with each term ending on
72 the same day of the same month as did the term that it succeeds.
73 All members of the board shall serve at the pleasure of the
74 governor. A vacancy on the advisory board shall be filled in
75 the same manner as the original appointment, except that a
76 person appointed to fill a vacancy shall be appointed to the
77 remainder of the unexpired term. Any member of the advisory
78 board is eligible for reappointment.

79 (D) The governor shall designate a member of the advisory
80 board to serve as chairperson. A majority of all members of the
81 advisory board constitutes a quorum, and no recommendation shall
82 be made or advice given by the board without the affirmative
83 vote of a majority of the members.

84 (E) Members of the advisory board shall serve without
85 compensation, but shall receive their reasonable and necessary
86 expenses incurred in the conduct of board business. The

87 department of development shall provide office space and
88 facilities for the advisory board."

89 In line 218 of the title, after "149.308," insert
90 "150.021,"

91 The motion was _____ agreed to.

92 SYNOPSIS

93 **Venture Capital Authority and Advisory Board**

94 **R.C. 150.02 and 150.021**

95 Creates a new Ohio Venture Capital Authority composed of
96 three members appointed by the Governor (including the Director
97 of Development). The Authority would continue to perform an
98 essential state governmental function, and it and its members
99 would continue to be subject to laws applicable to state
100 agencies and public officials, including administrative
101 rulemaking and public records and open meetings laws to the
102 extent currently applicable.

103 Creates a new seven-member Ohio Venture Capital Advisory
104 Board to advise the Ohio Venture Capital Authority, and changes
105 the qualifications of its members. All members would be
106 appointed by the Governor with the advice and consent of the
107 Senate. (It is not clear whether the existing members of the
108 existing Authority would be appointees of the new Advisory
109 Board.)

5 _____ moved to amend as follows:

6 In line 3268, after the underlined period insert "Income
7 tax revenue" excludes amounts withheld before the day the
8 taxpayer becomes eligible for the credit."

9 In line 3277, after "revenue" insert "for the first such
10 taxable or calendar year of credit eligibility"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Job Creation Tax Credit**

14 **R.C. 122.17(A)**

15 Clarifies that a taxpayer's credit may be based only on
16 employee withholdings occurring on or after the day the taxpayer
17 becomes eligible for the credit.

5 _____ moved to amend as follows:

6 In line 89557, after "Code" insert ", any related proposed,
7 temporary or final regulations promulgated under the Internal
8 Revenue Code, any rules or guidance of the internal revenue
9 service or the United States department of the treasury, and any
10 related rules or guidance issued by the community development
11 financial institutions fund of the United States department of
12 the treasury"

13 In line 89561, delete "held" and insert "made"; after "in"
14 insert "projects located in"

15 In line 89563, delete "held" and insert "made"; after "in"
16 insert "projects located in"

17 In line 89593, after "property" insert ", except any
18 business that is a special purpose entity principally owned by a
19 principal user of that property formed solely for the purpose of
20 renting, either directly or indirectly, or selling real property
21 back to such principal user if such principal user does not
22 derive fifteen per cent or more of its gross annual revenue from
23 the rental or sale of real property"

24 In line 89595, delete "that" and insert ":

25 (a) That"

26 In line 89598, delete "and whose" and insert ";

27 (b) Whose"

28 In line 89599, after "includes" insert "any portion of";

29 after "state" insert ";

30 (c) That will designate an equity investment in such

31 entities as a qualified equity investment for purposes of both

32 section 45D of the Internal Revenue Code and this section"

33 In line 89607, delete "issuer" and insert "qualified

34 community development entity"

35 In line 89608, after "investments" insert ", provided that

36 in the seventh year after a qualified equity investment is made,

37 only seventy-five per cent of such cash purchase price must be

38 used by the qualified community development entity to make

39 qualified low-income community investments"

40 In line 89624, delete "an issuer" and insert "a qualified

41 community development entity"

42 In line 89625, delete "an issuer" and insert "a qualified

43 community development entity"

44 In line 89626, delete "the issuer" and insert ", at any

45 time before the seventh anniversary of the issuance of the

46 qualified equity investment, the qualified community development

47 entity"

48 In line 89627, after "or" insert "received or"; delete
49 "issuer" and insert "qualified community development entity"

50 In line 89628, after "realized" insert "and costs incurred
51 in the sale or repayment"

52 In line 89630, delete ", unless the investment is"

53 Delete line 89631

54 In line 89632, delete "qualified equity investment"

55 In line 89636, delete "issuer" and insert "qualified
56 community development entity"

57 In line 89638, delete "held" and insert "made"

58 In line 89641, after "business" insert "in this state";
59 delete "one million" and insert "two million five hundred sixty-
60 four thousand"

61 In line 89643, after "businesses" insert "in this state";
62 delete "directly or indirectly"

63 Delete lines 89664 through 89672

64 In line 89673, delete "(E)" and insert "(D)"

65 In line 89676, delete "issuer of a qualified equity
66 investment"

67 Delete lines 89677 and 89678

68 In line 89679, delete "of its issuance" and insert
69 "director of development determines that an investment for which
70 a tax credit is claimed under this section is not a qualified
71 equity investment or that the proceeds of an investment for

72 which a tax credit is claimed under this section are used to
73 make qualified low-income community investments other than in a
74 qualified active low-income community business"

75 In line 89683, delete "(F)" and insert "(E)"

76 In line 89697, delete "(F)" and insert "(E) The tax credits
77 authorized under this section and sections 5729.16 and 5733.58
78 of the Revised Code shall be administered by the department of
79 development."; after the underlined comma insert "in
80 consultation with the tax commissioner and the superintendent of
81 insurance,"

82 In line 89701, delete "(E)" and insert "(D)" in both places

83 In line 89703, delete "and"

84 In line 89704, after "claimants" insert ", and the amount
85 of any application or other fees to be charged in connection
86 with a recovery"; delete "The"

87 Delete lines 89705 through 89709 and insert:

88 "(F) There is hereby created in the state treasury the new
89 markets tax credit operating fund. The director of development
90 is authorized to charge reasonable application and other fees in
91 connection with the administration of tax credits authorized by
92 this section and sections 5729.16 and 5733.58 of the Revised
93 Code. Any such fees collected shall be credited to the fund.
94 The director of development shall use money in the fund to pay
95 expenses related to the administration of tax credits authorized

96 under sections 5725.33, 5729.16, and 5733.58 of the Revised
97 Code."

98 Delete lines 90124 through 90132

99 In line 90133, delete "(E)" and insert "(D)"

100 In line 90136, delete "issuer of a qualified equity
101 investment"

102 Delete lines 90137 and 90138

103 In line 90139, delete "of its issuance" and insert
104 "director of development determines that an investment for which
105 a tax credit is claimed under this section is not a qualified
106 equity investment or that the proceeds of an investment for
107 which a tax credit is claimed under this section are used to
108 make qualified low-income community investments other than in a
109 qualified active low-income community business"

110 Between lines 90820 and 90821 insert:

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

116 Delete lines 90830 through 90838

117 In line 90839, delete "(E)" and insert "(D)"

118 In line 90842, delete "issuer of a qualified equity
119 investment"

120 Delete lines 90843 and 90844

121 In line 90845, delete "of its issuance" and insert
122 "director of development determines that an investment for which
123 a tax credit is claimed under this section is not a qualified
124 equity investment or that the proceeds of an investment for
125 which a tax credit is claimed under this section are used to
126 make qualified low-income community investments other than in a
127 qualified active low-income community business"

128 In line 90856, delete "as prescribed by" and insert
129 "without regard to the limitations imposed under"

130 In line 90857, after "Code" insert "for the assessment of
131 taxes by the commissioner"

132 The motion was _____ agreed to.

133 SYNOPSIS

134 **New Markets Tax Credit: Administration**

135 **R.C. 5725.33, 5729.16, and 5733.58**

136 Increases from \$1 million to \$2,564,000 the amount of
137 investment in any one business that qualifies for the credit
138 (thereby increasing the credit amount to \$1 million).

139 Eliminates the requirement that the issuer of qualified
140 equity investments must certify to the Director of Development
141 the anticipated amount of qualified investments.

142 Designates the Director of Development as the administrator
143 of the credits and authorizes the Director to charge application
144 fees to defray expenses of administration.

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5 _____ moved to amend as follows:

6 In line 11207, after "shall" insert ", either directly or
7 indirectly,"

8 In line 11218, after the underlined period insert "The
9 director may enter into agreements with for-profit or non-
10 profit organizations in this state to originate and administer
11 loans made under the micro-lending program."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Micro-Lending Program for Eligible Small Businesses**

15 **R.C. 166.07**

16 Authorizes the Director of Development to enter into
17 agreements with for-profit and non-profit organizations to
18 originate and administer the loans made under the Micro-Lending
19 Program created by the bill.

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5 _____ moved to amend as follows:

6 In lines 100904 and 100910, subtract \$300,000 from each
7 fiscal year

8 In lines 100933 and 100937, add \$300,000 to each fiscal
9 year

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Video Service Regulation Funding**

13 **Section 241.10**

14 Decreases GSF Fund 1630 appropriation item 800620, Division
15 of Administration, by \$300,000 each fiscal year, from \$7,270,049
16 to \$6,970,049 in FY 2010 and from \$7,411,286 to \$7,111,286 in FY
17 2011.

18 Increases SSR Fund 5X60 appropriation item 800623, Video
19 Service, by \$300,000 each fiscal year, from \$34,476 each fiscal
20 year to \$334,476 each fiscal year.

5 _____ moved to amend as follows:

6 In lines 100931, 100937, and 100951, add \$285,000 to each
7 fiscal year

8 In line 101003, delete "shall" and insert "may"

9 In line 101006, delete "and" and insert a comma; after
10 "public" insert ", and the securities industry"

11 In line 101018, delete "\$200,000" and insert "\$485,000"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Division of Securities**

15 **Section 241.10**

16 Increases the maximum transfer of cash from the Division of
17 Securities Fund (Fund 5500) to the proposed Division of
18 Securities Investor Education and Enforcement Expense Fund (Fund
19 5GK0) from \$200,000 per fiscal year to \$485,000 per fiscal year.

20 Increases SSR Fund 5GK0 appropriation item 800609,
21 Securities Investor Education/Enforcement, by \$285,000 each
22 fiscal year, from \$200,000 each fiscal year to \$485,000 each
23 fiscal year.

24 Makes permissive a provision that had required the
25 Department of Commerce to use such sums as are necessary over

26 the biennium to support the development and implementation of
27 certain Division of Securities information technology solutions.

28 Requires the development and implementation of Division of
29 Securities information technology solutions to also better
30 protect the interests of the securities industry, in addition to
31 the interests of investors and the public, which are specified
32 in the current version of the bill.

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5 _____ moved to amend as follows:

6 In line 100983, delete "\$760,000" and insert "\$1,647,140"

7 In line 100984, delete everything after "departments"

8 Delete lines 100985 through 101000 and insert ", fire
9 departments that serve one or more small municipalities or small
10 townships, joint fire districts comprised of volunteer fire
11 departments that primarily serve small municipalities or small
12 townships, local units of government responsible for such fire
13 departments, and local units of government responsible for the
14 provision of fire protection services for small municipalities
15 or small townships.

16 The grants shall be used by recipients to purchase
17 firefighting or rescue equipment or gear, to provide full or
18 partial reimbursement for the documented costs of firefighter
19 training, or, at the discretion of the State Fire Marshal, to
20 cover fire department costs for providing fire protection
21 services in the fire department's jurisdiction.

22 Grant awards for firefighting or rescue equipment or gear
23 or for fire department costs of providing fire protection

24 services shall be up to \$15,000 per fiscal year, or up to
25 \$25,000 per fiscal year if an eligible entity serves a
26 jurisdiction in which the Governor declared a natural disaster
27 during the preceding or current fiscal year in which the grant
28 was awarded. In addition to any grant funds awarded for rescue
29 equipment or gear, or for fire department costs associated with
30 the provision of fire protection services, an eligible entity
31 may receive a grant for up to \$15,000 per fiscal year for full
32 or partial reimbursement of the documented costs of firefighter
33 training. For each fiscal year, the State Fire Marshal shall
34 determine the total amounts to be allocated for each eligible
35 purpose.

36 The grant program shall be administered by the State Fire
37 Marshal in accordance with rules the State Fire Marshal adopts
38 as part of the state fire code adopted pursuant to section
39 3737.82 of the Revised Code that are necessary for the
40 administration and operation of the grant program. The rules
41 may further define the entities eligible to receive grants and
42 establish criteria for the awarding and expenditure of grant
43 funds, including methods the State Fire Marshal may use to
44 verify the proper use of grant funds or to obtain reimbursement
45 for or the return of equipment for improperly used grant funds.
46 Any amounts in appropriation item 800639, Fire Department

47 Grants, in excess of the amount allocated for these grants may
48 be used for the administration of the grant program."

49 The motion was _____ agreed to.

50 SYNOPSIS

51 **Fire Department Grants**

52 **Section 241.10**

53 Makes changes to the Fire Department Grants program, which
54 include: (1) specifying that volunteer fire departments, fire
55 departments serving small municipalities or small townships,
56 joint fire districts comprised of volunteer fire departments
57 that primarily serve small municipalities or small townships,
58 and local units of government responsible for fire departments
59 or the provision of fire protection services for small
60 municipalities or small townships are all eligible for grant
61 funding; (2) adding of fire protection services as an eligible
62 use of grant funding, pursuant to the discretion of the State
63 Fire Marshal; (3) limiting grant awards to \$15,000 per fiscal
64 year for firefighting or rescue equipment or gear or for fire
65 protection services (unless the entity serves an area in which
66 the Governor declared a natural disaster, in which case grant
67 awards for those purposes are limited to \$25,000), and \$15,000
68 for full or partial reimbursement of the documented costs of
69 firefighter training (which could be in addition to grants
70 awarded for the other specified purposes); and (4) requiring the
71 State Fire Marshal to determine the total amounts to be
72 allocated for each eligible purpose.

5 _____ moved to amend as follows:

6 In line 32851, after the underlined period insert "In the
7 case of a district to which section 3306.31 of the Revised Code
8 applies, the plan shall include the deployment of funds for the
9 purposes described in divisions (B) and (D) of that section."

10 In line 32919, after "The" delete the balance of the line

11 Delete line 32920 and insert "items related to implementing
12 divisions (B) and (D) of this section included in the spending
13 plan of a district to which this section applies are"

14 In line 32923, delete "a" and insert "those items in the"

15 In line 32925, after "Modify" insert "the items related to
16 implementing divisions (B) and (D) of this section in"

17 In line 32930, after "modify" insert "the items related to
18 implementing divisions (B) and (D) of this section in"

19 The motion was _____ agreed to.

20 SYNOPSIS

21 **Closing the Achievement Gap Spending Plans**

22 R.C. 3306.30 and 3306.31

23 Specifies that only the items in a district's spending plan
24 (mandated by the bill) that relate to its closing-the-
25 achievement-gap activities (also mandated by the bill) are
26 subject to approval by the state Superintendent and the
27 Governor's Closing the Achievement Gap Initiative, instead of
28 the entire spending plan as under the bill, for any district
29 that has a three-year average graduation rate of 80% or less.

5 _____ moved to amend as follows:

6 In line 503, after "3313.821," insert "3313.822,"

7 In line 28046, delete "and" and insert an underlined comma;
8 after "3313.821" insert ", and 3313.822"

9 In line 28047, delete ", respectively"

10 Between lines 38002 and 38003, insert:

11 "Sec. 3313.822. As an alternative to appointing both a
12 business advisory council and a family and community engagement
13 team, the board of education of a school district, the governing
14 authority of a community school, and the governing body of a
15 STEM school may appoint one committee that functions as both. A
16 committee appointed under this section shall perform all
17 functions required of a business advisory council under section
18 3313.82 of the Revised Code and of a family and community
19 engagement team under section 3313.821 of the Revised Code.
20 Each board, governing authority, and governing body shall
21 determine the membership and organization of its committee,
22 provided the membership shall comply with the requirements of
23 division (B) of section 3313.821 of the Revised Code."

24 In line 39350, after "3313.821," insert "3313.822,"
25 In line 48574, after "3313.821," insert "3313.822,"
26 In line 236 of the title, after "3313.821," insert
27 "3313.822,"

28 The motion was _____ agreed to.

29 SYNOPSIS

30 **Business Advisory Council, Family and Community Engagement**
31 **Team**

32 **R.C. 3301.07, 3313.822, 3314.03, and 3326.11**

33 Permits school districts, community schools, and STEM
34 schools to appoint one committee that functions as both a
35 business advisory council and a family and community engagement
36 team.

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Sub. H.B. 1
LSC 128 0516-4
HC-2423

5 _____ moved to amend as follows:

6 Delete lines 105894 through 105906 and insert:

7 "As used in this section, "community behavioral health
8 boards" means boards of alcohol, drug addiction, and mental
9 health services, community mental health boards, and alcohol and
10 drug addiction services boards.

11 The Director of Job and Family Services shall seek federal
12 approval to establish a system under which community behavioral
13 health boards obtain federal financial participation for the
14 allowable administrative activities the boards perform in the
15 administration of the Medicaid program. The Director shall
16 implement the system on receipt of federal approval. The
17 Director shall work with the Directors of Alcohol and Drug
18 Addiction Services and Mental Health and representatives of
19 community behavioral health boards when implementing this
20 section."

21 The motion was _____ agreed to.

SYNOPSIS

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23

Federal Medicaid Match for ADMHS Boards

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Section 309.32.40

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Rewords the bill's provision regarding federal Medicaid matching funds for boards of alcohol, drug addiction, and mental health services.

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5 _____ moved to amend as follows:

6 In line 106163, after the period insert "Until that time,
7 the Department may adopt rules in accordance with section 111.15
8 of the Revised Code, as if they were internal management rules,
9 as necessary to carry out the purposes of this section."

10 The motion was _____ agreed to.

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SYNOPSIS

12

Alternative Response Pilot Program

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Section 309.45.10

14 Permits the Department of Job and Family Services to adopt
15 rules in accordance with section 111.15 of the Revised Code, as
16 if they were internal management rules, as necessary to carry
17 out the purposes of the Alternative Response Pilot Program.

Sub. H.B. 1
LSC 128 0516-4
HC-2425

_____ moved to amend as follows:

In line 460, after "5104.01," insert "5104.041," 1

Between lines 81891 and 81892, insert: 2

"Sec. 5104.041. (A) All type A and type B family day-care 3
homes shall procure and maintain one of the following: 4

(1) Liability insurance issued by an insurer authorized to do 5
business in this state under Chapter 3905. of the Revised Code 6
insuring the type A or type B family day-care home against 7
liability arising out of, or in connection with, the operation of 8
the family day-care home. Liability insurance procured under this 9
division shall cover any cause for which the type A or type B 10
family day-care home would be liable, in the amount of at least 11
one hundred thousand dollars per occurrence and three hundred 12
thousand dollars in the aggregate. 13

(2) ~~An affidavit~~ A written statement signed by the parent, 14
guardian, or custodian of each child receiving child care from the 15
type A or type B family day-care home that states all of the 16
following: 17

(a) The family day-care home does not carry liability 18
insurance described in division (A) (1) of this section; 19

(b) If the licensee of a type A family day-care home or the 20

provider of a type B family day-care home is not the owner of the 21
 real property where the family day-care home is located, the 22
 liability insurance, if any, of the owner of the real property may 23
 not provide for coverage of any liability arising out of, or in 24
 connection with, the operation of the family day-care home. 25

(B) If the licensee of a type A family day-care home or the 26
 provider of a type B family day-care home is not the owner of the 27
 real property where the family day-care home is located and the 28
 family day-care home procures liability insurance described in 29
 division (A)(1) of this section, that licensee or provider shall 30
 name the owner of the real property as an additional insured party 31
 on the liability insurance policy if all of the following apply: 32

(1) The owner of the real property requests the licensee or 34
 provider, in writing, to add the owner of the real property to the 35
 liability insurance policy as an additional insured party. 36

(2) The addition of the owner of the real property does not 37
 result in cancellation or nonrenewal of the insurance policy 38
 procured by the type A or type B family day-care home. 39

(3) The owner of the real property pays any additional 40
 premium assessed for coverage of the owner of the real property. 41

(C) Proof of insurance or ~~affidavit~~ written statement 42
 required under division (A) of this section shall be maintained at 43
 the type A or type B family day-care home and made available for 44
 review during inspection or investigation as required under this 45
 chapter. 46

(D) The director of job and family services shall adopt rules 47
 for the enforcement of this section." 48

In line 98990, after "5104.01," insert "5104.041," 49

In line 179 of the title, after "5104.01," insert "5104.041," 50

The motion was _____ agreed to.

SYNOPSIS

Liability Insurance for Type A and Type B Family Day-Care Homes	51
R.C. 5104.041	52
Requires the parent, guardian, or custodian of each child receiving child care from a type A or type B family day-care home that is not covered by liability insurance to sign a written statement, instead of an affidavit, provided by the licensee of the type A family day-care home or the provider of the type B family day-care home stating that the family day-care home does not carry liability insurance.	53
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5 _____ moved to amend as follows:

6 In line 58445, strike through "For" and insert:

7 "For"

8 In line 58446, after "hearing" insert "or investigation"

9 In line 58453, after "evidence" insert "for purposes of a
10 hearing or investigation"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Nurse Aide Registry**

14 **R.C. 3721.23**

15 Provides that the Director of Health may issue subpoenas in
16 the investigation of an allegation of abuse or neglect for
17 purposes of the nurse aide registry (rather than just for
18 hearings as specified in current law).

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Sub. H.B. 1
LSC 128 0516-4
HC-2429

5 _____ moved to amend as follows:

6 In line 104379, delete "\$5,870,000 \$5,825,000" and insert
7 "\$7,435,000 \$6,489,000"

8 In line 104389, delete "\$34,007,201 \$33,033,106" and
9 insert "\$35,572,201 \$33,697,106"

10 In line 104439, delete "\$206,640,378 \$208,758,171" and
11 insert "\$208,205,378 \$209,422,171"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Ohio Environmental Protection Agency Water Grants**

15 **Section 277.10**

16 Increases FSR appropriation item 715684, Water Quality
17 Protection, by \$1,565,000 in FY 2010 and \$664,000 in FY 2011.

5 _____ moved to amend as follows:

6 In line 106011, after "determination" insert ";

7 (g) A requirement that early learning programs licensed by
8 the Department of Education under sections 3301.52 to 3301.59 of
9 the Revised Code participate in the quality-rating program
10 established under section 5104.30 of the Revised Code"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Early Learning Initiative Quality-Rating Program**
14 **Participation**

15 **Section 309.40.60**

16 Requires early learning programs licensed by the Department
17 of Education under the Preschool Law to participate in the
18 quality-rating program established under the Child Care Law.

Sub. H.B. 1
LSC 128 0516-4
HC-2433

_____ moved to amend as follows:

In line 333, after "121.31," insert "121.37," 1

Between lines 2437 and 2438, insert: 2

"Sec. 121.37. (A) (1) There is hereby created the Ohio family 3
and children first cabinet council. The council shall be composed 4
of the superintendent of public instruction and the directors of 5
youth services, job and family services, mental health, health, 6
alcohol and drug addiction services, mental retardation and 7
developmental disabilities, aging, rehabilitation and correction, 8
and budget and management. The chairperson of the council shall be 9
the governor or the governor's designee and shall establish 10
procedures for the council's internal control and management. 11

The purpose of the cabinet council is to help families 12
seeking government services. This section shall not be interpreted 13
or applied to usurp the role of parents, but solely to streamline 14
and coordinate existing government services for families seeking 15
assistance for their children. 16

(2) In seeking to fulfill its purpose, the council may do any 17
of the following: 18

(a) Advise and make recommendations to the governor and 19
general assembly regarding the provision of services to children; 20

- (b) Advise and assess local governments on the coordination of service delivery to children; 21
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- (c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law; 23
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- (d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system; 27
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- (e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 30
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- (f) Enter into contracts with and apply for grants from federal agencies or private organizations; 35
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- (g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 37
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- (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 42
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- (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 46
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- (j) Identify and disseminate publications regarding alleged 50

or adjudicated unruly children and children who are at risk of
 being alleged or adjudicated unruly children and regarding
 programs serving those types of children;

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(k) Maintain an inventory of strategic planning facilitators
 for use by government or nonprofit entities that serve alleged or
 adjudicated unruly children or children who are at risk of being
 alleged or adjudicated unruly children.

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(3) The cabinet council shall provide for the following:

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(a) Reviews of service and treatment plans for children for
 which such reviews are requested;

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(b) Assistance as the council determines to be necessary to
 meet the needs of children referred by county family and children
 first councils;

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(c) Monitoring and supervision of a statewide, comprehensive,
 coordinated, multi-disciplinary, interagency system for infants
 and toddlers with developmental disabilities or delays and their
 families, as established pursuant to federal grants received and
 administered by the department of health for early intervention
 services under the "Individuals with Disabilities Education Act of
 2004," 20 U.S.C.A. 1400, as amended.

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(4) The cabinet council shall develop and implement the
 following:

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(a) An interagency process to select the indicators that will
 be used to measure progress toward increasing child well-being in
 the state and to update the indicators on an annual basis. The
 indicators shall focus on expectant parents and newborns thriving;
 infants and toddlers thriving; children being ready for school;
 children and youth succeeding in school; youth choosing healthy
 behaviors; and youth successfully transitioning into adulthood.

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(b) An interagency system to offer guidance and monitor

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progress toward increasing child well-being in the state and in each county;

(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state.

On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request.

(B) (1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals:

(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.

(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.

(c) The health commissioner, or the commissioner's designee,

of the board of health of each city and general health district in	111
the county. If the county has two or more health districts, the	112
health commissioner membership may be limited to the commissioners	113
of the two districts with the largest populations.	114
(d) The director of the county department of job and family	115
services;	116
(e) The executive director of the public children services	117
agency;	118
(f) The superintendent of the county board of mental	119
retardation and developmental disabilities;	120
(g) The superintendent of the city, exempted village, or	121
local school district with the largest number of pupils residing	122
in the county, as determined by the department of education, which	123
shall notify each board of county commissioners of its	124
determination at least biennially;	125
(h) A school superintendent representing all other school	126
districts with territory in the county, as designated at a	127
biennial meeting of the superintendents of those districts;	128
(i) A representative of the municipal corporation with the	129
largest population in the county;	130
(j) The president of the board of county commissioners or an	131
individual designated by the board;	132
(k) A representative of the regional office of the department	133
of youth services;	134
(l) A representative of the county's head start agencies, as	135
defined in section 3301.32 of the Revised Code;	136
(m) A representative of the county's early intervention	137
collaborative established pursuant to the federal early	138
intervention program operated under the "Individuals with	139

Disabilities Education Act of 2004"; 140

(n) A representative of a local nonprofit entity that funds, 141
advocates, or provides services to children and families. 142

Notwithstanding any other provision of law, the public 143
members of a county council are not prohibited from serving on the 144
council and making decisions regarding the duties of the council, 145
including those involving the funding of joint projects and those 146
outlined in the county's service coordination mechanism 147
implemented pursuant to division (C) of this section. 148

The cabinet council shall establish a state appeals process 149
to resolve disputes among the members of a county council 150
concerning whether reasonable responsibilities as members are 151
being shared. The appeals process may be accessed only by a 152
majority vote of the council members who are required to serve on 153
the council. Upon appeal, the cabinet council may order that state 154
funds for services to children and families be redirected to a 155
county's board of county commissioners. 156

The county's juvenile court judge senior in service or 157
another judge of the juvenile court designated by the 158
administrative judge or, where there is no administrative judge, 159
by the judge senior in service shall serve as the judicial advisor 160
to the county family and children first council. The judge may 161
advise the county council on the court's utilization of resources, 162
services, or programs provided by the entities represented by the 163
members of the county council and how those resources, services, 164
or programs assist the court in its administration of justice. 165
Service of a judge as a judicial advisor pursuant to this section 166
is a judicial function. 167

(2) The purpose of the county council is to streamline and 168
coordinate existing government services for families seeking 169
services for their children. In seeking to fulfill its purpose, a 170

county council shall provide for the following:	171
(a) Referrals to the cabinet council of those children for whom the county council cannot provide adequate services;	172 173
(b) Development and implementation of a process that annually evaluates and prioritizes services, fills service gaps where possible, and invents new approaches to achieve better results for families and children;	174 175 176 177
(c) Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004";	178 179 180 181 182 183 184
(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;	185 186 187
(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.	188 189 190
(3) A county council shall develop and implement the following:	191 192
(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;	193 194 195
(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth	196 197 198 199 200

successfully transitioning into adulthood and take into account 201
the indicators established by the cabinet council under division 202
(A) (4) (a) of this section. 203

(c) An annual plan that identifies the county's interagency 204
efforts to increase child well-being in the county. 205

On an annual basis, the county council shall submit a report 206
on the status of efforts by the county to increase child 207
well-being in the county to the county's board of county 208
commissioners and the cabinet council. This report shall be made 209
available to any other person on request. 210

(4) (a) Except as provided in division (B) (4) (b) of this 211
section, a county council shall comply with the policies, 212
procedures, and activities prescribed by the rules or interagency 213
agreements of a state department participating on the cabinet 214
council whenever the county council performs a function subject to 215
those rules or agreements. 216

(b) On application of a county council, the cabinet council 217
may grant an exemption from any rules or interagency agreements of 218
a state department participating on the council if an exemption is 219
necessary for the council to implement an alternative program or 220
approach for service delivery to families and children. The 221
application shall describe the proposed program or approach and 222
specify the rules or interagency agreements from which an 223
exemption is necessary. The cabinet council shall approve or 224
disapprove the application in accordance with standards and 225
procedures it shall adopt. If an application is approved, the 226
exemption is effective only while the program or approach is being 227
implemented, including a reasonable period during which the 228
program or approach is being evaluated for effectiveness. 229

(5) (a) Each county council shall designate an administrative 230
agent for the council from among the following public entities: 231

the board of alcohol, drug addiction, and mental health services, 232
including a board of alcohol and drug addiction or a community 233
mental health board if the county is served by separate boards; 234
the board of county commissioners; any board of health of the 235
county's city and general health districts; the county department 236
of job and family services; the county agency responsible for the 237
administration of children services pursuant to section 5153.15 of 238
the Revised Code; the county board of mental retardation and 239
developmental disabilities; any of the county's boards of 240
education or governing boards of educational service centers; or 241
the county's juvenile court. Any of the foregoing public entities, 242
other than the board of county commissioners, may decline to serve 243
as the council's administrative agent. 244

A county council's administrative agent shall serve as the 245
council's appointing authority for any employees of the council. 246
The council shall file an annual budget with its administrative 247
agent, with copies filed with the county auditor and with the 248
board of county commissioners, unless the board is serving as the 249
council's administrative agent. The council's administrative agent 250
shall ensure that all expenditures are handled in accordance with 251
policies, procedures, and activities prescribed by state 252
departments in rules or interagency agreements that are applicable 253
to the council's functions. 254

The administrative agent of a county council shall send 255
notice of a member's absence if a member listed in division (B)(1) 256
of this section has been absent from either three consecutive 257
meetings of the county council or a county council subcommittee, 258
or from one-quarter of such meetings in a calendar year, whichever 259
is less. The notice shall be sent to the board of county 260
commissioners that establishes the county council and, for the 261
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 262

section, to the governing board overseeing the respective entity; 263
 for the member listed in division (B) (1) (f) of this section, to 264
 the county board of mental retardation and developmental 265
 disabilities that employs the superintendent; for a member listed 266
 in division (B) (1) (g) or (h) of this section, to the school board 267
 that employs the superintendent; for the member listed in division 268
 (B) (1) (i) of this section, to the mayor of the municipal 269
 corporation; for the member listed in division (B) (1) (k) of this 270
 section, to the director of youth services; and for the member 271
 listed in division (B) (1) (n), to that member's board of trustees. 272

The administrative agent for a county council may do any of 273
 the following on behalf of the council: 274

(i) Enter into agreements or administer contracts with public 275
 or private entities to fulfill specific council business. Such 276
 agreements and contracts are exempt from the competitive bidding 277
 requirements of section 307.86 of the Revised Code if they have 278
 been approved by the county council and they are for the purchase 279
 of family and child welfare or child protection services or other 280
 social or job and family services for families and children. The 281
 approval of the county council is not required to exempt 282
 agreements or contracts entered into under section 5139.34, 283
 5139.41, or 5139.43 of the Revised Code from the competitive 284
 bidding requirements of section 307.86 of the Revised Code. 285

(ii) As determined by the council, provide financial 286
 stipends, reimbursements, or both, to family representatives for 287
 expenses related to council activity; 288

(iii) Receive by gift, grant, devise, or bequest any moneys, 289
 lands, or other property for the purposes for which the council is 290
 established. The agent shall hold, apply, and dispose of the 291
 moneys, lands, or other property according to the terms of the 292
 gift, grant, devise, or bequest. Any interest or earnings shall be 293

treated in the same manner and are subject to the same terms as 294
the gift, grant, devise, or bequest from which it accrues. 295

(b) (i) If the county council designates the board of county 296
commissioners as its administrative agent, the board may, by 297
resolution, delegate any of its powers and duties as 298
administrative agent to an executive committee the board 299
establishes from the membership of the county council. The board 300
shall name to the executive committee at least the individuals 301
described in divisions (B) (1) (b) to (h) of this section and may 302
appoint the president of the board or another individual as the 303
chair of the executive committee. The executive committee must 304
include at least one family county council representative who does 305
not have a family member employed by an agency represented on the 306
council. 307

(ii) The executive committee may, with the approval of the 308
board, hire an executive director to assist the county council in 309
administering its powers and duties. The executive director shall 310
serve in the unclassified civil service at the pleasure of the 311
executive committee. The executive director may, with the approval 312
of the executive committee, hire other employees as necessary to 313
properly conduct the county council's business. 314

(iii) The board may require the executive committee to submit 315
an annual budget to the board for approval and may amend or repeal 316
the resolution that delegated to the executive committee its 317
authority as the county council's administrative agent. 318

(6) Two or more county councils may enter into an agreement 319
to administer their county councils jointly by creating a regional 320
family and children first council. A regional council possesses 321
the same duties and authority possessed by a county council, 322
except that the duties and authority apply regionally rather than 323
to individual counties. Prior to entering into an agreement to 324

create a regional council, the members of each county council to
 be part of the regional council shall meet to determine whether
 all or part of the members of each county council will serve as
 members of the regional council.

(7) A board of county commissioners may approve a resolution
 by a majority vote of the board's members that requires the county
 council to submit a statement to the board each time the council
 proposes to enter into an agreement, adopt a plan, or make a
 decision, other than a decision pursuant to section 121.38 of the
 Revised Code, that requires the expenditure of funds for two or
 more families. The statement shall describe the proposed
 agreement, plan, or decision.

Not later than fifteen days after the board receives the
 statement, it shall, by resolution approved by a majority of its
 members, approve or disapprove the agreement, plan, or decision.
 Failure of the board to pass a resolution during that time period
 shall be considered approval of the agreement, plan, or decision.

An agreement, plan, or decision for which a statement is
 required to be submitted to the board shall be implemented only if
 it is approved by the board.

(C) Each county shall develop a county service coordination
 mechanism. The county service coordination mechanism shall serve
 as the guiding document for coordination of services in the
 county. For children who also receive services under the help me
 grow program, the service coordination mechanism shall be
 consistent with rules adopted by the department of health under
 section 3701.61 of the Revised Code. All family service
 coordination plans shall be developed in accordance with the
 county service coordination mechanism. The mechanism shall be
 developed and approved with the participation of the county
 entities representing child welfare; mental retardation and

developmental disabilities; alcohol, drug addiction, and mental 356
health services; health; juvenile judges; education; the county 357
family and children first council; and the county early 358
intervention collaborative established pursuant to the federal 359
early intervention program operated under the "Individuals with 360
Disabilities Education Act of 2004." The county shall establish an 361
implementation schedule for the mechanism. The cabinet council may 362
monitor the implementation and administration of each county's 363
service coordination mechanism. 364

Each mechanism shall include all of the following: 365

(1) A procedure for an agency, including a juvenile court, or 366
a family voluntarily seeking service coordination, to refer the 367
child and family to the county council for service coordination in 368
accordance with the mechanism; 369

(2) A procedure ensuring that a family and all appropriate 370
staff from involved agencies, including a representative from the 371
appropriate school district, are notified of and invited to 372
participate in all family service coordination plan meetings; 373

(3) A procedure that permits a family to initiate a meeting 374
to develop or review the family's service coordination plan and 375
allows the family to invite a family advocate, mentor, or support 376
person of the family's choice to participate in any such meeting; 377

(4) A procedure for ensuring that a family service 378
coordination plan meeting is conducted for each child who receives 379
service coordination under the mechanism and for whom an emergency 380
out-of-home placement has been made or for whom a nonemergency 381
out-of-home placement is being considered. The meeting shall be 382
conducted within ten days of an emergency out-of-home placement. 383
The meeting shall be conducted before a nonemergency out-of-home 384
placement. The family service coordination plan shall outline how 385
the county council members will jointly pay for services, where 386

applicable, and provide services in the least restrictive environment. 387
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(5) A procedure for monitoring the progress and tracking the outcomes of each service coordination plan requested in the county including monitoring and tracking children in out-of-home placements to assure continued progress, appropriateness of placement, and continuity of care after discharge from placement with appropriate arrangements for housing, treatment, and education. 389
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(6) A procedure for protecting the confidentiality of all personal family information disclosed during service coordination meetings or contained in the comprehensive family service coordination plan. 396
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(7) A procedure for assessing the needs and strengths of any child or family that has been referred to the council for service coordination, including a child whose parent or custodian is voluntarily seeking services, and for ensuring that parents and custodians are afforded the opportunity to participate; 400
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(8) A procedure for development of a family service coordination plan described in division (D) of this section; 405
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(9) A local dispute resolution process to serve as the process that must be used first to resolve disputes among the agencies represented on the county council concerning the provision of services to children, including children who are abused, neglected, dependent, unruly, alleged unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services. The local dispute resolution process shall comply with sections 121.38, 121.381, and 121.382 of the Revised Code. The local dispute resolution process shall be used to resolve disputes between a child's parents or custodians and the 407
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county council regarding service coordination. The county council shall inform the parents or custodians of their right to use the dispute resolution process. Parents or custodians shall use existing local agency grievance procedures to address disputes not involving service coordination. The dispute resolution process is in addition to and does not replace other rights or procedures that parents or custodians may have under other sections of the Revised Code.

The cabinet council shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an administrative review process to address problems that arise concerning the operation of a local dispute resolution process.

Nothing in division (C) (4) of this section shall be interpreted as overriding or affecting decisions of a juvenile court regarding an out-of-home placement, long-term placement, or emergency out-of-home placement.

(D) Each county shall develop a family service coordination plan that does all of the following:

(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services;

(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;

(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as

the family's culture, race, and ethnic group, by allowing the
family to offer information and suggestions and participate in
decisions. Identified assistance and services shall be provided in
the least restrictive environment possible.

(4) Includes a process for dealing with a child who is
alleged to be an unruly child. The process shall include methods
to divert the child from the juvenile court system;

(5) Includes timelines for completion of goals specified in
the plan with regular reviews scheduled to monitor progress toward
those goals;

(6) Includes a plan for dealing with short-term crisis
situations and safety concerns.

(E) (1) The process provided for under division (D) (4) of this
section may include, but is not limited to, the following:

(a) Designation of the person or agency to conduct the
assessment of the child and the child's family as described in
division (C) (7) of this section and designation of the instrument
or instruments to be used to conduct the assessment;

(b) An emphasis on the personal responsibilities of the child
and the parental responsibilities of the parents, guardian, or
custodian of the child;

(c) Involvement of local law enforcement agencies and
officials.

(2) The method to divert a child from the juvenile court
system that must be included in the service coordination process
may include, but is not limited to, the following:

(a) The preparation of a complaint under section 2151.27 of
the Revised Code alleging that the child is an unruly child and
notifying the child and the parents, guardian, or custodian that

the complaint has been prepared to encourage the child and the
 parents, guardian, or custodian to comply with other methods to
 divert the child from the juvenile court system;

(b) Conducting a meeting with the child, the parents,
 guardian, or custodian, and other interested parties to determine
 the appropriate methods to divert the child from the juvenile
 court system;

(c) A method to provide to the child and the child's family a
 short-term respite from a short-term crisis situation involving a
 confrontation between the child and the parents, guardian, or
 custodian;

(d) A program to provide a mentor to the child or the
 parents, guardian, or custodian;

(e) A program to provide parenting education to the parents,
 guardian, or custodian;

(f) An alternative school program for children who are truant
 from school, repeatedly disruptive in school, or suspended or
 expelled from school;

(g) Other appropriate measures, including, but not limited
 to, any alternative methods to divert a child from the juvenile
 court system that are identified by the Ohio family and children
 first cabinet council.

(F) Each county may review and revise the service
 coordination process described in division (D) of this section
 based on the availability of funds under Title IV-A of the "Social
 Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended,
 or to the extent resources are available from any other federal,
 state, or local funds."

In line 98862, after "121.31," insert "121.37,"

Between lines 112513 and 112514, insert:	506
" Section 121.37 of the Revised Code as amended by both Sub. H.B. 289 and Am. Sub. H.B. 530 of the 126th General Assembly."	507 508
In line 3 of the title, after "121.31," insert "121.37,"	509

The motion was _____ agreed to.

SYNOPSIS

Ohio Family and Children First Cabinet Council	510
R.C. 121.37	511
Adds as members of the Ohio Family and Children First Cabinet Council the Directors of Aging and Rehabilitation and Correction.	512 513

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5 _____ moved to amend as follows:

6 In line 57430, reinsert "or"; delete the underlined comma

7 In line 57431, delete "or the environmental"

8 In line 57432, delete "protection fund,"

9 The motion was _____ agreed to.

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SYNOPSIS

11 **Corrective Amendment Regarding Construction and Demolition**
12 **Debris Disposal Fees**

13 **R.C. 3714.073**

14 Eliminates an incorrect reference to the Environmental
15 Protection Fund in the law pertaining to construction and
16 demolition debris disposal fees.

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Sub. H.B. 1
LSC 128 0516-4
HC-2436

5 _____ moved to amend as follows:

6 In line 111925, after "HEALTH" insert "ELEVATION AND
7 ADMINISTRATION"

8 In line 111942, after "Health" insert "Elevation and
9 Administration"

10 In line 111968, after "Health" insert "Elevation and
11 Administration"

12 In line 111990, after "Health" insert "Elevation and
13 Administration"

14 In line 111996, after "Health" insert "Elevation and
15 Administration"

16 In line 111997, after "the" insert "statewide"; after
17 "administration" insert "and management"

18 In line 112002, delete "changes to"; after "the" insert
19 "uniform and statewide"; after "administration" insert "and
20 management"

21 In line 112003, delete "that are to"

22 In line 112004, delete "be applied uniformly throughout the
23 state and"

24 In line 112009, after "services" insert "and related
25 management functions"

26 In line 112015, delete "both" and insert "all"

27 In line 112017, delete "and the" and insert ";"

28 (b) The"; delete "such" and insert "Medicaid"; after
29 "claims" insert "for community behavioral health services"

30 In line 112018, delete "(b)" and insert "(c)"

31 In line 112022, delete "plan included in the report" and
32 insert "statewide administration and management of the Medicaid-
33 covered community behavioral health services"

34 In line 112026, after "Health" insert "Elevation and
35 Administration"

36 In line 112031, after "administration" insert "and
37 management"

38 In line 112032, delete "throughout the state" and insert ",
39 statewide,"

40 In line 112036, delete "plan" and insert "recommendations"

41 In line 112037, after "Health" insert "Elevation and
42 Administration"

43 In line 112043, after "to" insert "enactment or adoption
44 of"

45 The motion was agreed to.

SYNOPSIS

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47 Medicaid Community Behavioral Health Elevation and
48 Administration Advisory Group

49 Section 751.10

50 Changes the name of the Medicaid Community Behavioral
51 Health Advisory Group, which the bill creates, to the Medicaid
52 Community Behavioral Health Elevation and Administration
53 Advisory Group.

54 Provides that the Advisory Group is to study the statewide
55 administration and management (rather than only the
56 administration) of Medicaid-covered community behavioral health
57 services.

Sub. H.B. 1
LSC 128 0516-4
HC-2437

_____ moved to amend as follows:

In line 338, after "126.21," insert "126.35," 1

In line 344, after "323.156," insert "329.03," 2

Between lines 8313 and 8314, insert: 3

"Sec. 126.35. (A) The director of budget and management shall 4
draw warrants against the treasurer of state pursuant to all 5
requests for payment that the director has approved under section 6
126.07 of the Revised Code. 7

(B) ~~Unless the director of job and family services has 8~~
~~provided for the making of payments a cash assistance payment is 9~~
to be made by electronic benefit transfer, if a financial 10
~~institution and account have been designated by the participant or 11~~
~~recipient,~~ payment by the director of budget and management to a 12
participant in the Ohio works first program pursuant to Chapter 13
5107. of the Revised Code ~~or~~ a recipient of disability financial 14
assistance pursuant to Chapter 5115. of the Revised Code, or a 15
recipient of cash assistance provided under the refugee assistance 16
program established under section 5101.49 of the Revised Code 17
shall be made by direct deposit to the account of the participant 18
or recipient in the financial institution designated under section 19
329.03 of the Revised Code. Payment by the director of budget and 20

management to a recipient of benefits distributed through the 21
medium of electronic benefit transfer pursuant to section 5101.33 22
of the Revised Code shall be by electronic benefit transfer. 23
Payment by the director of budget and management as compensation 24
to an employee of the state who has, pursuant to section 124.151 25
of the Revised Code, designated a financial institution and 26
account for the direct deposit of such payments shall be made by 27
direct deposit to the account of the employee. Payment to any 28
other payee who has designated a financial institution and account 29
for the direct deposit of such payment may be made by direct 30
deposit to the account of the payee in the financial institution 31
as provided in section 9.37 of the Revised Code. Accounts 32
maintained by the director of budget and management or the 33
director's agent in a financial institution for the purpose of 34
effectuating payment by direct deposit or electronic benefit 35
transfer shall be maintained in accordance with section 135.18 of 36
the Revised Code. 37

(C) All other payments from the state treasury shall be made 38
by paper warrants or by direct deposit payable to the respective 39
payees. The director of budget and management may mail the paper 40
warrants to the respective payees or distribute them through other 41
state agencies, whichever the director determines to be the better 42
procedure. 43

(D) If the average per transaction cost the director of 44
budget and management incurs in making direct deposits for a state 45
agency exceeds the average per transaction cost the director 46
incurs in drawing paper warrants for all public offices during the 47
same period of time, the director may certify the difference in 48
cost and the number of direct deposits for the agency to the 49
director of administrative services. The director of 50
administrative services shall reimburse the director of budget and 51
management for such additional costs and add the amount to the 52

processing charge assessed upon the state agency." 53

Between lines 13414 and 13415, insert: 54

"Sec. 329.03. (A) As used in this section: 55

~~(1) "Applicant", "applicant" or "recipient" means an any of~~ 56
the following: 57

(1) An applicant for or participant in the Ohio works first 58
program established under Chapter 5107. of the Revised Code ~~or an~~ 59

(2) An applicant for or recipient of disability financial 60
assistance under Chapter 5115. of the Revised Code; 61

(3) An applicant for or recipient of cash assistance provided 62
under the refugee assistance program established under section 63
5101.49 of the Revised Code. 64

~~(2) "Voluntary direct deposit" means a system established~~ 65
~~pursuant to this section under which cash assistance payments to~~ 66
~~recipients who agree to direct deposit are made by direct deposit~~ 67
~~by electronic transfer to an account in a financial institution~~ 68
~~designated under this section.~~ 69

~~(3) "Mandatory direct deposit" means a system established~~ 70
~~pursuant to this section under which cash assistance payments to~~ 71
~~all participants in the Ohio works first program or recipients of~~ 72
~~disability financial assistance, other than those exempt under~~ 73
~~division (E) of this section, are made by direct deposit by~~ 74
~~electronic transfer to an account in a financial institution~~ 75
~~designated under this section.~~ 76

~~(B) A board of county commissioners may by adoption of a~~ 77
~~resolution require the county department of job and family~~ 78
~~services to establish a direct deposit system for distributing~~ 79
~~cash assistance payments under Ohio works first, disability~~ 80
~~financial assistance, or both, unless the director of job and~~ 81

~~family services has provided for those payments to be made by 82
electronic benefit transfer pursuant to section 5101.33 of the 83
Revised Code. Voluntary or mandatory direct deposit may be applied 84
to either of the programs. The resolution shall specify for each 85
program for which direct deposit is to be established whether 86
direct deposit is voluntary or mandatory. The board may require 87
the department to change or terminate direct deposit by adopting a 88
resolution to change or terminate it. Within ninety days after 89
adopting a resolution under this division, the board shall certify 90
one copy of the resolution to the director of job and family 91
services and one copy to the office of budget and management. The 92
director of job and family services may adopt rules governing 93
establishment of direct deposit by county departments of job and 94
family services. 95~~

~~The county department of job and family services shall 96
determine what type of account will be used for direct deposit and 97
negotiate with financial institutions to determine the charges, if 98
any, to be imposed by a financial institution for establishing and 99
maintaining such accounts. Under voluntary direct deposit, the 100
county department of job and family services may pay all charges 101
imposed by a financial institution for establishing and 102
maintaining an account in which direct deposits are made for a 103
recipient. Under mandatory direct deposit, the county department 104
of job and family services shall pay all charges imposed by a 105
financial institution for establishing and maintaining such an 106
account Each county department of job and family services shall 107
establish a direct deposit system under which cash assistance 108
payments to recipients who agree to direct deposit are made by 109
electronic transfer to an account in a financial institution 110
designated under this section. No financial institution shall 111
impose any charge for such an account that the institution does 112
not impose on its other customers for the same type of account. 113~~

Direct deposit does not affect the exemption of Ohio works first 114
 and disability financial assistance from attachment, garnishment, 115
 or other like process afforded by sections 5107.75 and 5115.06 of 116
 the Revised Code. 117

(C) ~~The Each~~ county department of job and family services 118
 shall, ~~within sixty days after a resolution requiring the~~ 119
~~establishment of direct deposit is adopted, establish procedures~~ 120
~~governing direct deposit.~~ 121

~~Within one hundred eighty days after the resolution is~~ 122
~~adopted, the county department shall~~ do all of the following: 123

(1) Inform each applicant or recipient that the applicant or 124
recipient must choose whether to receive cash assistance payments 125
under the direct deposit system established under this section or 126
under the electronic benefit transfer system established under 127
section 5101.33 of the Revised Code; 128

(2) Inform each applicant and recipient of the conditions 129
under which the applicant or recipient may change the system used 130
to receive the cash assistance payments; 131

(3) Inform each applicant or recipient of the procedures 132
 governing the direct deposit, ~~including in the case of voluntary~~ 133
~~direct deposit those that prescribe the conditions under which a~~ 134
~~recipient may change from one method of payment to another system;~~ 135

~~(2) Obtain~~ (4) If an applicant or recipient chooses to 136
receive cash assistance payments under the direct deposit system, 137
obtain from each the applicant or recipient an authorization form 138
 to designate a financial institution equipped for and authorized 139
 by law to accept direct deposits by electronic transfer and the 140
 account into which the applicant or recipient wishes the payments 141
 to be made, ~~or in the case of voluntary direct deposit states the~~ 142
~~applicant's or recipient's election to receive such payments in~~ 143
~~the form of a paper warrant;~~ 144

(5) If an applicant or recipient chooses to receive cash assistance payments under the electronic benefit transfer system established under section 5101.33 of the Revised Code, obtain from the applicant or recipient a signed form to that effect. 145
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The department may require a recipient to complete a new authorization form whenever the department considers it necessary. 149
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A recipient's designation of a financial institution and account shall remain in effect until withdrawn in writing or dishonored by the financial institution, except that no change may be made in the authorization form until the next eligibility redetermination of the recipient unless the county department feels determines that good ~~grounds exist~~ cause exists for an earlier change or the financial institution dishonors the recipient's account. 151
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(D) An applicant or recipient without an account who ~~either agrees or is required~~ completes an authorization form to receive cash assistance payments by direct deposit shall have ten days after receiving the authorization form to designate an account suitable for direct deposit. If within the required time the applicant or recipient does not make the designation ~~or requests~~ that the department ~~make the designation~~, the ~~department~~ recipient shall ~~designate a financial institution and help the recipient to open an account~~ receive cash assistance payments under the electronic benefit transfer system established under section 5101.33 of the Revised Code. 159
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(E) ~~At the time of giving an applicant or recipient the authorization form, the county department of job and family services of a county with mandatory direct deposit shall inform each applicant or recipient of the basis for exemption and the right to request exemption from direct deposit.~~ 170
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~~Under mandatory direct deposit, an applicant or recipient who~~ 175

~~wishes to receive payments in the form of a paper warrant shall~~ 176
~~record on the authorization form a request for exemption under~~ 177
~~this division and the basis for the exemption.~~ 178

~~The department shall exempt from mandatory direct deposit any~~ 179
~~recipient who requests exemption and is any of the following:~~ 180

~~(1) Over age sixty five;~~ 181

~~(2) Blind or disabled;~~ 182

~~(3) Likely, in the judgment of the department, to be caused~~ 183
~~personal hardship by direct deposit.~~ 184

~~A recipient granted an exemption under this division shall~~ 185
~~receive payments for which the recipient is eligible in the form~~ 186
~~of paper warrants.~~ 187

~~(F) The county department of job and family services shall~~ 188
~~bear the full cost of the amount of any replacement warrant issued~~ 189
~~to a recipient for whom an authorization form as provided in this~~ 190
~~section has not been obtained within one hundred eighty days after~~ 191
~~the later of the date the board of county commissioners adopts a~~ 192
~~resolution requiring payments of financial assistance by direct~~ 193
~~deposit to accounts of recipients of Ohio works first or~~ 194
~~disability financial assistance or the date the recipient made~~ 195
~~application for assistance, and shall not be reimbursed by the~~ 196
~~state for any part of the cost. Thereafter, the county department~~ 197
~~of job and family services shall continue to bear the full cost of~~ 198
~~each replacement warrant issued until the board of county~~ 199
~~commissioners requires the county department of job and family~~ 200
~~services to obtain from each such recipient the authorization~~ 201
~~forms as provided in The director of job and family services may~~ 202
~~adopt rules governing direct deposit systems established under~~ 203
~~this section."~~ 204

In line 98868, after "126.21," insert "126.35," 205

In line 98874, after "323.156," insert "329.03," 206
 In line 11 of the title, after "126.21," insert "126.35," 207
 In line 19 of the title, after "323.156," insert "329.03," 208

The motion was _____ agreed to.

SYNOPSIS

Direct Deposit System for Cash Assistance 209
 R.C. 329.03 (primary) and 126.35 210
 Revises the law governing the method by which cash assistance 211
 is provided under the Ohio Works First and Disability Assistance 212
 Financial programs as follows: 213
 (1) By also applying the law to cash assistance provided 214
 under the Refugee Assistance Program; 215
 (2) By eliminating law that permits a board of county 216
 commissioners to require a county department of job and family 217
 services to establish a voluntary or mandatory direct deposit 218
 system unless the Director of Job and Family Services has provided 219
 for the cash assistance to be made by a state electronic benefit 220
 transfer system; 221
 (3) By requiring each county department to establish a direct 222
 deposit system and inform applicants for and recipients of the 223
 programs that they must choose whether to receive the cash 224
 assistance under the county direct deposit system or the state 225
 electronic benefit transfer system; 226
 (4) By eliminating law that (a) requires county departments 227
 to determine what type of account will be used for direct deposit, 228
 (b) requires county departments to negotiate with financial 229

institutions to determine the charges, if any, to be imposed, and 230
(c) specifies whether a county department must or may pay the 231
charges; 232

(5) By eliminating law that permits a recipient to elect to 233
receive cash assistance in the form of a paper warrant; 234

(6) By eliminating law that requires county departments to 235
bear the full cost of the amount of a replacement warrant under 236
certain circumstances. 237

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Sub. H.B. 1
LSC 128 0516-4
HC-2438

5 _____ moved to amend as follows:

6 Delete lines 105907 through 105915

7 The motion was _____ agreed to.

8

SYNOPSIS

9

Amyotrophic Lateral Sclerosis Study

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Section 309.32.50

11 Removes a provision that would have required the Director
12 of Job and Family Services to study creating a Medicaid waiver
13 program under which persons with amyotrophic lateral sclerosis
14 would qualify for Medicaid regardless of their income or
15 resources and required the Director to submit a report of the
16 study to the General Assembly not later than March 1, 2010.

5 _____ moved to amend as follows:

6 In line 11598, after "173.402." delete the balance of the
7 line

8 Delete lines 11599 through 11609

9 In line 11610, delete "Sec. 173.403."

10 Between lines 11626 and 11627, insert:

11 "Sec. 173.403. As used in this section, "medicaid waiver
12 component" has the same meaning as in section 5111.85 of the
13 Revised Code.

14 An individual enrolled in a medicaid waiver component the
15 department of aging administers may not receive any of the
16 following medicaid state plan services unless the services are
17 provided in conjunction with medicaid case management services
18 provided to the individual:

19 (A) Home health services;

20 (B) Private duty nursing services;

21 (C) Durable medical equipment;

22 (D) Services of a clinical nurse specialist;

23 (E) Services of a certified nurse practitioner."

24 In line 11636, delete "173.403" and insert "173.402"

25 The motion was _____ agreed to.

26 SYNOPSIS

27 **Restriction on Certain State Plan Services**

28 **R.C. 173.403**

29 Applies, to persons enrolled in any Medicaid waiver program
30 the Department of Aging administers, the bill's restriction on a
31 PASSPORT enrollee not receiving home health services, private
32 duty nursing services, durable medical equipment, services of a
33 clinical nurse specialist, or services of a certified nurse
34 practitioner unless those Medicaid state plan services are
35 provided in conjunction with Medicaid case management services.

5 _____ moved to amend as follows:

6 In line 24408, delete "That the limiting age shall be not
7 less than" and insert "Once an unmarried child has attained the
8 limiting age for dependent children, as provided in the policy,
9 contract, or agreement, upon the request of the subscriber, the
10 health insuring corporation shall offer to cover the unmarried
11 child until the child attains"

12 In line 24420, after "age" insert "for dependent children"

13 In line 24421, strike through the second "the" and insert
14 "a dependent"

15 In line 24428, after "(A)" insert "(2)"

16 In line 24434, delete "require a health insuring"

17 In line 24435, delete "corporation to cover a" and insert
18 "do any of the following:

19 (1) Require that any policy, contract, or agreement offer
20 coverage for dependent children or provide coverage for an
21 unmarried"

22 In line 24436, delete "of the parent or legal guardian"

23 Delete line 24437 and insert ";

24 (2) Require an employer to pay for any part of the premium
25 for an unmarried dependent child that has attained the limiting
26 age for dependents, as provided in the policy, contract, or
27 agreement;

28 (3) Require an employer to offer health insurance coverage
29 to the dependents of any employee."

30 In line 24442, delete everything after "(E)"

31 Delete lines 24443 through 24449

32 In line 24450, delete "(F)"

33 In line 66636, delete "That the limiting age shall be not
34 less than" and insert "Once an unmarried child has attained the
35 limiting age for dependent children, as provided in the policy,
36 upon the request of the insured, the insurer shall offer to
37 cover the unmarried child until the child attains"

38 In line 66648, strike through "such" and insert "the";
39 after "age" insert "for dependent children"

40 In line 66649, strike through "such" and insert "a
41 dependent"

42 In line 66655, after "dependence" insert "for purposes of
43 division (A)(2) of this section"

44 In line 66674, delete "require an insurer to cover"

45 In line 66675, delete "a" and insert "do any of the
46 following:

47 (1) Require that any policy offer coverage for dependent
48 children or provide coverage for an unmarried"; delete "of the"

49 Delete line 66676 and insert ";

50 (2) Require an employer to pay for any part of the premium
51 for an unmarried dependent child that has attained the limiting
52 age for dependents, as provided in the policy;

53 (3) Require an employer to offer health insurance coverage
54 to the dependents of any employee."

55 In line 66688, delete everything after "(F)"

56 Delete lines 66689 through 66695

57 In line 66696, delete "(G)"

58 In line 66707, delete "That the limiting age shall be not
59 less than" and insert "Once an unmarried child has attained the
60 limiting age for dependent children, as provided in the plan,
61 upon the request of the employee, the public employee benefit
62 plan shall offer to cover the unmarried child until the child
63 attains"

64 In line 66719, after "age" insert "for dependent children"

65 In line 66720, delete the second "the" and insert "a
66 dependent"

67 In line 66727, after "(A)" insert "(2)"

68 In line 66733, delete "require a public employee"

69 In line 66734, delete "benefit plan to cover a" and insert
70 "do any of the following:

71 (1) Require that any public employee benefit plan offer
72 coverage for dependent children or provide coverage for an
73 unmarried"

74 In line 66735, delete "of the parent for legal"

75 Delete line 66736 and insert ";

76 (2) Require an employer to pay for any part of the premium
77 for an unmarried dependent child that has attained the limiting
78 age for dependents, as provided in the plan;

79 (3) Require an employer to offer health insurance coverage
80 to the dependents of any employee."

81 In line 66748, delete everything after "(E)"

82 Delete lines 66749 through 66754

83 In line 66755, delete "(F)"

84 The motion was _____ agreed to.

85 SYNOPSIS

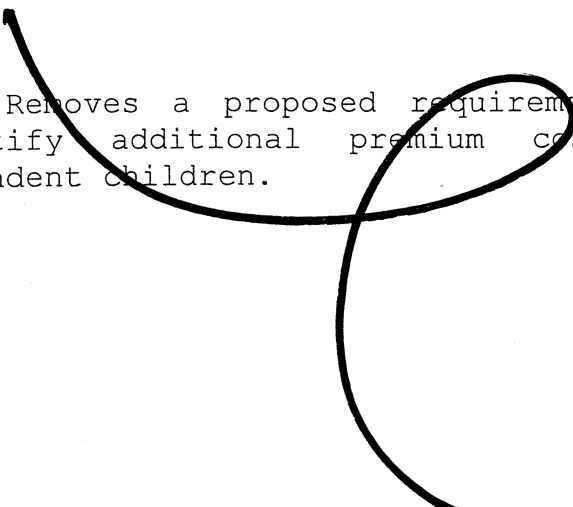
86 **Health Insurance Coverage of Dependent Children**

87 **R.C. 1751.14, 3923.24, and 3923.241**

88 Requires insurers that offer dependent coverage to offer to
89 cover, at the insured's request, dependents past the normal
90 limiting age specified in the policy up to age 29 in certain
91 circumstances rather than requiring coverage of those dependents
92 automatically as is proposed under the bill.

93 Specifies that the proposed offer of coverage does not
94 require policies to offer dependent coverage and that the
95 proposed offer of coverage does not require employers to pay for
96 any part of the premium for an unmarried child that has already
97 attained the normally limiting age specified in the policy.

98 Removes a proposed requirement that employers separately
99 identify additional premium costs for coverage of older
100 dependent children.



5 _____ moved to amend as follows:

6 In line 52431, delete "with and pay the compensation for
7 teachers to"

8 Delete lines 52432 and 52433 and insert "for the
9 development and offering of interactive distance learning
10 courses;"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Distance Learning Pilot Project**

14 **R.C. 3353.20**

15 Removes the requirement that the eTech Ohio Commission
16 contract with and pay the compensation for teachers to develop
17 and teach the interactive distance learning courses offered by
18 the pilot project, and replaces it with a more general
19 requirement that the Commission contract for the development and
20 offering of such courses.

Sub. H.B. 1
LSC 128 0516-4
HC-2444

_____ moved to amend as follows:

- In line 371, after "1751.84," insert "1751.85," 1
- In line 25171, after "(1)" reinsert the balance of the line 2
- Reinsert line 25172 3
- In line 25173, reinsert "later than"; after "~~sixty~~" insert 4
"one hundred eighty"; reinsert the balance of the line 5
- Reinsert line 25174 6
- In line 25175, reinsert "the Revised Code." 7
- Between lines 25324 and 25325, insert: 8
- "Sec. 1751.85. (A) Each health insuring corporation shall 9
establish a reasonable external, independent review process to 10
examine the health insuring corporation's coverage decisions for 11
enrollees who meet all of the following criteria: 12
- (1) The enrollee has a terminal condition that, according to 13
the current diagnosis of the enrollee's physician, has a high 14
probability of causing death within two years. 15
- (2) The enrollee requests a review not later than ~~sixty~~ one 16
hundred eighty days after receipt by the enrollee of notice of the 17
result of an internal review under section 1751.83 of the Revised 18
Code. 19

- (3) The enrollee's physician certifies that the enrollee has the condition described in division (A)(1) of this section and any of the following situations are applicable:
- (a) Standard therapies have not been effective in improving the condition of the enrollee;
 - (b) Standard therapies are not medically appropriate for the enrollee;
 - (c) There is no standard therapy covered by the health insuring corporation that is more beneficial than therapy described in division (A)(4) of this section.
- (4) The enrollee's physician has recommended a drug, device, procedure, or other therapy that the physician certifies, in writing, is likely to be more beneficial to the enrollee, in the physician's opinion, than standard therapies, or, the enrollee has requested a therapy that has been found in a preponderance of peer-reviewed published studies to be associated with effective clinical outcomes for the same condition.
- (5) The enrollee has been denied coverage by the health insuring corporation for a drug, device, procedure, or other therapy recommended or requested pursuant to division (A)(4) of this section, and has exhausted the health insuring corporation's internal review process established pursuant to section 1751.83 of the Revised Code.
- (6) The drug, device, procedure, or other therapy, for which coverage has been denied would be a covered health care service except for the health insuring corporation's determination that the drug, device, procedure, or other therapy is experimental or investigational.
- (B) A review shall be requested in writing, except that if the enrollee's physician determines that a therapy would be

significantly less effective if not promptly initiated, the review 50
may be requested orally or by electronic means. When an oral or 51
electronic request for review is made, written confirmation of the 52
request shall be submitted to the health insuring corporation not 53
later than five days after the oral or written request is 54
submitted. 55

(C) The external, independent review process established by a 56
health insuring corporation shall meet all of the following 57
criteria: 58

(1) Except as provided in division (E) of this section, the 59
process shall afford all enrollees who meet the criteria set forth 60
in division (A) of this section the opportunity to have the health 61
insuring corporation's decision to deny coverage of the 62
recommended or requested therapy reviewed under the process. 63

(2) The review shall be conducted by an independent review 64
organization assigned by the superintendent of insurance under 65
section 3901.80 of the Revised Code. 66

The independent review organization shall select a panel to 67
conduct the review, which panel shall be composed of at least 68
three physicians or other providers who, through clinical 69
experience in the past three years, are experts in the treatment 70
of the enrollee's medical condition and knowledgeable about the 71
recommended or requested therapy. 72

In either of the following circumstances, an exception may be 73
made to the requirement that the review be conducted by an expert 74
panel composed of a minimum of three physicians or other 75
providers: 76

(a) A review may be conducted by an expert panel composed of 77
only two physicians or other providers if an enrollee has 78
consented in writing to a review by the smaller panel; 79

(b) A review may be conducted by a single expert physician or other provider if only one expert physician or other provider is available for the review.

(3) Neither the health insuring corporation nor the enrollee shall choose, or control the choice of, the physician or other provider experts.

(4) The selected experts, any health care facility with which an expert is affiliated, and the independent review organization arranging for the experts' review, shall not have any professional, familial, or financial affiliation with any of the following:

(a) The health insuring corporation or any officer, director, or managerial employee of the health insuring corporation;

(b) The enrollee, the enrollee's physician, or the practice group of the enrollee's physician;

(c) The health care facility at which the recommended or requested therapy would be provided;

(d) The development or manufacture of the principal drug, device, procedure, or therapy involved in the recommended or requested therapy.

However, experts affiliated with academic medical centers who provide health care services to enrollees of the health insuring corporation may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to enrollees of the health insuring corporation, as well as experts who are participating providers, but who were not involved with the health insuring corporation's denial of coverage for the therapy under review, may serve as experts on the review panel. These nonaffiliation provisions do not preclude a health insuring corporation from paying for the

experts' review, as specified in division (C)(5) of this section. 110

(5) Enrollees shall not be required to pay for any part of 111
the cost of the review. The cost of the review shall be borne by 112
the health insuring corporation. 113

(6) The health insuring corporation shall provide to the 114
independent review organization arranging for the experts' review 115
a copy of those records in the health insuring corporation's 116
possession that are relevant to the enrollee's medical condition 117
and the review. The records shall be disclosed solely to the 118
expert reviewers and shall be used solely for the purpose of this 119
section. At the request of the expert reviewers, the health 120
insuring corporation or the physician recommending the therapy 121
shall provide any additional information that the expert reviewers 122
request to complete the review. An expert reviewer is not required 123
to render an opinion if the reviewer has not received any 124
requested information that the reviewer considers necessary to 125
complete the review. 126

(7)(a) The opinions of the experts on the panel shall be 127
rendered within thirty days after the enrollee's request for 128
review. If the enrollee's physician determines that a therapy 129
would be significantly less effective if not promptly initiated, 130
the opinions shall be rendered within seven days after the 131
enrollee's request for review. 132

(b) In conducting the review, the experts on the panel shall 133
take into account all of the following: 134

(i) Information submitted by the health insuring corporation, 135
the enrollee, and the enrollee's physician, including the 136
enrollee's medical records and the standards, criteria, and 137
clinical rationale used by the health insuring corporation to 138
reach its coverage decision; 139

(ii) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations;	140 141 142
(iii) Relevant findings in peer-reviewed medical or scientific literature and published opinions of nationally recognized medical experts;	143 144 145
(iv) Clinical guidelines adopted by relevant national medical societies;	146 147
(v) Safety, efficacy, appropriateness, and cost effectiveness.	148 149
(8) Each expert on the panel shall provide the independent review organization with a professional opinion as to whether there is sufficient evidence to demonstrate that the recommended or requested therapy is likely to be more beneficial to the enrollee than standard therapies.	150 151 152 153 154
(9) Each expert's opinion shall be presented in written form and shall include the following information:	155 156
(a) A description of the enrollee's condition;	157
(b) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested therapy is more likely than not to be more beneficial to the enrollee than standard therapies;	158 159 160 161
(c) A description and analysis of any relevant findings published in peer-reviewed medical or scientific literature or the published opinions of medical experts or specialty societies;	162 163 164
(d) A description of the enrollee's suitability to receive the recommended or requested therapy according to a treatment protocol in a clinical trial, if applicable.	165 166 167
(10) The independent review organization shall provide the	168

health insuring corporation with the opinions of the experts. The 169
health insuring corporation shall make the experts' opinions 170
available to the enrollee and the enrollee's physician, upon 171
request. 172

(11) The opinion of the majority of the experts on the panel, 173
rendered pursuant to division (C) (8) of this section, is binding 174
on the health insuring corporation with respect to that enrollee. 175
If the opinions of the experts on the panel are evenly divided as 176
to whether the therapy should be covered, then the health insuring 177
corporation's final decision shall be in favor of coverage. If 178
less than a majority of the experts on the panel recommend 179
coverage of the therapy, the health insuring corporation may, in 180
its discretion, cover the therapy. However, any coverage provided 181
pursuant to division (C) (11) of this section is subject to the 182
terms, limitations, and conditions of the enrollee's contract with 183
the health insuring corporation. 184

(12) The health insuring corporation shall have written 185
policies describing the external, independent review process. 186

(D) At any time during the external, independent review 187
process, the health insuring corporation may elect to cover the 188
recommended or requested health care service and terminate the 189
review. The health insuring corporation shall notify the enrollee 190
and all other parties involved by mail or, with the consent or 191
approval of the enrollee, by electronic means. 192

(E) If a health insuring corporation's initial denial of 193
coverage for a therapy recommended or requested pursuant to 194
division (A) (4) of this section is based upon an external, 195
independent review of that therapy meeting the requirements of 196
division (C) of this section, this section shall not be a basis 197
for requiring a second external, independent review of the 198
recommended or requested therapy. 199

(F) The health insuring corporation shall annually file a certificate with the superintendent of insurance certifying its compliance with the requirements of this section."

In line 67279, after "(1)" reinsert "An insurer may deny a request"; after "request" insert "from an insured"; reinsert the balance of the line; after "review" insert "of an adverse decision from the insurer's internal appeal process"

In line 67280, reinsert "if it is requested later than"; after "~~sixty~~" insert "one hundred eighty"; reinsert "days after receipt"

In line 67281, reinsert "of notice"

In line 67283, after "~~issue~~" insert "from the insurer of the adverse decision" and reinsert the period

In line 67432, reinsert "The insured requests a review not later than"; after "~~sixty~~" insert "one hundred eighty"; reinsert "days"

In line 67433, reinsert "after receipt by the insured of notice from the"

In line 67435, after "~~issue~~" insert "insurer of the adverse decision"; reinsert the period

In line 67436, reinsert "(3)"

In line 67444, reinsert "(4)" and delete "(3)"

In line 67446, reinsert "(4)" and delete "(3)"

In line 67453, reinsert "(5)" and delete "(4)"

In line 67455, reinsert "(4)" and delete "(3)"

In line 67457, reinsert "(6)" and delete "(5)"

In line 67601, reinsert "(3)" and delete "(2)"

In line 67689, reinsert "A plan may deny a request"; after	227
"member" insert " <u>from a plan member</u> "; reinsert "for an external	228
review"; after "review" insert " <u>of an adverse decision from the</u>	229
<u>plan's internal appeal process</u> "; reinsert "if it"	230
In line 67690, reinsert "is requested later than"; after	231
" sixty " insert " <u>one hundred eighty</u> "; reinsert the balance of the	232
line	233
In line 67691, reinsert "member of notice from the"	234
In line 67693, after "issue" insert " <u>plan of the adverse</u>	235
<u>decision</u> "; reinsert the period	236
In line 67843, reinsert "The plan member requests a review	237
not later than"; after " sixty " insert " <u>one hundred eighty</u> "	238
Reinsert line 67844	239
In line 67847, after " issue " insert " <u>plan of the adverse</u>	240
<u>decision</u> "; reinsert the period	241
In line 67848, reinsert "(3)"	242
In line 67856, reinsert "(4)" and delete " <u>(3)</u> "	243
In line 67858, reinsert "(4)" and delete " <u>(3)</u> "	244
In line 67865, reinsert "(5)" and delete " <u>(4)</u> "	245
In line 67867, reinsert "(4)" and delete " <u>(3)</u> "	246
In line 67869, reinsert "(6)" and delete " <u>(5)</u> "	247
In line 68016, reinsert "(3)" and delete "(2)"	248
In line 98901, after "1751.84," insert "1751.85,"	249
In line 56 of the title, after "1751.84," insert "1751.85,"	250

The motion was _____ agreed to.



SYNOPSIS

External Review of Health Care Denials by Insurance Companies	251
and Plans	252
R.C. 1751.84, 1751.85, 3923.67, 3923.68, 3923.76, and 3923.77	253
Reinserts in the bill the authority for health insuring	254
corporations, sickness and accident insurers, and public employee	255
benefit plans to deny an insured's request for an external review	256
if that request is not made within a certain time; in the case of	257
health insuring corporations, increases the time frame to request	258
a review from the current 60 days after the insured's receipt of	259
notice of the result of a health insuring corporation's internal	260
review to 180 days after that receipt, and in the case of sickness	261
and accident insurers and public employee benefit plans, changes	262
the time frame to request a review from the current 60 days after	263
the insured's receipt of notice of the result of the	264
Superintendent's review to 180 days after receipt of notice from	265
the insurer or plan of the insurer or plan's adverse decision.	266

Sub. H.B. 1
LSC 128 0516-4
HC-2445

_____ moved to amend as follows:

In line 442, after "4503.103," insert "4503.235," 1

Between lines 72237 and 72238, insert: 2

"Sec. 4503.235. (A) If division (G) of section 4511.19 or 3
division (B) of section 4511.193 of the Revised Code requires a 4
court, as part of the sentence of an offender who is convicted of 5
or pleads guilty to a violation of division (A) of section 4511.19 6
of the Revised Code or as a sanction for an offender who is 7
convicted of or pleaded guilty to a violation of a municipal OVI 8
ordinance, to order the immobilization of a vehicle for a 9
specified period of time, notwithstanding the requirement, the 10
court in its discretion may determine not to order the 11
immobilization of the vehicle if both of the following apply: 12

(1) Prior to the issuance of the order of immobilization, a 13
family or household member of the offender files a motion with the 14
court identifying the vehicle and requesting that the 15
immobilization order not be issued on the ground that the family 16
or household member is completely dependent on the vehicle for the 17
necessities of life and that the immobilization of the vehicle 18
would be an undue hardship to the family or household member. 19
20

(2) The court determines that the family or household member who files the motion is completely dependent on the vehicle for the necessities of life and that the immobilization of the vehicle would be an undue hardship to the family or household member.

(B) If a court pursuant to division (A) of this section determines not to order the immobilization of a vehicle that otherwise would be required pursuant to division (G) of section 4511.19 or division (B) of section 4511.193 of the Revised Code, the court shall issue an order that waives the immobilization that otherwise would be required pursuant to either of those divisions. The immobilization waiver order shall be in effect for the period of time for which the immobilization of the vehicle otherwise would have been required under division (G) of section 4511.19 or division (B) of section 4511.193 of the Revised Code if the immobilization waiver order had not been issued, subject to division (D) of this section. The immobilization waiver order shall specify the period of time for which it is in effect. The court shall provide a copy of an immobilization waiver order to the offender and to the family or household member of the offender who filed the motion requesting that the immobilization order not be issued and shall place a copy of the immobilization waiver order in the record in the case. The court shall impose an immobilization waiver fee in the amount of fifty dollars. The court shall determine whether the fee is to be paid by the offender or by the family or household member. The clerk of the court shall ~~transmit~~ deposit all of the fees collected during a month on or before the twenty-third day of the following month ~~to~~ into the state treasury to be credited to the county or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation under division (F) of section 4511.191 of the Revised Code.

53

(C) If a court pursuant to division (B) of this section 54
issues an immobilization waiver order, the order shall identify 55
the family or household member who requested the order and the 56
vehicle to which the order applies, shall identify the family or 57
household members who are permitted to operate the vehicle, and 58
shall identify the offender and specify that the offender is not 59
permitted to operate the vehicle. The immobilization waiver order 60
shall require that the family or household member display on the 61
vehicle to which the order applies restricted license plates that 62
are issued under section 4503.231 of the Revised Code for the 63
entire period for which the immobilization of the vehicle 64
otherwise would have been required under division (G) of section 65
4511.19 or division (B) of section 4511.193 of the Revised Code if 66
the immobilization waiver order had not been issued. 67

(D) A family or household member who is permitted to operate 68
a vehicle under an immobilization waiver order issued under this 69
section shall not permit the offender to operate the vehicle. If a 70
family or household member who is permitted to operate a vehicle 71
under an immobilization waiver order issued under this section 72
permits the offender to operate the vehicle, both of the following 73
apply: 74

(1) The court that issued the immobilization waiver order 75
shall terminate that order and shall issue an immobilization order 76
in accordance with section 4503.233 of the Revised Code that 77
applies to the vehicle, and the immobilization order shall be in 78
effect for the remaining period of time for which the 79
immobilization of the vehicle otherwise would have been required 80
under division (G) of section 4511.19 or division (B) of section 81
4511.193 of the Revised Code if the immobilization waiver order 82
had not been issued. 83

(2) The conduct of the family or household member in 84
 permitting the offender to operate the vehicle is a violation of 85
 section 4511.203 of the Revised Code. 86

(E) No offender shall operate a motor vehicle subject to an 87
 immobilization waiver order. Whoever violates this division is 88
 guilty of operating a motor vehicle in violation of an 89
 immobilization waiver, a misdemeanor of the first degree. 90

(F) "Family or household member" has the same meaning as in 91
 section 2919.25 of the Revised Code, except that the person must 92
 be currently residing with the offender." 93

In lines 74344 and 74351, delete "or" and insert "and" 94

In line 98972, after "4503.103," insert "4503.235," 95

In line 109234, delete "\$1,832,000 \$1,832,000" and insert 96
 "\$2,200,000 \$2,200,000" 97

In line 154 of the title, after "4503.103," insert 98
 "4503.235," 99

The motion was _____ agreed to.

SYNOPSIS

Immobilization Waiver Fees; Reports from Alcohol and Drug 100
 Addiction Services Boards and Boards of Alcohol, Drug Addiction, 101
 and Mental Health Services to the Department of Alcohol and Drug 102
 Addiction Services 103

R.C. 4503.235 and 4511.191 104

Provides that the \$50 immobilization waiver fee that a county 105
 or municipal court must impose in certain cases involving a motor 106
 vehicle that is subject to immobilization must be deposited into 107

the indigent drivers alcohol treatment fund under the control of 108
that court rather than into the state treasury to the credit of 109
the state Indigent Drivers Alcohol Treatment Fund. 110

Clarifies that the annual reports that Alcohol and Drug 111
Addiction Services Boards and Boards of Alcohol, Drug Addiction, 112
and Mental Health Services are required to submit to the 113
Department of Alcohol and Drug Addiction Services must identify 114
all the payments for treatment programs and expenditures for 115
alcohol monitoring devices that were made from the indigent 116
drivers alcohol treatment funds in that board's area. 117

Revenue Distribution Funds 118

Section 381.10 119

Increases appropriation in line item 038900, Indigent Drivers 120
Alcohol Treatment, funded by the Indigent Drivers Alcohol 121
Treatment Fund, by \$368,000 in each fiscal year. 122

1 128HB1-HC2446.docx/emr

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Sub. H.B. 1
LSC 128 0516-4
HC-2446

5 _____ moved to amend as follows:

6 In line 104596, delete "hire"

7 In line 104597, delete "teachers to develop and teach the"
8 and insert "contract for the development and offering of
9 interactive distance learning"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **eTech Ohio**

13 **Section 281.35**

14 Modifies language by specifying that eTech Ohio use GRF
15 appropriation item 935427, Distance Learning Pilot Project, in
16 part, to contract for the development and offering of
17 interactive distance learning courses pursuant to section
18 3353.20 of the Revised Code, rather than to hire teachers to
19 develop and teach the courses.

1 128HB1-HC2447.docx/ar

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Sub. H.B. 1
LSC 128 0516-4
HC-2447

5 _____ moved to amend as follows:

6 In line 74344, delete "or" and insert "and"

7 In line 74351, delete "or" and insert "and"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Reports from Alcohol and Drug Addiction Services Boards and**
11 **Boards of Alcohol, Drug Addiction, and Mental Health Services to**
12 **the Department of Alcohol and Drug Addiction Services**

13 **R.C. 4511.191**

14 Clarifies that the annual reports that Alcohol and Drug
15 Addiction Services Boards and Boards of Alcohol, Drug Addiction,
16 and Mental Health Services are required to submit to the
17 Department of Alcohol and Drug Addiction Services must identify
18 all the payments for treatment programs and expenditures for
19 alcohol monitoring devices that were made from the indigent
20 drivers alcohol treatment funds in that board's area.

5 _____ moved to amend as follows:

6 In line 61462, reinsert "one dollar" and delete "two
7 dollars"

8 In line 61463, reinsert "2005" and delete "2009"

9 Between lines 61466 and 61467, insert:

10 "(4) An additional one dollar per ton on and after August
11 1, 2009, through June 30, 2012, the proceeds of which shall be
12 deposited in the state treasury to the credit of the
13 environmental protection fund;"

14 In line 61467, delete "(4)" and insert "(5)"; delete "July"
15 and insert "August"

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Implementation Date of New and Increased Solid Waste**
19 **Disposal Fees**

20 **R.C. 3734.57**

21 Delays the implementation of new and increased solid waste
22 disposal fees from July 1, 2009, to August 1, 2009.

5 _____ moved to amend as follows:

6 In line 101647, delete "The" and insert "Of the"

7 In line 101648, after the comma insert "\$5,400,000 in each
8 fiscal year"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Development**

12 **Section 259.10.90**

13 Earmarks \$5,400,000 in each fiscal year from Fund 3AE0
14 appropriation item 195643, Workforce Development Initiatives, in
15 the Department of Development for the Ohio Workforce Guarantee
16 Grant Program rather than requires the entire line item to be
17 used for that purpose.

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5 _____ moved to amend as follows:

6 In line 100525, delete "\$35,497,058" and insert
7 "\$35,588,058"

8 In lines 100528 and 100546, add \$91,000 to fiscal year 2011

9 In line 100550, delete "\$139,464" and insert "\$230,464"

10 In line 106771, delete "\$65,097,856" and insert
11 "\$65,567,856"

12 In lines 106773 and 106809, add \$470,000 to fiscal year
13 2011

14 In line 106950, delete "\$791,286" and insert "\$1,261,286"

15 The motion was _____ agreed to.

16 SYNOPSIS

17 **Department of Alcohol and Drug Addiction Services**

18 **Sections 215.10 and 215.20**

19 Increases line item 038401, Treatment Services, by \$91,000
20 in FY 2011 and increases the earmark of that line item for the
21 1/2% provider rate increase by the same amount in FY 2011.

22 Department of Mental Health

23 Sections 335.10 and 335.10.30

24 Increases line item 335505, Local Mental Health Systems of
25 Care, by \$470,000 in FY 2011 and increase the earmark of that
26 line item for the 1/2% provider rate increase by the same amount
27 in FY 2011.

5 _____ moved to amend as follows:

6 In line 101445, delete "\$20,000,000 \$20,000,000" and
7 insert "\$11,334,893 \$11,334,893"

8 In line 101459, delete "\$116,132,737 \$125,612,567" and
9 insert "\$107,467,630 \$116,947,460"

10 In line 101528, delete "\$1,162,079,593 \$1,030,339,693" and
11 insert "\$1,153,414,486 \$1,021,674,586"

12 Delete lines 106314 through 106320

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Department of Development**

16 **Section 259.10**

17 Decreases GRF appropriation item 195434, Industrial
18 Training Grants, in the Department of Development by \$8,665,107
19 in each fiscal year, and removes the requirement that the
20 Director of Budget and Management transfer \$8,665,106 in cash
21 from the Workforce Investment Act Fund (Fund 3V00) in the
22 Department of Job and Family Services to the General Revenue
23 Fund for use in appropriation item 195434, Industrial Training
24 Grants.

1 128HB1-HC2457.docx/ar

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Sub. H.B. 1
LSC 128 0516-4
HC-2457

5 _____ moved to amend as follows:

6 Delete lines 110273 through 110279

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Cash Transfers from Reparatons Fund (Fund 4020) to**
10 **Disaster Preparedness Fund (Fund 5EX0)**

11 **Section 512.20**

12 Removes the provision requiring the transfer, in each
13 fiscal year, of \$350,000 cash from the Reparatons Fund (Fund
14 4020) to the Disaster Preparedness Fund (Fund 5EX0).

5 _____ moved to amend as follows:

6 In line 110297, delete "TRANSFER" and insert "TRANSFERS";
7 after "TRUST" insert "AND PUBLIC SCHOOL BUILDING"; delete "FUND"
8 and insert "FUNDS"

9 In line 110299, delete "section 183.26 of the Revised Code"
10 and insert "any provision of law to the contrary"

11 In line 110300, after "transfer" insert "a total of"

12 In line 110302, after "N087)" insert "and the Public School
13 Building Fund (Fund 7021)"; delete "is" and insert "are"

14 In line 110304, delete "Fund"

15 In line 110305, delete "N087, or another" and insert "a"

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **School Facilities Commission**

19 **Section 512.50**

20 Modifies language by adding the Public School Building Fund
21 (Fund 7021) to the Education Facilities Trust Fund (Fund N087)
22 as sources of a \$200,000,000 cash transfer to the GRF in either
23 fiscal year 2010 or fiscal year 2011. Specifies that the

24 \$200,000,000 cash be deposited into a Commission fund, rather
25 than Fund N087, no later than June 30, 2013.

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Sub. H.B. 1
LSC 128 0516-4
HC-2460

5 _____ moved to amend as follows:

6 In line 104515, delete "up to 5,000"; after the second "to"
7 insert "up to 5,000"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **eTech Ohio**

11 **Section 281.20**

12 Modifies language requiring eTech Ohio to contract with an
13 entity, in fiscal year 2010, to provide online advanced
14 placement courses to up to 5,000 public school students in Ohio,
15 rather than provide up to 5,000 online advanced placement
16 courses to students.

Sub. H.B. 1

LSC 128 0516-4

HC-2461-1

_____ moved to amend as follows:

In line 332, after "121.084," insert "121.13,"

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Between lines 2367 and 2368, insert:

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"Sec. 121.13. (A) The director of each department may, with the approval of the governor, establish and appoint advisory boards to aid in the conduct of the work of ~~his~~ the director's department or any division thereof. Such advisory boards shall exercise no administrative function, and their members shall receive no compensation, but may receive their actual and necessary expenses.

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(B) The director of each department may, with the approval of the governor, recruit and retain individuals employed by public entities or by private profit-making or nonprofit-making entities to function as "loaned executives," to support state functions and to assist the department in the conduct of its work. A loaned executive shall not participate, during the loaned executive's service with the state, in any decision, approval, disapproval, recommendation, rendering of advice, investigation, or other substantial exercise of administrative discretion that is directly related to the pecuniary interest of the loaned executive's regular employer.

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A loaned executive is not entitled to, and shall not receive, 21
compensation from the state, but may receive compensation and 22
actual and necessary expenses from the loaned executive's regular 23
employer. The receipt of this compensation or expenses is not 24
prohibited by division (A) of section 2921.43 of the Revised Code. 25
However, a loaned executive is deemed to be a public official or 26
employee for purposes of Chapter 102. of the Revised Code." 27

In line 98862, after "121.084," insert "121.13," 28

In line 3 of the title, after "121.084," insert "121.13," 29

The motion was _____ agreed to.

SYNOPSIS

Loaned Executives from Public or Private Entities to State 30
Departments 31
R.C. 121.13 32
Authorizes the director of a cabinet department to recruit a 33
loaned executive who is an employee of a public entity or an 34
employee of a private profit-making or nonprofit-making entity to 35
assist the department in its work. 36

5 _____ moved to amend as follows:

6 In line 19048, delete ", in cooperation"

7 Delete line 19049

8 In line 19050, delete "and a statewide environmental
9 advocacy organization,"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Energy Extraction Fee for Coal**

13 **R.C. 1513.021**

14 In the provision of the bill that establishes the coal
15 energy extraction fee and requires the Chief of the Division of
16 Mineral Resources, in cooperation with a statewide association
17 representing the coal mining industry and a statewide
18 environmental advocacy organization, to complete a study of the
19 solvency of the Coal Mining Administration and Reclamation Fund
20 by January 1, 2015, and make recommendations concerning the
21 amount of the fee, removes the requirement that the study be
22 conducted in cooperation with a statewide association
23 representing the coal mining industry and a statewide
24 environmental advocacy organization.

Sub. H.B. 1
LSC 128 0516-4
HC-2466

_____ moved to amend as follows:

In line 339, after "133.06," insert "135.03, 135.06, 135.08,
135.32,"

Between lines 8800 and 8801, insert:

"Sec. 135.03. Any national bank, any bank doing business
under authority granted by the superintendent of financial
institutions, or any bank doing business under authority granted
by the regulatory authority of another state of the United States,
located in this state ~~and any bank as defined by section 1101.01~~
~~of the Revised Code, subject to inspection by the superintendent~~
~~of financial institutions,~~ is eligible to become a public
depository, subject to sections 135.01 to 135.21 of the Revised
Code. No bank shall receive or have on deposit at any one time
public moneys, including public moneys as defined in section
135.31 of the Revised Code, in an aggregate amount in excess of
thirty per cent of its total assets, as shown in its latest report
to the ~~superintendent of financial institutions or comptroller of~~
the currency, the superintendent of financial institutions, the
federal deposit insurance corporation, or the board of governors
of the federal reserve system.

~~Any domestic association as defined in section 1151.01 of the~~
~~Revised Code, or any savings bank as defined in section 1161.01 of~~

~~the Revised Code, federal savings association, any savings and~~ 22
~~loan association or savings bank doing business under authority~~ 23
~~granted by the superintendent of financial institutions, or any~~ 24
~~savings and loan association or savings bank doing business under~~ 25
~~authority granted by the regulatory authority of another state of~~ 26
~~the United States, located in this state, and authorized to accept~~ 27
deposits is eligible to become a public depository, subject to 28
sections 135.01 to 135.21 of the Revised Code. No ~~domestic savings~~ 29
~~association, savings and loan association, or savings bank shall~~ 30
receive or have on deposit at any one time public moneys, 31
including public moneys as defined in section 135.31 of the 32
Revised Code, in an aggregate amount in excess of thirty per cent 33
of its total assets, as shown in its latest report to the 34
~~superintendent of financial institutions or federal home loan bank~~ 35
~~board office of thrift supervision, the superintendent of~~ 36
~~financial institutions, the federal deposit insurance corporation,~~ 37
~~or the board of governors of the federal reserve system.~~ 38

Sec. 135.06. Each eligible institution desiring to be a 39
public depository of the inactive deposits of the public moneys of 40
the state or of the inactive deposits of the public moneys of the 41
subdivision shall, not more than thirty days prior to the date 42
fixed by section 135.12 of the Revised Code for the designation of 43
such public depositories, make application therefor in writing to 44
the proper governing board. Such application shall specify the 45
maximum amount of such public moneys which the applicant desires 46
to receive and have on deposit as an inactive deposit at any one 47
time during the period covered by the designation, provided that, 48
~~where such applicant is a bank,~~ it shall not apply for more than 49
thirty per cent of its total assets as revealed by its latest 50
report to the superintendent of ~~banks or financial institutions,~~ 51
~~the comptroller of the currency, and provided that where such~~ 52

~~applicant is a building and loan association, it shall not apply~~ 53
~~for more than thirty per cent of its total assets as revealed by~~ 54
~~its latest report to the superintendent of building and loan~~ 55
~~associations or the federal home loan bank board~~ the office of 56
thrift supervision, the federal deposit insurance corporation, or 57
the board of governors of the federal reserve system, and the rate 58
of interest which the applicant, ~~whether it be a bank or a~~ 59
~~building and loan association,~~ will pay thereon, subject to the 60
limitations of sections 135.01 to 135.21 of the Revised Code. Each 61
application shall be accompanied by a financial statement of the 62
applicant, under oath of its cashier, treasurer, or other officer, 63
in such detail as to show the capital funds of the applicant, as 64
of the date of its latest report to the superintendent ~~of banks,~~ 65
~~superintendent of building and loan associations, federal home~~ 66
~~loan bank board, or~~ of financial institutions, the comptroller of 67
the currency, the office of thrift supervision, the federal 68
deposit insurance corporation, or the board of governors of the 69
federal reserve system, and adjusted to show any changes therein 70
made prior to the date of the application. Such application may be 71
combined with an application for designation as a public 72
depository of active deposits, interim deposits, or both. 73

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Sec. 135.08. Each eligible institution desiring to be a 75
public depository of interim deposits of the public moneys of the 76
state or of the interim deposits of the public moneys of the 77
subdivision shall, not more than thirty days prior to the date 78
fixed by section 135.12 of the Revised Code for the designation of 79
public depositories, make application therefor in writing to the 80
proper governing board. Such application shall specify the maximum 81
amount of such public moneys which the applicant desires to 82
receive and have on deposit as interim deposits at any one time 83

during the period covered by the designation, provided that, ~~where~~ 84
~~such applicant is a bank,~~ it shall not apply for more than thirty 85
per cent of its total assets as revealed by its latest report to 86
the superintendent of ~~banks or~~ financial institutions, the 87
comptroller of the currency, and ~~provided that where such~~ 88
~~applicant is a building and loan association, it shall not apply~~ 89
~~for more than thirty per cent of its total assets as revealed by~~ 90
~~its latest report to the superintendent of building and loan~~ 91
~~associations or the federal home loan bank board~~ the office of 92
thrift supervision, the federal deposit insurance corporation, or 93
the board of governors of the federal reserve system, and the rate 94
of interest which the applicant, ~~whether it be a bank or a~~ 95
~~building and loan association,~~ will pay thereon, subject to the 96
limitations of sections 135.01 to 135.21 of the Revised Code. 97

Each application shall be accompanied by a financial 98
statement of the applicant, under oath of its cashier, treasurer, 99
or other officer, in such detail as to show the capital funds of 100
the applicant, as of the date of its latest report to the 101
superintendent of ~~banks, superintendent of building and loan~~ 102
~~associations, federal home loan bank board, or~~ financial 103
institutions, the comptroller of the currency, the office of 104
thrift supervision, the federal deposit insurance corporation, or 105
the board of governors of the federal reserve system, and adjusted 106
to show any changes therein made prior to the date of the 107
application. Such application may be combined with an application 108
for designation as a public depository of inactive deposits, 109
active deposits, or both. 110

Sec. 135.32. (A) Any national bank, any bank doing business 111
under authority granted by the superintendent of financial 112
institutions, or any bank doing business under authority granted 113
by the regulatory authority of another state of the United States, 114

located in this state and ~~any bank as defined in section 1101.01~~ 115
~~of the Revised Code, subject to inspection by the superintendent~~ 116
~~of financial institutions,~~ is eligible to become a public 117
depository, subject to sections 135.31 to 135.40 of the Revised 118
Code. No bank shall receive or have on deposit at any one time 119
public moneys, including public moneys as defined in section 120
135.01 of the Revised Code, in an aggregate amount in excess of 121
thirty per cent of its total assets, as shown in its latest report 122
to the ~~superintendent of financial institutions or~~ comptroller of 123
the currency, the superintendent of financial institutions, the 124
federal deposit insurance corporation, or the board of governors 125
of the federal reserve system. 126

(B) ~~Any domestic association as defined in section 1151.01 of~~ 127
~~the Revised Code, or any savings bank as defined in section~~ 128
~~1161.01 of the Revised Code,~~ federal savings association, any 129
savings and loan association or savings bank doing business under 130
authority granted by the superintendent of financial institutions, 131
or any savings and loan association or savings bank doing business 132
under authority granted by the regulatory authority of another 133
state of the United States, located in this state, and authorized 134
to accept deposits is eligible to become a public depository, 135
subject to sections 135.31 to 135.40 of the Revised Code. No 136
~~domestic~~ savings association, savings and loan association, or 137
savings bank shall receive or have on deposit at any one time 138
public moneys, including public moneys as defined in section 139
135.01 of the Revised Code, in an aggregate amount in excess of 140
thirty per cent of its total assets, as shown in its latest report 141
to the ~~superintendent of financial institutions or federal home~~ 142
~~loan bank board~~ the office of thrift supervision, the 143
superintendent of financial institutions, the federal deposit 144
insurance corporation, or the board of governors of the federal 145
reserve system." 146

In line 98868, after "133.06," insert "135.03, 135.06,
135.08, 135.32," 147
148

In line 11 of the title, after "133.06," insert "135.03,
135.06, 135.08, 135.32," 149
150

The motion was _____ agreed to.

SYNOPSIS

Savings Associations and Savings Banks of Other States 151
Eligible for Public Deposits 152

R.C. 135.03, 135.06, 135.08, and 135.32 153

Provides that any savings association or savings bank located 154
in Ohio, which is doing business under the authority of another 155
state, is eligible to become a public depository. 156

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Sub. H.B. 1
LSC 128 0516-4
HC-2469

5 _____ moved to amend as follows:

6 In line 30123, strike through "The"

7 In line 30124, before "superintendent" insert:

8 "Not later than December 31, 2011, the state board, upon
9 recommendation of the superintendent, shall establish a
10 performance indicator reflecting the level of services provided
11 to, and the performance of, students identified as gifted under
12 Chapter 3324. of the Revised Code.

13 The"

14 The motion was _____ agreed to.

15 SYNOPSIS

16 **Performance Indicators for Report Cards**

17 **R.C. 3302.02**

18 Requires the State Board of Education, by December 31,
19 2011, and upon recommendation of the Superintendent of Public
20 Instruction, to establish a performance indicator for the school
21 district and building report cards that reflects the level of
22 services provided to, and performance of, gifted students.

5 _____ moved to amend as follows:

6 In line 31959, after "G" insert "(1)"

7 In line 31966, delete "No" and insert:

8 "(2) Each city, local, and exempted village school
9 district that, in fiscal year 2009, received gifted student
10 services from an educational service center, which service
11 center received for fiscal year 2009 unit funding for gifted
12 student services, shall in each fiscal year thereafter do either
13 of the following:

14 (a) Obtain gifted student services from an educational
15 service center that are comparable to the gifted student
16 services provided to the district with gifted unit funding in
17 fiscal year 2009 by an educational service center;

18 (b) Spend for services to identified gifted students from
19 the funds received under this chapter an amount not less than
20 the amount of gifted unit funding expended by an educational
21 service center in fiscal year 2009 for the district's students.

22 (3) No"

23 In line 31967, delete "this"; after "division" insert
24 "(G)(1) or (2) of this section"

25 In line 31969, delete "this division" and insert "those
26 divisions"

27 Between lines 31970 and 31971, insert:

28 "(4) Each educational service center that received for
29 fiscal year 2009 unit funding for gifted student services shall
30 spend from its state funds in each fiscal year thereafter for
31 services to identified gifted students an amount not less than
32 the aggregate amount received for gifted unit funding for fiscal
33 year 2009. No educational service center to which division
34 (G)(4) of this section shall receive any waiver of this
35 requirement."

36 In line 31971, delete "District" and insert "city, local,
37 or exempted village school district"

38 The motion was _____ agreed to.

39 SYNOPSIS

40 **Gifted Education Support**

41 **R.C. 3306.09**

42 Requires each school district that received gifted student
43 services from an educational service center (ESC) in FY 2009, to
44 do one of the following in each subsequent fiscal year if the
45 services from the ESC were financed with state gifted unit
46 funding: (1) obtain gifted student services from an ESC that are

47 comparable to the services provided in FY 2009 by an ESC with
48 the unit funding, or (2) spend from the district's own state
49 funding at least as much as it received in gifted student
50 services from an ESC in FY 2009.

51 Requires each ESC that received gifted unit funding for FY
52 2009 to spend on services to identified gifted students in
53 subsequent fiscal years not less than the amount of FY 2009
54 gifted unit funding, and disallows such an ESC from receiving a
55 waiver of this requirement.

5 _____ moved to amend as follows:

6 In line 31993, delete "the employment of staff to serve"
7 and insert "services for"

8 In line 31994, delete the underlined comma and insert
9 "delivered"

10 In line 31995, delete ", or other services to such
11 students"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Enrichment Support**

15 **R.C. 3306.091**

16 Specifies that school districts may not spend enrichment
17 support funds for gifted education services delivered pursuant
18 to the laws governing services to gifted students (R.C. Chapter
19 3324.). This replaces the bill's stipulation that enrichment
20 support funds cannot be used to employ staff to serve gifted
21 students or for other services to gifted students.

5 _____ moved to amend as follows:

6 Between lines 106233 and 106234, insert:

7 **"Section ____.** REALLOCATION OF UNUSED COUNTY ALLOCATIONS

8 (A) As used in this section:

9 (1) "Income maintenance funds" means funds the Department
10 of Job and Family Services allocates to a county to meet
11 matching fund requirements or reimburse a county for
12 administrative expenditures incurred in the administration of
13 the Disability Financial Assistance Program, Disability Medical
14 Assistance Program, Medicaid Program, or Supplemental Nutrition
15 Assistance Program.

16 (2) "TANF funds" means funds the Department of Job and
17 Family Services allocates to a county for Title IV-A programs,
18 as defined in section 5101.80 of the Revised Code.

19 (3) "TANF Title XX transfer funds" means funds the
20 Department of Job and Family Services allocates to a county for
21 purposes of section 5101.461 of the Revised Code.

22 (4) "Title XX social services funds" means funds the
23 Department of Job and Family Services allocates to a county

24 department of job and family services for purposes of section
25 5101.46 of the Revised Code.

26 (B) If a county informs the Department of Job and Family
27 Services that the county will not use the entire amount of the
28 income maintenance funds, TANF funds, TANF Title XX transfer
29 funds, or Title XX social services funds allocated to the county
30 for fiscal year 2010 or fiscal year 2011, the Department shall
31 reallocate the portion of the funds the county will not use to
32 other counties for the remainder of the fiscal year in which the
33 funds are reallocated or the next fiscal year. In reallocating
34 the funds, the Department shall do both of the following:

35 (1) For each of the funds separately, rank each county by
36 the percentage reduction in allocations of the funds from the
37 fiscal year preceding the fiscal year in which the reallocation
38 is made to the fiscal year in which the reallocation is made,
39 with the county that has the greatest reduction percentage
40 placed at the top of the ranking;

41 (2) Reallocate each of the funds separately to counties in
42 the order in which counties are ranked under division (B)(1) of
43 this section in a manner that provides, to the extent funds are
44 available for reallocation, for each county to be, as a result
45 of the reallocation, allocated the same amount of the funds that
46 the county was allocated the previous fiscal year, other than

47 the counties that inform the Department they will not use the
48 full amount of their allocation of the funds."

49 The motion was _____ agreed to.

50 SYNOPSIS

51 **Reallocation of Unused County Funds**

52 **Section _____**

53 Requires the Department of Job and Family Services to
54 reallocate certain funds to counties when the Department is
55 informed a county will not use the full amount allocated to it
56 for fiscal year 2010 or 2011.

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Sub. H.B. 1
LSC 128 0516-4
HC-2473

5 _____ moved to amend as follows:

6 In line 464, delete "5111.23,"; delete "5111.235,"

7 In line 465, delete "5111.241,"; delete "5111.251,"

8 Delete lines 83687 through 83807

9 Delete lines 84056 through 84077

10 Delete lines 84181 through 84298

11 Delete lines 84650 through 85040

12 In line 98993, delete "5111.23,"

13 In line 98994, delete "5111.235,"; delete "5111.241,";

14 delete "5111.251,"

15 In line 105590, delete "with the following adjustments:"

16 Delete lines 105591 through 105597

17 In line 105598, delete all before the period

18 In line 105599, delete "(2)" and insert "(D)"

19 In line 105601, delete "after application of division"

20 In line 105602, delete "(C) (1) of this section"

21 In line 105606, delete "(D)" and insert "(E)"

22 In line 105610, delete "(E)" and insert "(F)"

23 In line 105617, delete "(F)" and insert "(G)"

24 In line 105622, delete "(G)" and insert "(H)"
25 In line 105666, delete "with the following adjustments:"
26 Delete lines 105667 through 105673
27 In line 105674, delete all before the period
28 In line 105675, delete "(2)" and insert "(D)"
29 In line 105677, delete "after application of division"
30 In line 105678, delete "(C) (1) of this section"
31 In line 105682, delete "(D)" and insert "(E)"
32 In line 105686, delete "(E)" and insert "(F)"
33 In line 105693, delete "(F)" and insert "(G)"
34 In line 105698, delete "(G)" and insert "(H)"
35 In line 112434, delete "5111.23,"; delete "5111.235,"
36 In line 112435, delete "5111.241,"; delete "511.251,"
37 In line 183 of the title, delete "5111.23,"
38 In line 184 of the title, delete "5111.235,"; delete
39 "5111.241,"
40 In line 185 of the title, delete "5111.251,"

41 The motion was _____ agreed to.

42 SYNOPSIS

43 **Inflation Adjustments Used in ICF/MR Rates**

44 **R.C. 5111.23, 5111.235, 5111.241, and 5111.251**

45 Removes the bill's provision that provides for the Director
46 of Job and Family Services to specify in rules the inflation
47 measuring systems or inflation factors to be used in determining
48 the Medicaid rates for intermediate care facilities for the
49 mentally retarded (ICFs/MR) and maintains statutory reference to
50 specific inflation measuring systems to be used in those cases.

51 **FY 2010 and FY 2011 Medicaid Reimbursement Rate for ICFs/MR**
52 **Sections 309.30.60 and 309.30.70**

53 Removes the bill's provisions that limit an ICF/MR's
54 Medicaid rate for fiscal year 2010 to not more than 108% of its
55 fiscal year 2009 rate and its Medicaid rate for fiscal year 2011
56 to not more than 107% of its fiscal year 2010 rate.

5 _____ moved to amend as follows:

6 In line 520, after "5112.48," insert "5119.613,"

7 In line 58851, strike through "a" and insert "an ADAMHS";
8 after "board" strike through the balance of the line

9 In line 58852, strike through "health services"

10 Between lines 58853 and 58854, insert:

11 "(14) "ADAMHS board" means a board of alcohol, drug
12 addiction, and mental health services;

13 (15) "Mental health resident program participation
14 agreement" means a written agreement between an adult care
15 facility and the ADAMHS board serving the alcohol, drug
16 addiction, and mental health service district in which the
17 facility is located, under which the facility is authorized to
18 admit residents who are receiving or are eligible for publicly
19 funded mental health services.

20 (16) "PASSPORT administrative agency" means an entity under
21 contract with the department of aging to provide administrative
22 services regarding the PASSPORT program created under section
23 173.40 of the Revised Code."

24 Delete lines 58966 through 58968

25 In line 58969, delete "(3)" and insert "(2)"

26 In line 58970, delete "a" and insert "an ADAMHS"; after

27 "board" delete the balance of the line

28 In line 58971, delete "mental health services board"

29 Between lines 59073 and 59074, insert:

30 "If an inspection is conducted to investigate an alleged

31 violation of the requirements of this chapter in a facility with

32 residents referred by or receiving services from a mental health

33 agency or ADAMHS board or a facility with residents receiving

34 assistance under the residential state supplement program

35 administered by the department of aging pursuant to section

36 173.35 of the Revised Code, the director shall coordinate the

37 inspection with the appropriate mental health agency, ADAMHS

38 board, or PASSPORT administrative agency. As the director

39 considers appropriate, the director shall conduct the inspection

40 jointly with the mental health agency, ADAMHS board, or PASSPORT

41 administrative agency."

42 Strike through line 59086

43 In line 59087, strike through "standards"

44 In line 59397, strike through "sign written agreements

45 with"

46 Strike through lines 59398 through 59402

47 In line 59403, delete "(b)" and insert "and the ADAMHS
48 board serving the alcohol, drug addiction, and mental health
49 service district in which the facility is located sign a mental
50 health resident program participation agreement, as developed by
51 the director of mental health under section 5119.613 of the
52 Revised Code;

53 (b) That the owner or manager comply with the requirements
54 of its mental health resident program participation agreement;

55 (c)"

56 In line 59404, after the first "and" insert "ADAMHS";
57 strike through "of alcohol, drug addiction, and mental health"

58 In line 59405, strike through "services"

59 In line 59406, after "a" insert "mental health"; after the
60 first "for" insert "ongoing mental health"

61 In line 59408, delete "(c)" and insert "(d)"; after
62 "process" insert "established by the public health council in
63 consultation with the director of health and director of mental
64 health"

65 In line 59409, after "services" insert "for prospective
66 residents with mental illness"

67 In line 59417, strike through "The public health council"

68 Strike through lines 59418 and 59419

69 In line 59448, after "~~ombudsman~~" insert "long-term care";
70 after "ombudsperson" insert "program"

71 In line 59470, after "license" insert ";"

72 (g) The resident is receiving publicly funded mental health
73 services and the facility's mental health resident program
74 participation agreement is terminated by the facility or ADAMHS
75 board"

76 In line 59478, delete "(f)" and insert "(g)"

77 In line 59539, delete "either" and insert "any"

78 In line 59542, delete "a" and insert "an ADAMHS"; delete
79 the second "of"

80 In line 59543, delete "alcohol, drug addiction, or mental
81 health services"

82 In line 59544, after "contract" insert ";"

83 (c) When there is a mental health resident program
84 participation agreement between the facility and the ADAMHS
85 board with which the agency is under contract"

86 In line 59545, strike through "a" and insert "an ADAMHS";
87 strike through "of alcohol, drug addiction, and"

88 In line 59546, strike through "mental health services"

89 In line 59551, after "that" insert "ADAMHS"; after
90 "another" insert "ADAMHS"; delete "of"

91 In line 59552 delete "alcohol, drug addiction, and mental
92 health services"

93 In line 59555, after "that" insert "ADAMHS"

94 In line 59556, after "another" insert "ADAMHS"; delete "of
95 alcohol, drug"

96 In line 59557, delete "addiction, and mental health
97 services" and insert ";

98 (d) When there is a mental health resident program
99 participation agreement between the facility and that ADAMHS
100 board"

101 In line 59599, delete "without first notifying the"

102 Delete line 59600 and insert ", unless both of the
103 following conditions are met:

104 (a) The ADAMHS board"

105 In line 59602, after "located" insert "is notified"

106 Between lines 59602 and 59603, insert:

107 "(b) The facility and ADAMHS board have entered into a
108 mental health resident program participation agreement by using
109 the standardized form approved by the director of mental health
110 under section 5119.613 of the Revised Code."

111 In line 59622, strike through "a" and insert "an ADAMHS";
112 strike through "of alcohol, drug"

113 In line 59623, strike through "addiction, and mental health
114 services"

115 In line 59696, after the comma insert "ADAMHS"

116 In line 59697, strike through "of alcohol, drug addiction,
117 and mental health services"

118 In line 59700, delete "either" and insert "any"

119 In line 59704, after "capacity" insert ";

120 (3) That an enforcement action initiated by the director of
121 health is pending and may result in the revocation of or refusal
122 to renew the facility's license;

123 (4) That the potential resident is receiving or is eligible
124 for publicly funded mental health services and the facility has
125 not entered into a mental health resident program participation
126 agreement"

127 In line 59730, after the second "the" insert "ADAMHS";
128 strike through "of"

129 In line 59731, strike through "alcohol, drug addiction, and
130 mental health services"

131 In line 59745, strike through "or regional"

132 In line 59746, after "ombudsperson" insert ", the regional
133 long-term care ombudsperson program for the area in which the
134 facility is located,"; strike through "to"

135 In line 59749, after the second "the" insert "ADAMHS";
136 strike through "of alcohol, drug"

137 In line 59750, strike through "addiction, and mental health
138 services"

139 In line 59753, after "ombudsperson" insert ", regional
140 program,"

141 In line 59770, after "or" insert "ADAMHS"; strike through
142 "of alcohol, drug addiction, and"

143 In line 59771, strike through "mental health services,"

144 In line 59788, after "or" insert "ADAMHS"; strike through
145 "of alcohol, drug"

146 In line 59789, strike through "addiction, and mental health
147 services"

148 Between lines 86558 and 86559, insert:

149 "Sec. 5119.613. For purposes of Chapter 3722. of the
150 Revised Code, the director of mental health shall approve a
151 standardized form to be used in all areas of this state by adult
152 care facilities and boards of alcohol, drug addiction, and
153 mental health services when entering into mental health resident
154 program participation agreements. As part of approving the
155 form, the director shall specify the requirements that adult
156 care facilities must meet in order to be authorized to admit
157 residents who are receiving or are eligible for publicly funded
158 mental health services."

159 In line 259 of the title, after "5112.48," insert
160 "5119.613,"

161 The motion was _____ agreed to.

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SYNOPSIS

163

Adult Care Facilities

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R.C. 3722.01, 3722.02, 3722.04, 3722.10, 3722.14, 3733.15,
3722.16, 3722.18, and 5119.613

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Prohibits an adult care facility from admitting a resident receiving or eligible for publicly funded mental health services without entering into a "mental health resident program participation agreement" with the alcohol, drug addiction, and mental health services (ADAMHS) board serving the jurisdiction in which the facility is located.

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Requires the Director of Mental Health to approve a standardized form for use as a mental health resident program participation agreement and, as part of approving the form, to specify the requirements that an adult care facility must meet.

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Permits the Director of Health to waive any of the licensing requirements established by rule for adult care facilities, in place of the Director's existing authority to waive only those requirements that pertain to fire and safety requirements or building standards.

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If an inspection is conducted to investigate an alleged violation in a facility that serves residents receiving publicly funded mental health services or assistance under the Residential State Supplement Program, requires the inspection to be coordinated with the appropriate mental health agency, ADAMHS board, or PASSPORT administrative agency, and permits the inspection to be conducted jointly with the appropriate entity.

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Prohibits employees of public entities and related agencies from placing an individual in an adult care facility if a disciplinary action that may result in the revocation or non-renewal of the facility's license has been initiated and is pending against the facility.

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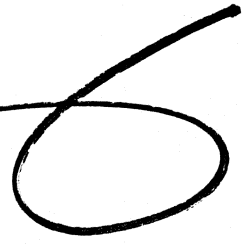
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Modifies the Public Health Council's rulemaking authority regarding the establishment of procedures to be followed by an adult care facility when persons with mental illness or severe mental disability are referred to the facility.

APR 25 2009

128HB1-HC2477/RH

Sub. H.B. 1
LSC 128 0516-4
HC-2477



_____ moved to amend as follows:

In line 442, after "4503.103," insert "4503.44," 1

Between lines 72237 and 72238, insert: 2

"Sec. 4503.44. (A) As used in this section and in section 3
4511.69 of the Revised Code: 4

(1) "Person with a disability that limits or impairs the 5
ability to walk" means any person who, as determined by a health 6
care provider, meets any of the following criteria: 7

(a) Cannot walk two hundred feet without stopping to rest; 8

(b) Cannot walk without the use of, or assistance from, a 9
brace, cane, crutch, another person, prosthetic device, 10
wheelchair, or other assistive device; 11

(c) Is restricted by a lung disease to such an extent that 12
the person's forced (respiratory) expiratory volume for one 13
second, when measured by spirometry, is less than one liter, or 14
the arterial oxygen tension is less than sixty millimeters of 15
mercury on room air at rest; 16

(d) Uses portable oxygen; 17

(e) Has a cardiac condition to the extent that the person's 18
functional limitations are classified in severity as class III or 19

class IV according to standards set by the American heart	20
association;	21
(f) Is severely limited in the ability to walk due to an	22
arthritic, neurological, or orthopedic condition;	23
(g) Is blind.	24
(2) "Organization" means any private organization or	25
corporation, or any governmental board, agency, department,	26
division, or office, that, as part of its business or program,	27
transports persons with disabilities that limit or impair the	28
ability to walk on a regular basis in a motor vehicle that has not	29
been altered for the purpose of providing it with special	30
equipment for use by handicapped persons. This definition does not	31
apply to division (J) of this section.	32
(3) "Health care provider" means a physician, physician	33
assistant, advanced practice nurse, or chiropractor as defined in	34
this section.	35
(4) "Physician" means a person licensed to practice medicine	36
or surgery or osteopathic medicine and surgery under Chapter 4731.	37
of the Revised Code.	38
(5) "Chiropractor" means a person licensed to practice	39
chiropractic under Chapter 4734. of the Revised Code.	40
(6) "Advanced practice nurse" means any certified nurse	41
practitioner, clinical nurse specialist, certified registered	42
nurse anesthetist, or certified nurse-midwife who holds a	43
certificate of authority issued by the board of nursing under	44
Chapter 4723. of the Revised Code.	45
(7) "Physician assistant" means a person who holds a	46
certificate to practice as a physician assistant issued under	47
Chapter 4730. of the Revised Code.	48

(B) Any organization or person with a disability that limits or impairs the ability to walk may apply to the registrar of motor vehicles for a removable windshield placard or, if the person owns or leases a motor vehicle, the person may apply for the registration of any motor vehicle the person owns or leases. In addition to one or more sets of license plates or one placard, a person with a disability that limits or impairs the ability to walk is entitled to one additional placard, but only if the person applies separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion, determines that good and justifiable cause exists to approve the request for the additional placard. When a motor vehicle has been altered for the purpose of providing it with special equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar or a deputy registrar for registration under this section. The application for registration of a motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk shall be accompanied by a signed statement from the applicant's health care provider certifying that the applicant meets at least one of the criteria contained in division (A) (1) of this section and that the disability is expected to continue for more than six consecutive months. The application for a removable windshield placard made by a person with a disability that limits or impairs the ability to walk shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A) (1) of this section. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the

applicant's ability to walk. The application for a removable
windshield placard made by an organization shall be accompanied by
such documentary evidence of regular transport of persons with
disabilities that limit or impair the ability to walk by the
organization as the registrar may require by rule and shall be
completed in accordance with procedures that the registrar may
require by rule. The application for registration of a motor
vehicle that has been altered for the purpose of providing it with
special equipment for a person with a disability that limits or
impairs the ability to walk but is owned by someone other than
such a person shall be accompanied by such documentary evidence of
vehicle alterations as the registrar may require by rule.

(C) When an organization, a person with a disability that
limits or impairs the ability to walk, or a person who does not
have a disability that limits or impairs the ability to walk but
owns a motor vehicle that has been altered for the purpose of
providing it with special equipment for a person with a disability
that limits or impairs the ability to walk first submits an
application for registration of a motor vehicle under this section
and every fifth year thereafter, the organization or person shall
submit a signed statement from the applicant's health care
provider, a completed application, and any required documentary
evidence of vehicle alterations as provided in division (B) of
this section, and also a power of attorney from the owner of the
motor vehicle if the applicant leases the vehicle. Upon submission
of these items, the registrar or deputy registrar shall issue to
the applicant appropriate vehicle registration and a set of
license plates and validation stickers, or validation stickers
alone when required by section 4503.191 of the Revised Code. In
addition to the letters and numbers ordinarily inscribed thereon,
the license plates shall be imprinted with the international

symbol of access. The license plates and validation stickers shall 113
be issued upon payment of the regular license fee as prescribed 114
under section 4503.04 of the Revised Code and any motor vehicle 115
tax levied under Chapter 4504. of the Revised Code, and the 116
payment of a service fee equal to the amount specified in division 117
(D) or (G) of section 4503.10 of the Revised Code. 118
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(D) (1) Upon receipt of a completed and signed application for 120
a removable windshield placard, a prescription as described in 121
division (B) of this section, documentary evidence of regular 122
transport of persons with disabilities that limit or impair the 123
ability to walk, if required, and payment of a service fee equal 124
to the amount specified in division (D) or (G) of section 4503.10 125
of the Revised Code, the registrar or deputy registrar shall issue 126
to the applicant a removable windshield placard, which shall bear 127
the date of expiration on both sides of the placard and shall be 128
valid until expired, revoked, or surrendered. Every removable 129
windshield placard expires as described in division (D) (2) of this 130
section, but in no case shall a removable windshield placard be 131
valid for a period of less than sixty days. Removable windshield 132
placards shall be renewable upon application as provided in 133
division (B) of this section, and a service fee equal to the 134
amount specified in division (D) or (G) of section 4503.10 of the 135
Revised Code shall be charged for the renewal of a removable 136
windshield placard. The registrar shall provide the application 137
form and shall determine the information to be included thereon. 138
The registrar also shall determine the form and size of the 139
removable windshield placard, the material of which it is to be 140
made, and any other information to be included thereon, and shall 141
adopt rules relating to the issuance, expiration, revocation, 142
surrender, and proper display of such placards. Any placard issued 143
after October 14, 1999, shall be manufactured in a manner that 144

allows the expiration date of the placard to be indicated on it 145
through the punching, drilling, boring, or creation by any other 146
means of holes in the placard. 147

(2) At the time a removable windshield placard is issued to a 148
person with a disability that limits or impairs the ability to 149
walk, the registrar or deputy registrar shall enter into the 150
records of the bureau of motor vehicles the last date on which the 151
person will have that disability, as indicated on the accompanying 152
prescription. Not less than thirty days prior to that date and all 153
removable windshield placard renewal dates, the bureau shall send 154
a renewal notice to that person at the person's last known address 155
as shown in the records of the bureau, informing the person that 156
the person's removable windshield placard will expire on the 157
indicated date not to exceed five years from the date of issuance, 158
and that the person is required to renew the placard by submitting 159
to the registrar or a deputy registrar another prescription, as 160
described in division (B) of this section, and by complying with 161
the renewal provisions prescribed in division (D)(1) of this 162
section. If such a prescription is not received by the registrar 163
or a deputy registrar by that date, the placard issued to that 164
person expires and no longer is valid, and this fact shall be 165
recorded in the records of the bureau. 166

(3) At least once every year, on a date determined by the 167
registrar, the bureau shall examine the records of the office of 168
vital statistics, located within the department of health, that 169
pertain to deceased persons, and also the bureau's records of all 170
persons who have been issued removable windshield placards and 171
temporary removable windshield placards. If the records of the 172
office of vital statistics indicate that a person to whom a 173
removable windshield placard or temporary removable windshield 174
placard has been issued is deceased, the bureau shall cancel that 175

placard, and note the cancellation in its records.

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The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (D) (3) of this section.

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(4) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

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(E) (1) (a) Any person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A) (1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable windshield placard, presentation of the prescription from the applicant's health care provider, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a temporary removable windshield placard.

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(b) Any active-duty member of the armed forces of the United States, including the reserve components of the armed forces and

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the national guard, who has an illness or injury that limits or
impairs the ability to walk may apply to the registrar or a deputy
registrar for a temporary removable windshield placard. With the
application, the person shall present evidence of the person's
active-duty status and the illness or injury. Evidence of the
illness or injury may include a current department of defense
convalescent leave statement, any department of defense document
indicating that the person currently has an ill or injured
casualty status or has limited duties, or a prescription from any
health care provider prescribing the placard for the applicant.
Upon receipt of the application and the necessary evidence, the
registrar or deputy registrar shall issue the applicant the
temporary removable windshield placard without the payment of any
service fee.

(2) The temporary removable windshield placard shall be of
the same size and form as the removable windshield placard, shall
be printed in white on a red-colored background, and shall bear
the word "temporary" in letters of such size as the registrar
shall prescribe. A temporary removable windshield placard also
shall bear the date of expiration on the front and back of the
placard, and shall be valid until expired, surrendered, or
revoked, but in no case shall such a placard be valid for a period
of less than sixty days. The registrar shall provide the
application form and shall determine the information to be
included on it, provided that the registrar shall not require a
health care provider's prescription or certification for a person
applying under division (E)(1)(b) of this section. The registrar
also shall determine the material of which the temporary removable
windshield placard is to be made and any other information to be
included on the placard and shall adopt rules relating to the
issuance, expiration, surrender, revocation, and proper display of
those placards. Any temporary removable windshield placard issued

after October 14, 1999, shall be manufactured in a manner that 239
allows for the expiration date of the placard to be indicated on 240
it through the punching, drilling, boring, or creation by any 241
other means of holes in the placard. 242

(F) If an applicant for a removable windshield placard is a 243
veteran of the armed forces of the United States whose disability, 244
as defined in division (A)(1) of this section, is 245
service-connected, the registrar or deputy registrar, upon receipt 246
of the application, presentation of a signed statement from the 247
applicant's health care provider certifying the applicant's 248
disability, and presentation of such documentary evidence from the 249
department of veterans affairs that the disability of the 250
applicant meets at least one of the criteria identified in 251
division (A)(1) of this section and is service-connected as the 252
registrar may require by rule, but without the payment of any 253
service fee, shall issue the applicant a removable windshield 254
placard that is valid until expired, surrendered, or revoked. 255

(G) Upon a conviction of a violation of division (I), (J), or 256
(K) of this section, the court shall report the conviction, and 257
send the placard or parking card, if available, to the registrar, 258
who thereupon shall revoke the privilege of using the placard or 259
parking card and send notice in writing to the placardholder or 260
cardholder at that holder's last known address as shown in the 261
records of the bureau, and the placardholder or cardholder shall 262
return the placard or card if not previously surrendered to the 263
court, to the registrar within ten days following mailing of the 264
notice. 265

Whenever a person to whom a removable windshield placard or 266
parking card has been issued moves to another state, the person 267
shall surrender the placard or card to the registrar; and whenever 268
an organization to which a placard or card has been issued changes 269

its place of operation to another state, the organization shall	270
surrender the placard or card to the registrar.	271
(H) Subject to division (F) of section 4511.69 of the Revised	272
Code, the operator of a motor vehicle displaying a removable	273
windshield placard, temporary removable windshield placard,	274
parking card, or the special license plates authorized by this	275
section is entitled to park the motor vehicle in any special	276
parking location reserved for persons with disabilities that limit	277
or impair the ability to walk, also known as handicapped parking	278
spaces or disability parking spaces.	279
(I) No person or organization that is not eligible under	280
division (B) or (E) of this section shall willfully and falsely	281
represent that the person or organization is so eligible.	282
No person or organization shall display license plates issued	283
under this section unless the license plates have been issued for	284
the vehicle on which they are displayed and are valid.	285
(J) No person or organization to which a removable windshield	286
placard or temporary removable windshield placard is issued shall	287
do either of the following:	288
(1) Display or permit the display of the placard on any motor	289
vehicle when having reasonable cause to believe the motor vehicle	290
is being used in connection with an activity that does not include	291
providing transportation for persons with disabilities that limit	292
or impair the ability to walk;	293
(2) Refuse to return or surrender the placard, when required.	294
(K) (1) No person or organization to which a parking card is	295
issued shall do either of the following:	296
(a) Display or permit the display of the parking card on any	297
motor vehicle when having reasonable cause to believe the motor	298
vehicle is being used in connection with an activity that does not	299

include providing transportation for a handicapped person;	300
(b) Refuse to return or surrender the parking card, when required.	301 302
(2) As used in division (K) of this section:	303
(a) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.	304 305 306 307 308 309
(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports handicapped persons on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by handicapped persons.	310 311 312 313 314 315
(L) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:	316 317 318 319
(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;	320 321
(2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.	322 323
Any placardholder or cardholder who loses a placard or card and, after obtaining a duplicate, finds the original, immediately shall surrender the original placard or card to the registrar.	324 325 326
(M) The registrar shall pay all fees received under this section for the issuance of removable windshield placards or	327 328

temporary removable windshield placards or duplicate removable
 windshield placards or cards into the state treasury to the credit
 of the state bureau of motor vehicles fund created in section
 4501.25 of the Revised Code.

(N) In addition to the fees collected under this section, the registrar or deputy registrar shall ask each person applying for a removable windshield placard or temporary removable windshield placard or duplicate removable windshield placard or license plate issued under this section, whether the person wishes to make a two-dollar voluntary contribution to support rehabilitation employment services. The registrar shall transmit the contributions received under this division to the treasurer of state for deposit into the rehabilitation employment fund, which is hereby created in the state treasury. A deputy registrar shall transmit the contributions received under this division to the registrar in the time and manner prescribed by the registrar. The contributions in the fund shall be used by the rehabilitation services commission to purchase services related to vocational evaluation, work adjustment, personal adjustment, job placement, job coaching, and community-based assessment from accredited community rehabilitation program facilities.

(O) For purposes of enforcing this section, every peace officer is deemed to be an agent of the registrar. Any peace officer or any authorized employee of the bureau of motor vehicles who, in the performance of duties authorized by law, becomes aware of a person whose placard or parking card has been revoked pursuant to this section, may confiscate that placard or parking card and return it to the registrar. The registrar shall prescribe any forms used by law enforcement agencies in administering this section.

No peace officer, law enforcement agency employing a peace

officer, or political subdivision or governmental agency employing 360
 a peace officer, and no employee of the bureau is liable in a 361
 civil action for damages or loss to persons arising out of the 362
 performance of any duty required or authorized by this section. As 363
 used in this division, "peace officer" has the same meaning as in 364
 division (B) of section 2935.01 of the Revised Code. 365

~~(P)~~(P) All applications for registration of motor vehicles, 366
 removable windshield placards, and temporary removable windshield 367
 placards issued under this section, all renewal notices for such 368
 items, and all other publications issued by the bureau that relate 369
 to this section shall set forth the criminal penalties that may be 370
 imposed upon a person who violates any provision relating to 371
 special license plates issued under this section, the parking of 372
 vehicles displaying such license plates, and the issuance, 373
 procurement, use, and display of removable windshield placards and 374
 temporary removable windshield placards issued under this section. 375

~~(P)~~(Q) Whoever violates this section is guilty of a 376
 misdemeanor of the fourth degree." 377

In line 98972, after "4503.103," insert "4503.44," 378

In line 154 of the title, after "4503.103," insert "4503.44," 379

The motion was _____ agreed to.

SYNOPSIS

Placards and License Plates for Walking-Impaired 380

R.C. 4503.44 381

Creates the Rehabilitation Employment Fund to be used by the 382
 Rehabilitation Services Commission to fund employment-related 383

services and requires the Registrar of Motor Vehicles and any 384
deputy registrar to ask each applicant for a removable windshield 385
placard or temporary removable windshield placard or duplicate 386
removable windshield placard or license plate issued to a person 387
who is walking-impaired whether the person wishes to make a \$2 388
contribution to the Rehabilitation Employment Fund. 389

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Sub. H.B. 1
LSC 128 0516-4
HC-2478

5 _____ moved to amend as follows:

6 Between lines 112209 and 112210, insert:

7 **"Section 753.____.** (A) The Governor is authorized to
8 execute a Governor's Deed in the name of the state conveying to
9 the Dayton Public School District/Dayton Board of Education,
10 ("grantee"), and its successors and assigns, all of the state's
11 right, title, and interest in the following described real
12 estate:

13 STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres

14 Situated in Section 26, Township 2, Range 7 of the Miami
15 River Survey, the City of Dayton, the County of Montgomery, the
16 State of Ohio, being a 2.2361 acre portion of a 15 acres 30 rods
17 tract conveyed to the State of Ohio as recorded in Deed Book U-
18 2, Page 40, and being a 22.5673 acre portion of a 24.36 acre
19 tract of land conveyed to the Trustees of the Southern Ohio
20 Lunatic Asylum as recorded in Deed Book N-3, Page 233, being an
21 4.6813 acre portion of a 21.25 acre tract of land conveyed to
22 the State of Ohio as recorded in Deed Book 169, Page 583, and
23 being an 8.6742 acre portion of a 33.5 acre tract as conveyed to

24 the State of Ohio as recorded in Deed Book 169, Page 585, being
25 an 7.2010 acre portion of a 10.544 acre tract of land as
26 conveyed to the State of Ohio as recorded in Deed Book 138, Page
27 125 and being a portion of City of Dayton Lot Number 61376 and
28 all of Lot Number 61377 of the revised and consecutive numbers
29 of lots on the plat of the City of Dayton and more particularly
30 bounded and described as follows:

31 Beginning at a capped 5/8" Iron Pin found stamped
32 "Woolpert" at the Southeast corner of a 2.881 acre tract being
33 Parcel 2 of the Wilmington Woods Plat as recorded in Plat Book
34 134, Page 3A, said point also being the northeast corner of an
35 8.338 acre tract of land conveyed to the Barry K. Humphries as
36 recorded in Microfiche 01-0590A04 and the TRUE POINT OF
37 BEGINNING;

38 Thence with the east line of said 2.881 acre tract being
39 Parcel 2 and the West line of a 24.36 acre tract of land
40 conveyed to the Trustees of the Southern Ohio Lunatic Asylum as
41 recorded in Deed Book N-3, Page 233, North 00°32' 15" East a
42 distance of 459.39 feet to a RR Spike set in the centerline of
43 Wayne Avenue, passing a 5/8 inch iron pin set at the northeast
44 corner of said 2.881 acre tract and the south right of way of
45 Wayne Avenue at 429.39 feet;

46 Thence with the centerline of Wayne Ave and the north lines
47 of said 24.36 acre tract and said 21.25 acre tract, South

48 89°18'28" East a distance of 790.80 feet to a RR spike set at
49 the northwest comer of a 1.056 acre tract of land conveyed to
50 the City of Dayton as recorded in M.F. No. 90-424 E09;

51 Thence with the west line of said 1.056 acre tract and the
52 east line of said 21.25 acre tract, South 01°17'05" West a
53 distance of 230.89 feet to a 5/8 inch iron pin stamped
54 "Riancho", passing a 5/8 inch iron set at the south right of way
55 of Wayne Avenue at 30.00 feet;

56 Thence with the south line of said 1.056 acre tract and the
57 south line of a 1.056 acre tract of land conveyed to the City of
58 Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East
59 a distance of 400.00 feet to a found 5/8" iron pin and passing a
60 5/8 inch iron pin found stamped "Riancho" at 200.00 feet;

61 Thence with the east line of said 1.056 acre tract and the
62 west line of said 33.5 acre tract as conveyed to the State of
63 Ohio as recorded in Deed Book 169 Page 585, North 1°17'05" East
64 a distance of 229.79 feet to a RR spike set, passing a 5/8 inch
65 iron pin set at the south right of way of Wayne Avenue at 199.79
66 feet;

67 Thence with the centerline of Wayne Avenue and the north
68 line of said 33.5 acre tract, South 89°18'28" East a distance of
69 270.78 feet to a RR spike set at the Intersection of the
70 centerlines of Watervliet Avenue and Wayne Avenue;

71 Thence with the centerline of Watervliet Avenue and with
72 the northerly line of said 33.5 acre tract, South 55°21'16" East
73 a distance of 231.10 feet to a RR spike set;

74 Thence with the east line of said 33.5 acre tract and the
75 west line of a 13.00 acre tract conveyed to the Board of
76 Education of the Dayton City School District as recorded in Deed
77 Book 1522, Page 341, South 00°48' 28" West a distance of 709.51
78 feet to a 5/8 inch iron pin set;

79 Thence with a new division line, North 89°11'12" West, a
80 distance of 468.08 feet to a 5/8 inch iron pin set, in the west
81 line of said 33.5 acre tract and the east line of said 21.25
82 acre tract, to a 5/8 inch iron pin set;

83 Thence with the west line of said 33.5 acre tract and the
84 east line of said 21.25 acre tract, North 01°07'55" East a
85 distance of 141.74 feet to a 5/8 inch iron pin set;

86 Thence with a new division line, North 89°15'53" West,
87 passing the west line of said 21.25 acre tract and the east line
88 of said 24.36 acre tract conveyed to The Trustees of the
89 Southern Ohio Lunatic Asylum as recorded in Deed Book N~3, Page
90 233 at a distance of 425.35 feet, for a total distance of 507.35
91 feet to a 5/8 inch iron pin set;

92 Thence with a new division line South 01°07'00" West
93 passing the south line of 24.36 acre tract conveyed to The
94 Trustees of the Southern Ohio Lunatic Asylum as recorded in Deed

95 Book N-3, Page 233 and the north line of said 10.544 acre tract
96 at a distance of 627.92 feet, for a total distance of 1,013.05
97 feet to a 5/8 inch iron pin set in the south line of said 10.544
98 acre tract;

99 Thence with the south line of said 10.544 acre tract and
100 the north line a 20.3 acre tract conveyed to the State of Ohio
101 Department of Public Works for the use of the Department of
102 Public Welfare, Dayton State Hospital as recorded in Deed Book
103 1326, Page 247, North 88°52'07" West a distance of 808.89 feet
104 to a 5/8 inch iron pin set in the east line of a 11.579 acre
105 tract of land conveyed to the Hospice of Dayton as recorded in
106 Microfiche 94-0448C08;

107 Thence with the east line of said 11.579 acre tract of
108 land, the east line of said 8.338 acre tract as conveyed to
109 Barry K. Humphries as recorded in M.F. number 01-0590 A04, the
110 west line of said 10.544 acre tract, and the west line of said
111 2.36 acre tract, North 03°24 '08" West a distance of 956.68 feet
112 to a 5/8 inch iron pin set;

113 Thence with an easterly line of said 8.338 acre tract, the
114 westerly line of said 24.36 acre tract, and the north line of
115 said 2.36 acre tract, North 49°49'38" East a distance of 275.99
116 feet to a capped 5/8 inch Iron Pin found stamped "LJB";

117 Thence with the east line of said 8.338 acre tract and the
118 west line of a 24.36 acre tract, North 00°32'15" East a distance

119 of 108.09 feet to a capped 5/8" Iron Pin stamped "Woolpert" and
120 the TRUE POINT OF BEGINNING, containing 45.3599 acres more or
121 less. Subject to all easements, agreements and right of ways of
122 record.

123 The basis of bearings for this description is the easterly
124 line of Parcel 2, South 00°32'15 West, as recorded in the
125 Wilmington Woods Plat as recorded in Plat Book 134, Page 3A;

126 All iron pins set in the above boundary description are
127 5/8" (O.D.) 30" long with a plastic cap stamped "LJB"

128 (B)(1) Consideration for conveyance of the real estate
129 described in division (A) of this section is the transfer to the
130 state at no cost of 8.9874 acres adjacent to the remaining Twin
131 Valley Behavioral Healthcare/Dayton Campus, subject to the
132 following conditions:

133 (a) Within one hundred eighty days after conveyance of the
134 real estate described in division (A) of this section, grantee
135 at its own cost shall complete construction of a new western
136 extension off of Mapleview Avenue to provide a new entrance
137 roadway to the remaining Twin Valley Behavioral
138 Healthcare/Dayton Campus and provide an easement to the state
139 for full utilization of the roadway for the benefit of the
140 remaining Twin Valley Behavioral Healthcare/Dayton Campus until
141 the property described in division (B)(1) of this section is
142 transferred to the state.

143 (b) Within three hundred forty days after the occupancy of
144 the New Belmont High School, grantee shall demolish and
145 environmentally restore the 8.9874 acres being transferred to
146 the state.

147 (2) In lieu of the transfer of the 8.9874 acres, if the
148 Director of Mental Health determines that the grantee has
149 insufficiently performed its construction, demolition, and
150 environmental restoration obligations specified in division
151 (B)(1) of this section, the grantee, as consideration, shall pay
152 a purchase price of \$1,175,000.00 to the state, which is the
153 appraised value of the 45.3599 acres described in division (A)
154 of the section less the cost of demolition, site, and utility
155 work.

156 (C) The real estate described in division (A) of this
157 section shall be conveyed as an entire tract and not in parcels.

158 (D) Upon transfer of the 8.9874 acres to the state or
159 payment of the purchase price, the Auditor of State, with the
160 assistance of the Attorney General, shall prepare a deed to the
161 real estate described in division (A) of this section. The deed
162 shall state the consideration and shall be executed by the
163 Governor in the name of the state, countersigned by the
164 Secretary of State, sealed with the Great Seal of the State,
165 presented in the Office of the Auditor of State for recording,

166 and delivered to the grantee. The grantee shall present the deed
167 for recording in the Office of the Montgomery County Recorder.

168 (E) The grantee shall pay all costs associated with
169 conveyance of the real estate described in division (A) of this
170 section, including recordation costs of the deed.

171 (F) If the payment of \$1,175,000.00 is made in lieu of the
172 transfer of the 8.9874 acres to the state, the proceeds of the
173 conveyance of the real estate described in division (A) of this
174 section shall be deposited into the state treasury to the credit
175 of the Department of Mental Health Trust Fund created by section
176 5119.18 of the Revised Code and the easement described in
177 division (B)(1)(a) of this section shall become a permanent
178 easement.

179 (G) The grantee shall not, during any period that any bonds
180 issued by the state to finance or refinance all or a portion of
181 the real estate described in division (A) of this section are
182 outstanding, use any portion of the real estate for a private
183 business use without the prior written consent of the state.

184 As used in this division:

185 "Private business use" means use, directly or indirectly,
186 in a trade or business carried on by any private person other
187 than use as a member of, and on the same basis as, the general
188 public. Any activity carried on by a private person who is not
189 a natural person shall be presumed to be a trade or business.

190 "Private person" means any natural person or any artificial
191 person, including a corporation, partnership, limited liability
192 company, trust, or other entity and including the United States
193 or any agency or instrumentality of the United States, but
194 excluding any state, territory, or possession of the United
195 States, the District of Columbia, or any political subdivision
196 thereof that is referred to as a "State or local governmental
197 unit" in Treasury Regulation § 1.103-1(a) and any person that is
198 acting solely and directly as an officer or employee of or on
199 behalf of any such governmental unit.

200 (H) This section expires two years after its effective
201 date."

202 The motion was _____ agreed to.

203 SYNOPSIS

204 **Land Conveyance from Department of Mental Health to Dayton**
205 **Public Schools**

206 **Section 753. _____**

207 Authorizes the Governor to execute a Governor's Deed
208 conveying to Dayton Public School District/Dayton Board of
209 Education, and its successors and assigns, all of the state's
210 right, title, and interest in certain real estate located in
211 Montgomery County.

212 Specifies that the consideration for the conveyance is a
213 transfer to the state at no cost of land adjacent to the
214 remaining Twin Valley Behavioral Healthcare/Dayton Campus
215 subject to certain conditions, including construction,

216 demolition, and restoration by the grantee or a purchase price
217 of \$1,175,000.00.

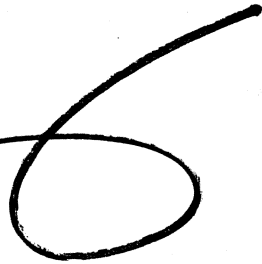
218 Requires the Auditor of State, with the assistance of the
219 Attorney General, to prepare a deed stating the consideration,
220 and requires the grantee to present the deed for recording in
221 the Office of the Montgomery County Recorder.

222 Specifies that any payment must be deposited into the state
223 treasury to the credit of the Department of Mental Health Trust
224 Fund.

225 Prohibits the grantee, during any period that any bonds
226 issued by the state to finance or refinance all or a portion of
227 the real estate are outstanding, from using any portion of the
228 real estate for a private business use without the state's prior
229 written consent.

230 The conveyance authority expires two years after it takes
231 effect.

Sub. H.B. 1
LSC 128 0516-4
HC-2479-1



_____ moved to amend as follows:

In line 429, after "3781.03," insert "3781.10,"; after "3781.11," insert "3781.12, 3781.19,"

Between lines 65418 and 65419, insert:

"Sec. 3781.10. (A) (1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in

any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

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(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. The board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

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(B) The board shall report to the general assembly proposals for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

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(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall

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make its determination with regard to adaptability for safe and
sanitary erection, use, or construction, to that described in any
section of the Revised Code, wherever the use of a fixture,
device, material, method of manufacture, system, or method of
construction described in that section of the Revised Code is
permitted by law. The board shall amend or annul any rule or issue
an authorization for the use of a new material or manufactured
unit on any like application. No department, officer, board, or
commission of the state other than the board of building standards
or the board of building appeals shall permit the use of any
fixture, device, material, method of manufacture, newly designed
product, system, or method of construction at variance with what
is described in any rule the board of building standards adopts or
issues or that is authorized by any section of the Revised Code.
Nothing in this section shall be construed as requiring approval,
by rule, of plans for an industrialized unit that conforms with
the rules the board of building standards adopts pursuant to
section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to
help carry out the purposes of section 3781.06 of the Revised Code
and to help secure uniformity of state administrative rulings and
local legislation and administrative action to the bureau of
workers' compensation, the director of commerce, any other
department, officer, board, or commission of the state, and to
legislative authorities and building departments of counties,
townships, and municipal corporations, and shall recommend that
they audit those recommended rules, codes, and standards by any
appropriate action that they are allowed pursuant to law or the
constitution.

(E) (1) The board shall certify municipal, township, and
county building departments and the personnel of those building

departments, and persons and employees of individuals, firms, or
corporations as described in division (E)(7) of this section to
exercise enforcement authority, to accept and approve plans and
specifications, and to make inspections, pursuant to sections
3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and
persons to enforce the state residential building code, to enforce
the nonresidential building code, or to enforce both the
residential and the nonresidential building codes. Any department,
personnel, or person may enforce only the type of building code
for which certified.

(3) The board shall not require a building department, its
personnel, or any persons that it employs to be certified for
residential building code enforcement if that building department
does not enforce the state residential building code. The board
shall specify, in rules adopted pursuant to Chapter 119. of the
Revised Code, the requirements for certification for residential
and nonresidential building code enforcement, which shall be
consistent with this division. The requirements for residential
and nonresidential certification may differ. Except as otherwise
provided in this division, the requirements shall include, but are
not limited to, the satisfactory completion of an initial
examination and, to remain certified, the completion of a
specified number of hours of continuing building code education
within each three-year period following the date of certification
which shall be not less than thirty hours. The rules shall provide
that continuing education credits and certification issued by the
council of American building officials, national model code
organizations, and agencies or entities the board recognizes are
acceptable for purposes of this division. The rules shall specify
requirements that are compatible, to the extent possible, with

requirements the council of American building officials and 115
national model code organizations establish. 116

(4) The board shall establish and collect a certification and 117
renewal fee for building department personnel, and persons and 118
employees of persons, firms, or corporations as described in this 119
section, who are certified pursuant to this division. 120

(5) Any individual certified pursuant to this division shall 121
complete the number of hours of continuing building code education 122
that the board requires or, for failure to do so, forfeit 123
certification. 124

(6) This division does not require or authorize the board to 125
certify personnel of municipal, township, and county building 126
departments, and persons and employees of persons, firms, or 127
corporations as described in this section, whose responsibilities 128
do not include the exercise of enforcement authority, the approval 129
of plans and specifications, or making inspections under the state 130
residential and nonresidential building codes. 131

(7) Enforcement authority for approval of plans and 132
specifications and enforcement authority for inspections may be 133
exercised, and plans and specifications may be approved and 134
inspections may be made on behalf of a municipal corporation, 135
township, or county, by any of the following who the board of 136
building standards certifies: 137

(a) Officers or employees of the municipal corporation, 138
township, or county; 139

(b) Persons, or employees of persons, firms, or corporations, 140
pursuant to a contract to furnish architectural, engineering, or 141
other services to the municipal corporation, township, or county; 142

(c) Officers or employees of, and persons under contract 143
with, a municipal corporation, township, county, health district, 144

or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services.	145 146
(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.	147 148 149 150 151
(9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:	152 153 154 155
(a) Whether the certification is requested for residential or nonresidential buildings, or both;	156 157
(b) The number and qualifications of the staff composing the building department;	158 159
(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E) (7) (b) of this section;	160 161 162
(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E) (7) of this section;	163 164 165 166
(e) The proposed budget for the operation of the building department.	167 168
(10) The board of building standards shall adopt rules governing all of the following:	169 170
(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section.	171 172 173

The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(11) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(12) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building

standards shall make investigations and tests, and require from
 other state departments, officers, boards, and commissions
 information the board considers necessary or desirable to assist
 it in the discharge of any duty or the exercise of any power
 mentioned in this section or in sections 3781.06 to 3781.18,
 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees
 for the review of all applications submitted where the applicant
 applies for authority to use a new material, assembly, or product
 of a manufacturing process. The fee shall bear some reasonable
 relationship to the cost of the review or testing of the
 materials, assembly, or products and for the notification of
 approval or disapproval as provided in section 3781.12 of the
 Revised Code.

(H) The residential construction advisory committee shall
 provide the board with a proposal for a state residential building
 code that the committee recommends pursuant to division ~~(C)~~(D)(1)
 of section 4740.14 of the Revised Code. Upon receiving a
 recommendation from the committee that is acceptable to the board,
 the board shall adopt rules establishing that code as the state
 residential building code.

(I) The committee shall provide the board with proposed rules
 to update or amend the state residential building code or to
 update or amend rules that the board adopts pursuant to division
 (E) of this section that relate to the certification of entities
 that enforce the state residential building code that the
 committee recommends pursuant to division (D)(2) of section
 4740.14 of the Revised Code.

(J) The board shall cooperate with the director of job and
 family services when the director promulgates rules pursuant to
 section 5104.05 of the Revised Code regarding safety and

sanitation in type A family day-care homes. 236

~~(J)~~(K) The board shall adopt rules to implement the 237
requirements of section 3781.108 of the Revised Code." 238

Between lines 65619 and 65620, insert: 239

"Sec. 3781.12. (A) (1) Any person may petition the board of 240
building standards to adopt, amend, or annul a rule adopted 241
pursuant to section 3781.10 of the Revised Code, or to permit the 242
use of any particular fixture, device, material, system, method of 243
manufacture, product of a manufacturing process, or method or 244
manner of construction or installation that complies with 245
performance standards adopted pursuant to section 3781.11 of the 246
Revised Code, as regards the purposes declared in section 3781.06 247
of the Revised Code, of the fixtures, devices, materials, systems, 248
or methods or manners of construction, manufacture or installation 249
described in any section of the Revised Code relating to those 250
purposes, where the use is permitted by law. 251

(2) Any person may petition the residential construction 252
advisory committee to recommend a rule to update or amend the 253
state residential building code or to update or amend rules that 254
the board adopts pursuant to division (E) of section 3781.10 of 255
the Revised Code that relate to the certification of entities that 256
enforce the state residential building code. 257

(B) Upon petition, the board shall cause to be conducted 258
testing and evaluation that the board determines desirable of any 259
fixture, device, material, system, assembly or product of a 260
manufacturing process, or method or manner of construction or 261
installation sought to be used under the rules the board adopts 262
pursuant to section 3781.10 of the Revised Code. 263

(C) If the board, after hearing, determines it advisable to 264
adopt the rule, amendment, or annulment, or to permit the use of 265

the materials or assemblages petitioned for, it shall give at
least thirty days' notice of the time and place of a public
hearing as provided by section 119.03 of the Revised Code. No rule
shall be adopted, amended, or annulled or the use of materials or
assemblages authorized until after the public hearing. A copy of
every rule, amendment, or annulment, and a copy of every approved
material or assembly authorization signed by the chairperson of
the board of building standards and sealed with the seal of the
department of commerce shall, after final adoption or
authorization by the board, be filed with the secretary of state
and published as the board determines. The issuance of the
authorization for the use of the materials or assemblages
described in the petition constitutes approval for their use
anywhere in this state. Any rule, amendment, or annulment does not
take effect until a date the board fixes and states. No rule,
amendment, or annulment applies to any building for which the
plans or drawings, specifications, and data were approved prior to
the time the rule, amendment, or annulment becomes effective. All
hearings of the board are open to the public. Each member of the
board may administer oaths in the performance of the member's
duties.

Sec. 3781.19. There is hereby established in the department
of commerce a board of building appeals consisting of five members
who shall be appointed by the governor with the advice and consent
of the senate. Terms of office shall be for four years, commencing
on the fourteenth day of October and ending on the thirteenth day
of October. Each member shall hold office from the date of
appointment until the end of the term for which the member was
appointed. Any member appointed to fill a vacancy occurring prior
to the expiration of the term for which the member's predecessor
was appointed shall hold office for the remainder of such term.

Any member shall continue in office subsequent to the expiration 297
date of the member's term until a successor takes office, or until 298
a period of sixty days has elapsed, whichever occurs first. One 299
member shall be an attorney-at-law, admitted to the bar of this 300
state and of the remaining members, one shall be a registered 301
architect and one shall be a professional engineer, each of whom 302
shall be duly licensed to practice their respective professions in 303
this state, one shall be a fire prevention officer qualified under 304
section 3737.66 of the Revised Code, and one shall be a person 305
with recognized ability in the plumbing or pipefitting profession. 306
No member of the board of building standards shall be a member of 307
the board of building appeals. Each member shall be paid an amount 308
fixed pursuant to Chapter 124. of the Revised Code per diem. The 309
department shall provide and assign to the board such employees as 310
are required by the board to perform its functions. The board may 311
adopt its own rules of procedure not inconsistent with sections 312
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 313
them in its discretion. The board may establish reasonable fees, 314
based on actual costs for administration of filing and processing, 315
not to exceed two hundred dollars, for the costs of filing and 316
processing appeals. A full and complete record of all proceedings 317
of the board shall be kept and be open to public inspection. 318

In the enforcement by any department of the state or any 319
political subdivision of this chapter and Chapter 3791., and 320
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 321
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule 322
made thereunder, such department is the agency referred to in 323
sections 119.07, 119.08, and 119.10 of the Revised Code. 324

The appropriate municipal or county board of appeals, where 325
one exists, certified pursuant to section 3781.20 of the Revised 326
Code shall conduct the adjudication hearing referred to in 327
sections 119.09 to 119.13 and required by section 3781.031 of the 328

Revised Code. If there is no certified municipal or county board of appeals, the board of building appeals shall conduct the adjudication hearing. If the adjudication hearing concerns section 3781.111 of the Revised Code or any rule made thereunder, reasonable notice of the time, date, place, and subject of the hearing shall be given to any local corporation, association, or other organization composed of or representing handicapped persons, as defined in section 3781.111 of the Revised Code, or if there is no local organization, then to any statewide corporation, association, or other organization composed of or representing handicapped persons.

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In addition to the provisions of Chapter 119. of the Revised Code, the municipal, county, or state board of building appeals, as the agency conducting the adjudication hearing, may reverse or modify the order of the enforcing agency if it finds that the order is contrary to this chapter and Chapters 3791. and 4104., and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the Revised Code and any rule made thereunder or to a fair interpretation or application of such laws or any rule made thereunder, or that a variance from the provisions of such laws or any rule made thereunder, in the specific case, will not be contrary to the public interest where a literal enforcement of such provisions will result in unnecessary hardship.

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The state board of building appeals or a certified municipal or county board of appeals shall render its decision within thirty days after the date of the adjudication hearing. Following the adjudication hearing, any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of appeals may apply to the state board of appeals for a de novo hearing before the state board, or may appeal directly to the court of common pleas

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pursuant to section 3781.031 of the Revised Code. 360

In addition, any local corporation, association, or other 361
organization composed of or representing handicapped persons as 362
defined in section 3781.111 of the Revised Code, or, if no local 363
corporation, association, or organization exists, then any 364
statewide corporation, association, or other organization composed 365
of or representing handicapped persons may apply for the de novo 366
hearing or appeal to the court of common pleas from any decision 367
of a certified municipal or county board of appeals interpreting, 368
applying, or granting a variance from section 3781.111 of the 369
Revised Code and any rule made thereunder. Application for a de 370
novo hearing before the state board shall be made no later than 371
thirty days after the municipal or county board renders its 372
decision. 373

The state board of building appeals or the appropriate 374
certified local board of building appeals shall grant variances 375
and exemptions from the requirements of section 3781.108 of the 376
Revised Code in accordance with rules adopted by the board of 377
building standards pursuant to division ~~(J)~~(K) of section 3781.10 378
of the Revised Code. 379

The state board of building appeals or the appropriate 380
certified local board of building appeals shall, in granting a 381
variance or exemption from section 3781.108 of the Revised Code, 382
in addition to any other considerations the state or the 383
appropriate local board determines appropriate, consider the 384
architectural and historical significance of the building." 385

In line 77597, after "(2)" insert "Provide the board with any 386
rule the committee recommends to update or amend the state 387
residential building code or to update or amend rules that the 388
board adopts pursuant to division (E) of section 3781.10 of the 389
Revised Code that relate to the certification of entities that 390

enforce the state residential building code; 391

(3)" 392

In line 77600, strike through "(3)" and insert "(4)" 393

In line 77603, strike through "(4)" and insert "(5)" 394

In line 77605, strike through "(5)" and insert "(6)" 395

In line 77606, after "necessary" insert "i" 396

(7) Provide the board with a written report of the 397
committee's findings for each consideration required by division 398
(D) of this section; 399

(8) Provide the board with any rule the committee recommends 400
regarding the state residential building code or relating to the 401
certification of entities that enforce the state residential 402
building code after receiving a petition as described in division 403
(A) (2) of section 3781.12 of the Revised Code" 404

In line 77607, strike through "In making" and insert "The 405
committee shall not make" 406

In line 77608, strike through "division" and insert 407
"divisions"; after "(1)" insert ", (2), (3), (5), and (8)"; strike 408
through the comma and insert "until"; strike through "shall" 409
410

In line 77609, strike through "consider" and insert "has 411
considered" 412

In line 98958, after "3781.03," insert "3781.10,"; after 413
"3781.11," insert "3781.12, 3781.19," 414

In line 135 of the title, after "3781.03," insert "3781.10,"; 415
after "3781.11," insert "3781.12, 3781.19," 416

The motion was _____ agreed to.

SYNOPSIS

417

Changes to the Residential Construction Advisory Committee 418

R.C. 3781.10, 3781.12, 3781.19, and 4740.14 419

Requires the Residential Construction Advisory Committee to 420
 provide the Board of Building Standards with any rule the 421
 Committee recommends to update or amend the state residential 422
 building code or to update or amend rules that the Board adopts 423
 that relate to the certification of entities that enforce the 424
 state residential building code. 425

Permits any person to petition the Committee to recommend a 426
 rule to the Board regarding the state residential building code or 427
 relating to the certification of entities that enforce the state 428
 residential building code. Requires the Committee to provide the 429
 Board with any rule the committee recommends regarding the state 430
 residential building code or relating to the certification of 431
 entities that enforce the state residential building code after 432
 receiving such a petition. 433

Requires the Committee to provide the Board with a written 434
 report of the Committee's findings for each consideration the 435
 Committee makes in regards to its recommendations relating to the 436
 residential building code, certification of building officials who 437
 enforce the state residential building code, and the 438
 interpretation of the residential building code. 439

5 _____ moved to amend as follows:

6 Delete line 32357

7 In line 32358, delete "(e)" and insert "(d)"

8 In line 32361, delete "(f)" and insert "(e)"

9 In line 32370, delete "(g)"

10 In line 32372, delete "Administrative" and insert:

11 "(f) Administrative"

12 In line 32381, delete "(h)" and insert "(g)"

13 In line 32447, delete "students who were enrolled" and

14 insert "community school ADM"; delete "entire"

15 In line 32450, delete "were" and insert "consist of

16 students"

17 The motion was _____ agreed to.

18 SYNOPSIS

19 **Community School Funding**

20 **R.C. 3306.16**

21 Specifies that the number of lead teacher positions
22 calculated for brick-and-mortar community schools equals the

23 number of the school's organizational units (which is the same
24 for school districts).

25 Specifies that a school district-sponsored community school
26 qualifies for the educational challenge factor if 50% of its ADM
27 from the previous year consists of the district's students
28 (instead of 50% of all students who attended the school for the
29 entire previous year).

1 128HB1-HC2481.docx/emr

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Sub. H.B. 1
LSC 128 0516-4
HC-2481

5 _____ moved to amend as follows:

6 In line 105051, delete "\$800,600 \$800,600" and insert
7 "\$600,600 \$600,600"

8 In lines 105053 and 105054, subtract \$200,000 from each
9 fiscal year

10 Delete lines 105088 through 105091

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Ohio Historical Society**

14 **Sections 295.10 and 295.20**

15 Decreases GRF appropriation item 360508, State Historical
16 Grants, by \$200,000 in each fiscal year and eliminates the
17 earmark of the same amount for the Western Reserve Historical
18 Society.

6 _____ moved to amend as follows:

7 In line 105242, delete "\$12,500,000 \$12,500,000" and

8 insert "\$42,500,000 \$42,500,000"

9 In lines 105249, 105251, and 105326, add \$30,000,000 to
10 each fiscal year

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Department of Job and Family Services**

14 **Section 309.10**

15 Increases GRF line item 600533, Child, Family, and Adult
16 Community & Protective Services, by \$30 million in each fiscal
17 year.

1 128HB1-HC2483.docx/kl

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Sub. H.B. 1
LSB 128 0516-4
HC-2483

5 _____ moved to amend as follows:

6 In line 106288, delete "AMERICAN RED CROSS-GREATER
7 CLEVELAND" and insert "NURSE ASSISTANT TRAINING PROGRAMS"

8 Delete line 106289

9 In line 106292, after "reimburse" delete the balance of the
10 line

11 Delete line 106293

12 In line 106294, delete everything before the period and
13 insert "nurse assistant training programs that service TANF-
14 eligible individuals"

15 In line 106299, delete "NURSE EDUCATION ASSISTANCE" and
16 insert "NURSING FACULTY FELLOWSHIP GRANTS"

17 In line 106302, after "the" delete the balance of the line

18 In line 106303, delete everything before the period and
19 insert "Nursing Faculty Fellowship Grant Program administered by
20 the Ohio Board of Regents"

21 In line 106307, delete "ACCOUNTABILITY AND CREDIBILITY
22 TOGETHER" and insert "SKILL-BASED EDUCATION AND ASSISTANCE"

23 In line 106310, after "to" delete the balance of the line

24 In line 106311, delete everything before the period and
25 insert "programs that provide skill-based education and
26 assistance to individuals eligible for Ohio Works First"

27 The motion was _____ agreed to.

28 SYNOPSIS

29 **Department of Job and Family Services**

30 **Sections 309.60.10, 309.60.20, and 309.60.30**

31 Removes the \$1 million earmark of line item 600688,
32 Workforce Investment, for the American Red Cross-Greater
33 Cleveland Chapter and Berea Children's Home and Family Services
34 for the Northeast Ohio Nurse Assistant Training Program and
35 instead earmarks \$1 million of that line item for nurse
36 assistant training programs that service TANF-eligible
37 individuals.

38 Changes the reference of the \$700,000 earmark of line item
39 600688, Workforce Investment, from the Nurse Education
40 Assistance Program to the Nursing Faculty Fellowship Grant
41 Program.

42 Removes the \$2 million earmark of line item 600688,
43 Workforce Investment, for Accountability and Creditability
44 Together, and instead earmarks \$2 million of that line item for
45 programs that provide skill-based education and assistance to
46 individuals eligible for Ohio Works First.

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Sub. H.B. 1
LSC 128 0516-1
HC 2484

5 _____ moved to amend as follows:

6 In line 103121, delete "\$106,768,866" and insert
7 "\$11,900,000"; delete "\$238,511,467" and insert "\$39,300,000"

8 The motion was _____ agreed to.

9

SYNOPSIS

10

Department of Education

11

Section 265.30.40

12 Decreases, to \$11.9 million in FY 2010 and \$39.3 million in
13 FY 2011, the amount of GRF appropriation item 200550, Foundation
14 Funding, that is estimated to come from a transfer of cash from
15 the School District Tangible Property Tax Replacement - Business
16 Fund (Fund 7047) into the GRF to support the state education
17 offset because of the valuation change resulting from the phase-
18 out of tangible personal property taxes.

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Sub. H.B. 1
SC 128 0516-4
HC-2485

5 _____ moved to amend as follows:

- 6 In line 491, delete "173.352,"
- 7 In line 11447, delete everything after the period
- 8 Delete lines 11448 and 11449
- 9 Delete lines 11497 through 11515
- 10 Delete lines 105739 through 105744
- 11 In line 219 of the title, delete "173.352,"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Residential State Supplement Program**

15 **R.C. 173.35 and 173.352, Section 309.30.77**

16 Removes a provision of the bill that would permit a
17 Residential State Supplement (RSS) recipient to be charged for
18 accommodations, supervision, and personal care services the sum
19 of (1) the resident's Supplemental Security Income Program
20 Payment, including any cost-of-living adjustments, but excluding
21 a \$70 personal needs allowance, and (2) the resident's RSS
22 payment.

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Sub. H.B. 1
LSC 128 0516-4
HC-2486

5 _____ moved to amend as follows:

6 In line 102576, after "of" insert "educational service
7 centers (ESCs) and"

8 In line 102577, after "assist" insert "ESCs and"

9 In line 102582, after "new" insert "ESC and"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Performance Reviews for Educational Service Centers**

13 **Section 265.10.50**

14 Specifies that a portion of the bill's funding appropriated
15 for School Management Assistance may be used for performance
16 reviews for educational service centers (ESCs), along with the
17 same funding for performance reviews of joint vocational school
18 districts (as already authorized by the bill).

19 States that the purpose of such reviews is to assist ESCs
20 in improving services to school districts and to assist
21 (presumably the Department of Education) in developing a new
22 funding system for ESCs (just as already is stated for JSVDs
23 under the bill).

24 (Does not refer to the bill's existing provisions for ESC
25 performance reviews in R.C. 3306.15, 3306.32 and 3306.321.)

5 _____ moved to amend as follows:

6 In line 104515, delete "up to 5,000" and insert "the common
7 statewide platform and"; after the second "to" insert "up to
8 5,000"

9 In line 104516, delete "a" and insert "the"

10 In line 104517, after "clearinghouse" insert "established
11 under section 3333.82 of the Revised Code"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **eTech Ohio**

15 **Section 281.20**

16 Modifies language requiring eTech Ohio to contract with an
17 entity, in fiscal year 2010, to provide the common statewide
18 platform and online advanced placement courses to up to 5,000
19 public school students in Ohio, rather than provide up to 5,000
20 online advanced placement courses to students. Specifies that
21 the \$3,000,000 in fiscal year 2011 is to be used by eTech to
22 maintain the distance learning clearinghouse for online advanced
23 placement courses.

Sub. H.B. 1
LSC 128 0516-4
HC-2515

_____ moved to amend the Omnibus Amendment
(HC-2455) as follows:

In line 7 of HC-2310, delete "\$2,105,000 \$2,105,000" and
insert "\$2,005,000 \$2,005,000" 1
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In line 8 of HC-2310, delete "add" and insert "subtract";
delete "to" and insert "from" 3
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Between lines 8 and 9 of HC-2310, insert: 5

"In line 101680, delete "\$650,000" and insert "\$550,000" 6

In line 13 of HC-2377, delete "2009 and"; after "2010" insert
"and 2011" 7
8

In line 6 of HC-2417, delete "and" and insert a comma; after
the comma insert "and 100951,"; delete "subtract \$300,000 from"
and insert "add \$150,000 to" 9
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Delete lines 8 and 9 of HC-2417 12

In line 10 of HC-2419, delete "volunteer" 13

In line 17 of HC-2419, after "gear" insert "or similar items" 14

In line 21 of HC-2419, delete "the fire department's" and
insert "that grant recipient's" 15
16

In line 7 of HC-2481, delete "\$600,600 \$600,600" and insert
"\$700,600 \$700,600" 17
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In line 8 of HC-2481, delete "\$200,000" and insert "\$100,000"	19
Delete line 10 of HC-2481 and insert:	20
"In line 105090, delete "\$200,000" and insert "\$100,000";	21
delete "Western" and insert "Cincinnati Museum Center"	22
In line 105091, delete everything before the period"	23
In line 8 of HC-2482, delete "\$42,500,000 \$42,500,000" and	24
insert "\$50,000,000 \$50,000,000"	25
Delete lines 9 and 10 of HC-2482	26
After the last line of the Omnibus Amendment (HC-2455),	27
insert the following amendments to Sub. H.B. 1 (LSC 128 0516-4):	28
In line 332, after "118.05," insert "120.04,"	29
In line 517, after "5111.179," insert "5111.236,"	30
Between lines 1894 and 1895, insert:	31
"Sec. 120.04. (A) The state public defender shall serve at	32
the pleasure of the Ohio public defender commission and shall be	33
an attorney with a minimum of four years of experience in the	34
practice of law and be admitted to the practice of law in this	35
state at least one year prior to appointment.	36
(B) The state public defender shall do all of the following:	37
(1) Maintain a central office in Columbus. The central office	38
shall be provided with a library of adequate size, considering the	39
needs of the office and the accessibility of other libraries, and	40
other necessary facilities and equipment.	41
(2) Appoint assistant state public defenders, all of whom	42
shall be attorneys admitted to the practice of law in this state,	43
and other personnel necessary for the operation of the state	44
public defender office. Assistant state public defenders shall be	45

appointed on a full-time basis. The state public defender,
assistant state public defenders, and employees appointed by the
state public defender shall not engage in the private practice of
law.

(3) Supervise the compliance of county public defender
offices, joint county public defender offices, and county
appointed counsel systems with standards established by rules of
the Ohio public defender commission pursuant to division (B) of
section 120.03 of the Revised Code;

(4) Keep and maintain financial records of all cases handled
and develop records for use in the calculation of direct and
indirect costs, in the operation of the office, and report
periodically, but not less than annually, to the commission on all
relevant data on the operations of the office, costs, projected
needs, and recommendations for legislation or amendments to court
rules, as may be appropriate to improve the criminal justice
system;

(5) Collect all moneys due the state for reimbursement for
legal services under this chapter and under section 2941.51 of the
Revised Code and institute any actions in court on behalf of the
state for the collection of such sums that the state public
defender considers advisable. Except as provided otherwise in
division (D) of section 120.06 of the Revised Code, all moneys
collected by the state public defender under this chapter and
section 2941.51 of the Revised Code shall be deposited in the
state treasury to the credit of the client payment fund, which is
hereby created. All moneys credited to the fund shall be used by
the state public defender to appoint assistant state public
defenders and to provide other personnel, equipment, and
facilities necessary for the operation of the state public
defender office, to reimburse counties for the operation of county

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public defender offices, joint county public defender offices, and 77
 county appointed counsel systems pursuant to sections 120.18, 78
 120.28, and 120.33 of the Revised Code, or to provide assistance 79
 to counties in the operation of county indigent defense systems. 80

(6) With respect to funds appropriated to the commission to 81
 pay criminal costs, perform the duties imposed by sections 2949.19 82
 and 2949.201 of the Revised Code; 83

(7) Establish standards and guidelines for the reimbursement, 84
 pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 85
 of the Revised Code, of counties for the operation of county 86
 public defender offices, joint county public defender offices, and 87
 county appointed counsel systems and for other costs related to 88
 felony prosecutions; 89

(8) Establish maximum amounts that the state will reimburse 90
 the counties pursuant to sections 120.18, 120.28, 120.33, and 91
 2941.51 of the Revised Code; 92

(9) Establish minimum and maximum hourly rates and per case 93
amounts for fee schedules that the state will reimburse the 94
 counties pursuant to section 120.33 of the Revised Code for each 95
 specific type of legal service performed by a county appointed 96
 counsel system; 97

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 98
 2949.19 of the Revised Code and make reimbursements pursuant to 99
 those sections; 100

(11) Administer the program established pursuant to sections 101
 120.51 to 120.55 of the Revised Code for the charitable public 102
 purpose of providing financial assistance to legal aid societies. 103
 Neither the state public defender nor any of the state public 104
 defender's employees who is responsible in any way for the 105
 administration of that program and who performs those 106

administrative responsibilities in good faith is in any manner 107
 liable if a legal aid society that is provided financial 108
 assistance under the program uses the financial assistance other 109
 than in accordance with sections 120.51 to 120.55 of the Revised 110
 Code or fails to comply with the requirements of those sections. 111

(12) Establish an office for the handling of appeal and 112
 postconviction matters; 113

(13) Provide technical aid and assistance to county public 114
 defender offices, joint county public defender offices, and other 115
 local counsel providing legal representation to indigent persons, 116
 including representation and assistance on appeals. 117

(C) The state public defender may do any of the following: 118

(1) In providing legal representation, conduct 119
 investigations, obtain expert testimony, take depositions, use 120
 other discovery methods, order transcripts, and make all other 121
 preparations which are appropriate and necessary to an adequate 122
 defense or the prosecution of appeals and other legal proceedings; 123

(2) Seek, solicit, and apply for grants for the operation of 124
 programs for the defense of indigent persons from any public or 125
 private source, and may receive donations, grants, awards, and 126
 similar funds from any lawful source. Such funds shall be 127
 deposited in the state treasury to the credit of the public 128
 defender gifts and grants fund, which is hereby created. 129

(3) Make all the necessary arrangements to coordinate the 130
 services of the office with any federal, county, or private 131
 programs established to provide legal representation to indigent 132
 persons and others, and to obtain and provide all funds allowable 133
 under any such programs; 134

(4) Consult and cooperate with professional groups concerned 135
 with the causes of criminal conduct, the reduction of crime, the 136

rehabilitation and correction of persons convicted of crime, the 137
administration of criminal justice, and the administration and 138
operation of the state public defender's office; 139

(5) Accept the services of volunteer workers and consultants 140
at no compensation other than reimbursement for actual and 141
necessary expenses; 142

(6) Prescribe any forms that are necessary for the uniform 143
operation of this chapter; 144

(7) Contract with a county public defender commission or a 145
joint county public defender commission to provide all or any part 146
of the services that a county public defender or joint county 147
public defender is required or permitted to provide by this 148
chapter, or contract with a board of county commissioners of a 149
county that is not served by a county public defender commission 150
or a joint county public defender commission for the provision of 151
services in accordance with section 120.33 of the Revised Code. 152
All money received by the state public defender pursuant to such a 153
contract shall be credited to either the multi-county: county 154
share fund or, if received as a result of a contract with Trumbull 155
county, the Trumbull county: county share fund. 156

(8) Authorize persons employed as criminal investigators to 157
attend the Ohio peace officer training academy or any other peace 158
officer training school for training; 159

(9) Procure a policy or policies of malpractice insurance 160
that provide coverage for the state public defender and assistant 161
state public defenders in connection with malpractice claims that 162
may arise from their actions or omissions related to 163
responsibilities derived pursuant to this chapter. 164

(D) No person employed by the state public defender as a 165
criminal investigator shall attend the Ohio peace officer training 166

academy or any other peace officer training school unless 167
 authorized to do so by the state public defender." 168

Between lines 84077 and 84078, insert: 169

"Sec. 5111.236. (A) As used in this section, "medically 170
 fragile child" means an individual under eighteen years of age who 171
 requires both of the following: 172

(1) The services of a doctor of medicine or osteopathic 173
 medicine at least once a week due to the instability of the 174
 individual's medical condition; 175

(2) The services of a registered nurse on a daily basis. 176

(B) The medicaid program shall cover oxygen services that a 177
 medical supplier with a valid medicaid provider agreement provides 178
 to a medicaid recipient who is a medically fragile child and 179
 resides in an intermediate care facility for the mentally 180
 retarded. The medicaid program shall cover such oxygen services 181
 regardless of any of the following: 182

(1) The percentage of the medicaid recipient's arterial 183
 oxygen saturation at rest, exercise, or sleep; 184

(2) The type of system used in delivering the oxygen to the 185
 medicaid recipient; 186

(3) Whether the intermediate care facility for the mentally 187
 retarded in which the medicaid recipient resides purchases or 188
 rents the equipment used in the delivery of the oxygen to the 189
 recipient. 190

(C) A medical supplier of an oxygen service shall bill the 191
 department of job and family services directly for oxygen services 192
 the medicaid program covers under this section. The provider of an 193
 intermediate care facility for the mentally retarded may not 194
 include the cost of an oxygen service covered by the medicaid 195

program under this section in the facility's cost report unless 196
the facility is the medical supplier of the oxygen service." 197

In line 98861, after "118.05," insert "120.04," 198

Between lines 104810a and 104811, insert: 199

"GRF 4405XX Poison Control Centers \$150,000 \$150,000" 200

In lines 104811 and 104865, add \$150,000 to each fiscal year 201

In line 105232, delete "\$74,209,378 \$74,209,378" and insert 202
"\$75,709,378 \$75,709,378" 203

In line 105234, delete "\$2,514,349,157 \$3,539,226,149" and 204
insert "\$2,493,379,157 \$3,539,256,149" 205

In line 105235, delete "\$6,355,149,581 \$7,407,312,042" and 206
insert "\$6,372,697,855 \$7,407,374,830" 207

In line 105236, delete "\$8,869,498,738 \$10,946,538,191" and 208
insert "\$8,866,077,012 \$10,946,630,979" 209

In line 105249, subtract \$11,970,000 from fiscal year 2010 210
and add \$9,030,000 to fiscal year 2011 211

In line 105250, add \$17,548,274 to fiscal year 2010 and 212
\$62,788 to fiscal year 2011 213

In line 105251, add \$5,578,274 to fiscal year 2010 and 214
\$9,092,788 to fiscal year 2011 215

In line 105277, delete "\$3,205,010,014" and insert 216
"\$3,208,537,567" 217

In line 105288, add \$3,527,553 to fiscal year 2010 218

In line 105326, add \$9,105,827 to fiscal year 2010 and 219
\$9,092,788 to fiscal year 2011 220

Between lines 105348a and 105349, insert: 221

"Section ____ . MEDICAID COVERAGE OF OXYGEN SERVICES TO ICF/MR 222

RESIDENTS	223
Of the foregoing appropriation item 600525, Health Care/Medicaid, \$30,000 in each fiscal year shall be used to reimburse medical suppliers of oxygen services in accordance with section 5111.236 of the Revised Code."	224 225 226 227
Between lines 106163 and 106164, insert:	228
"Section 309.45.15. INDEPENDENT LIVING SERVICES	229
Of the foregoing appropriation item 600523, Children and Families Services, up to \$1,500,000 in each fiscal year shall be used to provide independent living services to foster youth and former foster youth between 16 and 21 years of age."	230 231 232 233
In line 106768, delete "\$7,460,800 \$7,460,800" and insert "\$8,460,800 \$8,460,800"	234 235
In lines 106773 and 106809, add \$1,000,000 to each fiscal year	236 237
In line 107740, delete "\$204,000 \$204,000" and insert "\$524,000 \$524,000"	238 239
In line 107790, add \$320,000 to each fiscal year	240
In line 107818, add \$320,000 to each fiscal year	241
In line 107948, delete "The" and insert "Of the"	242
In line 107949, after the comma insert "\$204,000 in each fiscal year"	243 244
Between lines 107950 and 107951, insert:	245
"Of the foregoing appropriation item 235435, Teacher Improvement Initiatives, \$320,000 in each fiscal year shall be used to support the Ohio View consortium of research universities. The funds shall be used by Ohio View and its member universities to develop the job pipeline in the field of geospatial technology	246 247 248 249 250

through the training and professional development of teachers, 251
 higher education students and faculty, and employees in the public 252
 and private sectors. Ohio View shall prepare teachers of grades 253
 kindergarten through twelve to instruct students in the uses of 254
 existing geospatial technology, especially through hands-on 255
 observations." 256

In line 2 of the title, after "118.05," insert "120.04," 257

In line 254 of the title, after "5111.179," insert 258
 "5111.236," 259

The motion was _____ agreed to.

SYNOPSIS

Fire Department Grants 260

Section 241.10 261

Expands the eligibility of the grant program to joint fire 262
 districts comprised of fire departments primarily serving small 263
 municipalities and small townships rather than joint fire 264
 districts comprised of volunteer fire departments serving small 265
 municipalities and small townships, as in HC-2419. 266

Specifies that grants be used by recipients to purchase 267
 firefighting or rescue equipment or gear or *similar items*, rather 268
 than firefighting or rescue equipment or gear, as in HC-2419. 269

In terms of the eligible use of the grant for fire protection 270
 services, changes the reference of scope of the grant from 271
 covering such services provided in the fire department's 272
 jurisdiction, as in HC-2419, to the *grant recipient's* 273
 jurisdiction. 274

Department of Development	275
Sections 259.10 and 259.20.15	276
Changes HC-2310 so that it reduces, rather than increases,	277
GRF appropriation item 195507, Travel and Tourism Grants, by	278
\$50,000, and so that it reduces the earmark in that line item for	279
the National Underground Railroad Freedom Center by \$100,000 in	280
each fiscal year.	281
Reimbursement Ceiling for Providers of Publicly Funded Child	282
Care	283
Section 309.45.____	284
Changes the years that the reimbursement ceiling for	285
providers of publicly funded child care is being codified in	286
HC-2377, from FY 2009 and FY 2010 to FY 2010 and FY 2011.	287
Video Service Regulation Funding	288
Section 241.10	289
Increases GSF Fund 1630 appropriation item 800620, Division	290
of Administration, by \$150,000 each fiscal year from \$7,270,049 to	291
\$7,420,049 in FY 2010 and from \$7,411,286 to \$7,561,286 in FY 2011	292
(instead of decreasing that appropriation by \$300,000 each fiscal	293
year, as in HC-2417).	294
Eliminates the increase of \$300,000 each fiscal year in SSR	295
Fund 5X60 appropriation item 800623, Video Service, in HC-2417.	296
Ohio Historical Society	297
Sections 295.10 and 295.20	298
Changes HC-2481 so that it reduces GRF appropriation item	299
360508, State Historical Grants, by \$100,000 rather than \$200,000,	300
and so that it earmarks \$100,000 from that line item for the	301
Cincinnati Museum Center.	302

State Public Defender	303
R.C. 120.04	304
Requires the State Public Defender to establish minimum and maximum hourly rates and per case amounts for fee schedules that the state will reimburse the counties for each specific type of legal service performed by a county appointed counsel system.	305 306 307 308
Department of Job and Family Services	309
Section 309.10	310
Increases GRF line item 600533, Child, Family, and Adult Community & Protective Services, by an additional \$7.5 million in each year (over the \$30 million in HC-2482).	311 312 313
Medicaid Coverage of Oxygen Services to ICF/MR Residents	314
R.C. 5111.236	315
Requires the Medicaid program to cover oxygen services provided by a medical supplier to a medically fragile child residing in an intermediate care facility for the mentally retarded regardless of certain circumstances.	316 317 318 319
Department of Health	320
Section 289.10	321
Appropriates \$150,000 in each fiscal year to newly created GRF line item 4405XX, Poison Control Centers.	322 323
Department of Job and Family Services	324
Sections 309.10 and 309.45.15	325
Increases GRF appropriation item 600523, Children and Families Services, by \$1.5 million in each fiscal year and earmarks the increase in appropriation for independent living services for youth in foster care.	326 327 328 329

Department of Mental Health	330
Section 335.10	331
Increase GRF line item 335404, Behavioral Health	332
Services-Children, by \$1 million in each fiscal year.	333
Board of Regents	334
Sections 371.10 and 371.20.08	335
Increases appropriation item 235435, Teacher Improvement	336
Initiatives, by \$320,000 in each fiscal year and earmarks the same	337
amount in each fiscal year for the Ohio View consortium of	338
research universities. Requires that the funds be used to train	339
teachers, higher education students and faculty, and employees in	340
the public and private sectors. Requires that Ohio View prepare	341
K-12 teachers to instruct students in the uses of existing	342
geospatial technology, especially through hands-on observations.	343