

2 Am. Sub. H.B. 1
3 As Passed by the Senate
4 CC-4774
5 BOR090

6 _____ moved to amend as follows:

7 Delete line 100966

8 In line 100967, delete "Board of Regents, and not the" and
9 insert "The"; delete the second comma and insert "of the Ohio
10 Board of Regents"

11 Delete line 100997

12 In line 100998, delete "Board of Regents, and not the" and
13 insert "The"; delete the second comma and insert "of the Ohio
14 Board of Regents"

15 Delete line 101003

16 In line 101004, delete "of Regents, and not the" and insert
17 "The"; delete the second comma and insert "of the Ohio Board of
18 Regents"

19 The motion was _____ agreed to.

20 SYNOPSIS

21 **Family Practice**

22 **Section 371.40.20**

23 Restores the House version, which directs the Chancellor of
24 the Ohio Board of Regents (and not the Board itself, as in the

25 the Senate version) to develop plans for the distribution of GRF
26 appropriation item 235519, Family Practice.

27 **Geriatric Medicine**

28 **Section 371.40.60**

29 Restores the House version, which directs the Chancellor
30 (and not the Board of Regents itself, as in the Senate version)
31 to develop plans for the distribution of GRF appropriation item
32 235525, Geriatric Medicine.

33 **Primary Care Residencies**

34 **Section 371.40.70**

35 Restores the House version, which directs the Chancellor
36 (and not the Board of Regents itself, as in the Senate version)
37 to develop plans for the distribution of GRF appropriation item
38 235526, Primary Care Residencies.

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4780
MDC101

6 _____ moved to amend as follows:

7 In line 400, delete "5111.071,"

8 In line 450, delete "5111.085,"

9 Delete lines 75499 through 75533

10 Delete lines 75660 through 75685

11 In line 90903, delete "5111.071,"

12 Between lines 97921 and 97922, insert:

13 **"Section _____.** REDUCTION IN COMMUNITY PROVIDER RATES

14 The Director of Job and Family Services shall amend rules
15 adopted under section 5111.02 of the Revised Code as necessary
16 to reduce, effective January 1, 2010, the Medicaid reimbursement
17 rates for the following Medicaid-covered services to rates that
18 result in an amount that is at least three per cent lower than
19 the amount resulting from the rates in effect on December 31,
20 2009:

- 21 (A) Advanced practice nursing services;
- 22 (B) Ambulatory surgery center services;
- 23 (C) Chiropractic services;
- 24 (D) Durable medical equipment;
- 25 (E) Home health services;

- 26 (F) Ambulance and ambulance services;
27 (G) Physician services;
28 (H) Physical therapy services;
29 (I) Podiatry services;
30 (J) Private duty nursing services;
31 (K) Vision services;
32 (L) Clinic services, other than rural health clinics and
33 federally qualified health centers;
34 (M) Occupational therapy services;
35 (N) Dental services;
36 (O) Services provided under a home and community-based
37 services Medicaid waiver component, as defined in section
38 5111.85 of the Revised Code, administered by the Department of
39 Job and Family Services;
40 (P) Other services the Director identifies, other than
41 services for which a statute of this state sets the Medicaid
42 reimbursement rate.

43 **Section _____.** DISPENSING FEE FOR NONCOMPOUNDED DRUGS

44 The Medicaid dispensing fee for each noncompounded drug
45 covered by the Medicaid program shall be \$1.80 for the period
46 beginning January 1, 2010, and ending June 30, 2011."

47 In line 148 of the title, delete "5111.071,"

48 In line 212 of the title, delete "5111.085,"

49 The motion was _____ agreed to.

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Reduction in Medicaid Rates for Community Provider Services

51

Section _____

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53 Requires the ODJFS Director to reduce the Medicaid
54 reimbursement rate for the following services by at least 5%
55 effective January 1, 2010: advanced practice nursing services,
56 ambulatory surgery center services, chiropractic services,
57 durable medical equipment, home health services, ambulance and
58 ambulette services, physician services, physical therapy
59 services, podiatry services, private duty nursing services,
60 vision services, clinic services (other than rural health
61 clinics and federally qualified health centers), occupational
62 therapy services, dental services, services provided under a
63 ODJFS-administered home and community-based waiver program, and
64 other services the ODJFS Director identifies (other than
65 services for which state statute sets the Medicaid reimbursement
66 rate).

Medicaid Dispensing Fee for Noncompounded Drugs

67

Section _____

68

69 Sets the Medicaid dispensing fee for noncompounded drugs at
70 \$1.80 for the period beginning January 1, 2010, and ending June
71 30, 2011.

**Special Dispensing Fee and Reimbursement Rate for 340B
Drugs**

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R.C. 5111.071 and 5111.085

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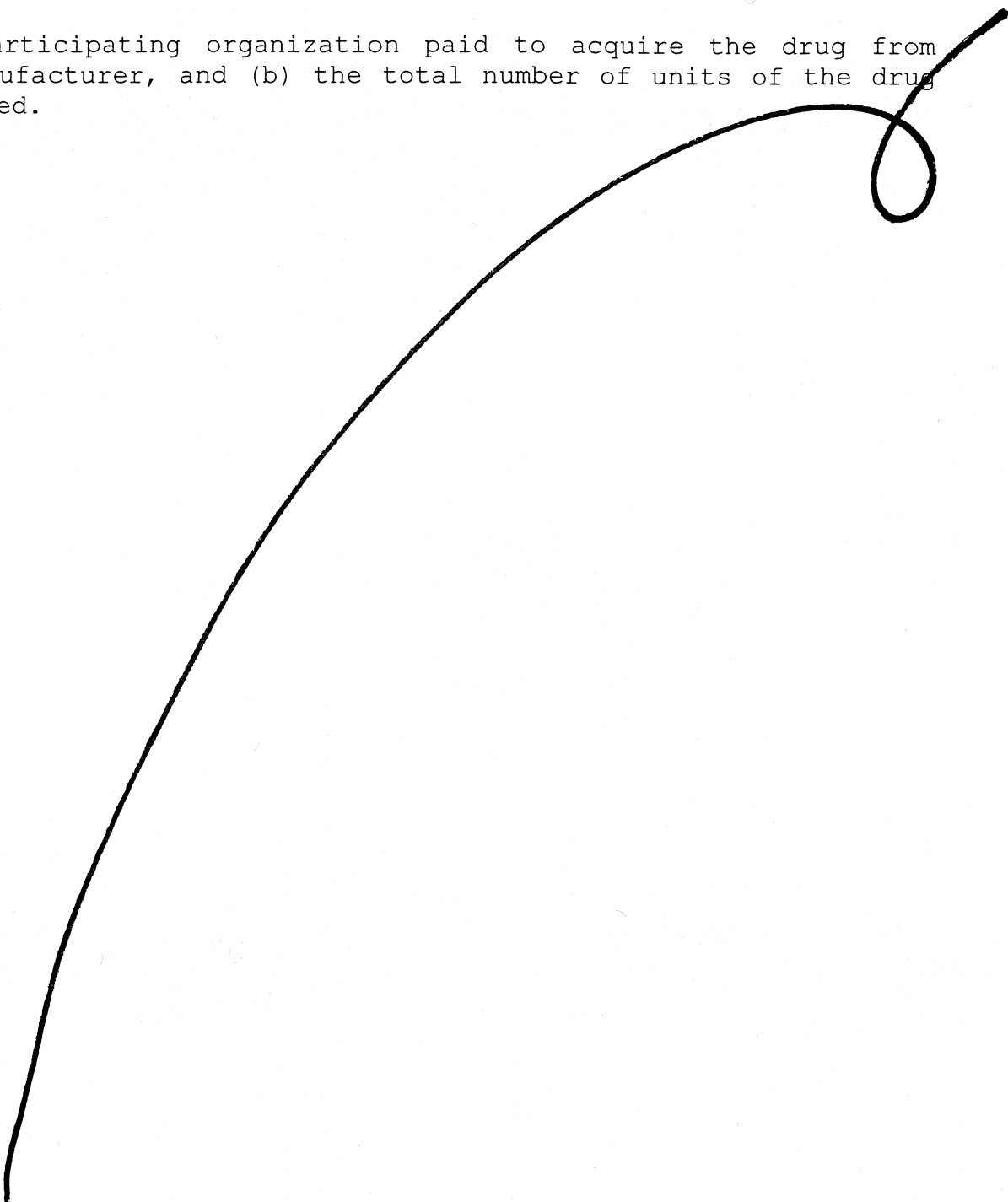
75 Removes the bill's provisions that do the following:

76

77 (1) Require the ODJFS Director to pay a dispensing fee of
78 \$12 to a Medicaid pharmacist-provider (rather than the
79 dispensing fee established by the ODJFS Director on a biennial
80 basis (currently \$3.70)) if (a) the prescription was filled for
81 a Medicaid recipient who received the prescription while being
82 treated by a licensed health care professional who is an
83 employee or agent of, or volunteer for, an organization that
84 participates in the federal 340B Drug Pricing Program, and (2)
85 the per unit price that the organization paid to acquire the
drug from the drug's manufacturer is \$20 or more.

86 (2) Require the ODJFS Director to reimburse a pharmacy for
87 each prescription filled under the conditions described above an
88 amount that equals the product of (a) the per unit price the

89 340B participating organization paid to acquire the drug from
90 the manufacturer, and (b) the total number of units of the drug
91 dispensed.



Am. Sub. H.B. 1
As Passed by the Senate
CC-4784
MDC 095

moved to amend as follows:

- In line 293, after "9.03," insert "9.24," 1
- In line 304, after "127.16," insert "131.23," 2
- In line 309, after "173.50," insert "173.71, 173.76," 3
- In line 314, after "321.261," insert "323.01,"; after 4
"329.03," insert "329.04,"; after "329.042," insert "329.051," 5
- In line 335, after "2303.201," insert "2305.234," 6
- In line 336, after "2743.51," insert "2744.05," 7
- In line 338, after "3105.87," insert "3111.04,"; after 8
"3119.01," insert "3119.54," 9
- In line 358, after "3702.61," insert "3702.74," 10
- In line 376, after "4117.24," insert "4123.27," 11
- In line 388, after "4731.38," insert "4731.65, 4731.71," 12
- In line 396, after "5101.162," insert "5101.181,"; after 13
"5101.26," insert "5101.31," 14
- In line 397, after "5101.34," insert "5101.36," 15
- In line 398, after "5101.573," insert "5101.58," 16
- In line 405, after "5111.971," insert "5112.03, 5112.08," 17

5112.17," 18

In line 406, after "5112.371," insert "5115.20, 5115.22,
5115.23," 19
20

Between lines 590 and 591, insert: 21

"Sec. 9.24. (A) Except as may be allowed under division (F) 22
of this section, no state agency and no political subdivision 23
shall award a contract as described in division (G) (1) of this 24
section for goods, services, or construction, paid for in whole or 25
in part with state funds, to a person against whom a finding for 26
recovery has been issued by the auditor of state on and after 27
January 1, 2001, if the finding for recovery is unresolved. 28

A contract is considered to be awarded when it is entered 29
into or executed, irrespective of whether the parties to the 30
contract have exchanged any money. 31

(B) For purposes of this section, a finding for recovery is 32
unresolved unless one of the following criteria applies: 33

(1) The money identified in the finding for recovery is paid 34
in full to the state agency or political subdivision to whom the 35
money was owed; 36

(2) The debtor has entered into a repayment plan that is 37
approved by the attorney general and the state agency or political 38
subdivision to whom the money identified in the finding for 39
recovery is owed. A repayment plan may include a provision 40
permitting a state agency or political subdivision to withhold 41
payment to a debtor for goods, services, or construction provided 42
to or for the state agency or political subdivision pursuant to a 43
contract that is entered into with the debtor after the date the 44
finding for recovery was issued. 45

(3) The attorney general waives a repayment plan described in 46

division (B) (2) of this section for good cause; 47

(4) The debtor and state agency or political subdivision to 48
whom the money identified in the finding for recovery is owed have 49
agreed to a payment plan established through an enforceable 50
settlement agreement. 51

(5) The state agency or political subdivision desiring to 52
enter into a contract with a debtor certifies, and the attorney 53
general concurs, that all of the following are true: 54

(a) Essential services the state agency or political 55
subdivision is seeking to obtain from the debtor cannot be 56
provided by any other person besides the debtor; 57

(b) Awarding a contract to the debtor for the essential 58
services described in division (B) (5) (a) of this section is in the 59
best interest of the state; 60

(c) Good faith efforts have been made to collect the money 61
identified in the finding of recovery. 62

(6) The debtor has commenced an action to contest the finding 63
for recovery and a final determination on the action has not yet 64
been reached. 65

(C) The attorney general shall submit an initial report to 66
the auditor of state, not later than December 1, 2003, indicating 67
the status of collection for all findings for recovery issued by 68
the auditor of state for calendar years 2001, 2002, and 2003. 69
Beginning on January 1, 2004, the attorney general shall submit to 70
the auditor of state, on the first day of every January, April, 71
July, and October, a list of all findings for recovery that have 72
been resolved in accordance with division (B) of this section 73
during the calendar quarter preceding the submission of the list 74
and a description of the means of resolution. The attorney general 75
shall notify the auditor of state when a judgment is issued 76

against an entity described in division (F)(1) of this section. 77

(D) The auditor of state shall maintain a database, 78
accessible to the public, listing persons against whom an 79
unresolved finding for recovery has been issued, and the amount of 80
the money identified in the unresolved finding for recovery. The 81
auditor of state shall have this database operational on or before 82
January 1, 2004. The initial database shall contain the 83
information required under this division for calendar years 2001, 84
2002, and 2003. 85

Beginning January 15, 2004, the auditor of state shall update 86
the database by the fifteenth day of every January, April, July, 87
and October to reflect resolved findings for recovery that are 88
reported to the auditor of state by the attorney general on the 89
first day of the same month pursuant to division (C) of this 90
section. 91

(E) Before awarding a contract as described in division 92
(G)(1) of this section for goods, services, or construction, paid 93
for in whole or in part with state funds, a state agency or 94
political subdivision shall verify that the person to whom the 95
state agency or political subdivision plans to award the contract 96
has no unresolved finding for recovery issued against the person. 97
A state agency or political subdivision shall verify that the 98
person does not appear in the database described in division (D) 99
of this section or shall obtain other proof that the person has no 100
unresolved finding for recovery issued against the person. 101

(F) The prohibition of division (A) of this section and the 102
requirement of division (E) of this section do not apply with 103
respect to the companies, payments, or agreements described in 104
divisions (F)(1) and (2) of this section, or in the circumstance 105
described in division (F)(3) of this section. 106

(1) A bonding company or a company authorized to transact the 107

business of insurance in this state, a self-insurance pool, joint self-insurance pool, risk management program, or joint risk management program, unless a court has entered a final judgment against the company and the company has not yet satisfied the final judgment.

(2) To medicaid provider agreements under Chapter 5111. of the Revised Code, ~~payments or provider agreements under disability assistance medical assistance established under Chapter 5115. of the Revised Code,~~ or payments or provider agreements under the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.

(3) When federal law dictates that a specified entity provide the goods, services, or construction for which a contract is being awarded, regardless of whether that entity would otherwise be prohibited from entering into the contract pursuant to this section.

(G) (1) This section applies only to contracts for goods, services, or construction that satisfy the criteria in either division (G) (1) (a) or (b) of this section. This section may apply to contracts for goods, services, or construction that satisfy the criteria in division (G) (1) (c) of this section, provided that the contracts also satisfy the criteria in either division (G) (1) (a) or (b) of this section.

(a) The cost for the goods, services, or construction provided under the contract is estimated to exceed twenty-five thousand dollars.

(b) The aggregate cost for the goods, services, or construction provided under multiple contracts entered into by the particular state agency and a single person or the particular political subdivision and a single person within the fiscal year preceding the fiscal year within which a contract is being entered

into by that same state agency and the same single person or the	139
same political subdivision and the same single person, exceeded	140
fifty thousand dollars.	141
(c) The contract is a renewal of a contract previously	142
entered into and renewed pursuant to that preceding contract.	143
(2) This section does not apply to employment contracts.	144
(H) As used in this section:	145
(1) "State agency" has the same meaning as in section 9.66 of	146
the Revised Code.	147
(2) "Political subdivision" means a political subdivision as	148
defined in section 9.82 of the Revised Code that has received more	149
than fifty thousand dollars of state money in the current fiscal	150
year or the preceding fiscal year.	151
(3) "Finding for recovery" means a determination issued by	152
the auditor of state, contained in a report the auditor of state	153
gives to the attorney general pursuant to section 117.28 of the	154
Revised Code, that public money has been illegally expended,	155
public money has been collected but not been accounted for, public	156
money is due but has not been collected, or public property has	157
been converted or misappropriated.	158
(4) "Debtor" means a person against whom a finding for	159
recovery has been issued.	160
(5) "Person" means the person named in the finding for	161
recovery.	162
(6) "State money" does not include funds the state receives	163
from another source and passes through to a political	164
subdivision."	165
In line 12601, after "Code" strike through the balance of the	166
line	167

Strike through line 12602	168
In line 12603, strike through "Chapter 5115. of the Revised Code"	169 170
Between lines 12747 and 12748, insert:	171
"Sec. 131.23. The various political subdivisions of this state may issue bonds, and any indebtedness created by that issuance shall not be subject to the limitations or included in the calculation of indebtedness prescribed by sections 133.05, 133.06, 133.07, and 133.09 of the Revised Code, but the bonds may be issued only under the following conditions:	172 173 174 175 176 177
(A) The subdivision desiring to issue the bonds shall obtain from the county auditor a certificate showing the total amount of delinquent taxes due and unpayable to the subdivision at the last semiannual tax settlement.	178 179 180 181
(B) The fiscal officer of that subdivision shall prepare a statement, from the books of the subdivision, verified by the fiscal officer under oath, which shall contain the following facts of the subdivision:	182 183 184 185
(1) The total bonded indebtedness;	186
(2) The aggregate amount of notes payable or outstanding accounts of the subdivision, incurred prior to the commencement of the current fiscal year, which shall include all evidences of indebtedness issued by the subdivision except notes issued in anticipation of bond issues and the indebtedness of any nontax-supported public utility;	187 188 189 190 191 192
(3) Except in the case of school districts, the aggregate current year's requirement for disability financial assistance and disability medical assistance provided under Chapter 5115. of the Revised Code that the subdivision is unable to finance except by	193 194 195 196

the issue of bonds;	197
(4) The indebtedness outstanding through the issuance of any	198
bonds or notes pledged or obligated to be paid by any delinquent	199
taxes;	200
(5) The total of any other indebtedness;	201
(6) The net amount of delinquent taxes unpledged to pay any	202
bonds, notes, or certificates, including delinquent assessments on	203
improvements on which the bonds have been paid;	204
(7) The budget requirements for the fiscal year for bond and	205
note retirement;	206
(8) The estimated revenue for the fiscal year.	207
(C) The certificate and statement provided for in divisions	208
(A) and (B) of this section shall be forwarded to the tax	209
commissioner together with a request for authority to issue bonds	210
of the subdivision in an amount not to exceed seventy per cent of	211
the net unobligated delinquent taxes and assessments due and owing	212
to the subdivision, as set forth in division (B) (6) of this	213
section.	214
(D) No subdivision may issue bonds under this section in	215
excess of a sufficient amount to pay the indebtedness of the	216
subdivision as shown by division (B) (2) of this section and,	217
except in the case of school districts, to provide funds for	218
disability financial assistance and disability medical assistance,	219
as shown by division (B) (3) of this section.	220
(E) The tax commissioner shall grant to the subdivision	221
authority requested by the subdivision as restricted by divisions	222
(C) and (D) of this section and shall make a record of the	223
certificate, statement, and grant in a record book devoted solely	224
to such recording and which shall be open to inspection by the	225
public.	226

(F) The commissioner shall immediately upon issuing the authority provided in division (E) of this section notify the proper authority having charge of the retirement of bonds of the subdivision by forwarding a copy of the grant of authority and of the statement provided for in division (B) of this section.

(G) Upon receipt of authority, the subdivision shall proceed according to law to issue the amount of bonds authorized by the commissioner, and authorized by the taxing authority, provided the taxing authority of that subdivision may submit, by resolution, to the electors of that subdivision the question of issuing the bonds. The resolution shall make the declarations and statements required by section 133.18 of the Revised Code. The county auditor and taxing authority shall thereupon proceed as set forth in divisions (C) and (D) of that section. The election on the question of issuing the bonds shall be held under divisions (E), (F), and (G) of that section, except that publication of the notice of the election shall be made on two separate days prior to the election in one or more newspapers of general circulation in the subdivision, and, if the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The bonds may be exchanged at their face value with creditors of the subdivision in liquidating the indebtedness described and enumerated in division (B)(2) of this section or may be sold as provided in Chapter 133. of the Revised Code, and in either event shall be uncontestable.

(H) The per cent of delinquent taxes and assessments collected for and to the credit of the subdivision after the exchange or sale of bonds as certified by the commissioner shall be paid to the authority having charge of the sinking fund of the subdivision, which money shall be placed in a separate fund for

the purpose of retiring the bonds so issued. The proper authority
of the subdivisions shall provide for the levying of a tax
sufficient in amount to pay the debt charges on all such bonds
issued under this section.

(I) This section is for the sole purpose of assisting the
various subdivisions in paying their unsecured indebtedness, and
providing funds for disability financial assistance ~~and disability~~
~~medical assistance~~. The bonds issued under authority of this
section shall not be used for any other purpose, and any exchange
for other purposes, or the use of the money derived from the sale
of the bonds by the subdivision for any other purpose, is
misapplication of funds.

(J) The bonds authorized by this section shall be redeemable
or payable in not to exceed ten years from date of issue and shall
not be subject to or considered in calculating the net
indebtedness of the subdivision. The budget commission of the
county in which the subdivision is located shall annually allocate
such portion of the then delinquent levy due the subdivision which
is unpledged for other purposes to the payment of debt charges on
the bonds issued under authority of this section.

(K) The issue of bonds under this section shall be governed
by Chapter 133. of the Revised Code, respecting the terms used,
forms, manner of sale, and redemption except as otherwise provided
in this section.

The board of county commissioners of any county may issue
bonds authorized by this section and distribute the proceeds of
the bond issues to any or all of the cities and townships of the
county, according to their relative needs for disability financial
assistance ~~and disability medical assistance~~ as determined by the
county.

All sections of the Revised Code inconsistent with or

prohibiting the exercise of the authority conferred by this 289
 section are inoperative respecting bonds issued under this 290
 section." 291

Between lines 16638 and 16639, insert: 292

"Sec. 173.71. As used in sections 173.71 to 173.91 of the 293
 Revised Code: 294

(A) "Children's health insurance program" means the 295
 children's health insurance program part I, part II, and part III 296
 established under sections 5101.50 to 5101.529 of the Revised 297
 Code. 298

~~(B) "Disability medical assistance program" means the program 299
 established under section 5115.10 of the Revised Code. 300~~

~~(C) "Medicaid program" or "medicaid" means the medical 301
 assistance program established under Chapter 5111. of the Revised 302
 Code. 303~~

~~(D)~~(C) "National drug code number" means the number 304
 registered for a drug pursuant to the listing system established 305
 by the United States food and drug administration under the "Drug 306
 Listing Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended. 307

~~(E)~~(D) "Ohio's best Rx program participant" or "participant" 308
 means an individual determined eligible for the Ohio's best Rx 309
 program and included under an Ohio's best Rx program enrollment 310
 card. 311

~~(F)~~(E) "Participating manufacturer" means a drug manufacturer 312
 participating in the Ohio's best Rx program pursuant to a 313
 manufacturer agreement entered into under section 173.81 of the 314
 Revised Code. 315

~~(G)~~(F) "Participating terminal distributor" means a terminal 316
 distributor of dangerous drugs participating in the Ohio's best Rx 317

program pursuant to an agreement entered into under section 173.79 318
of the Revised Code. 319

~~(H)~~(G) "Political subdivision" has the same meaning as in 320
section 9.23 of the Revised Code. 321

~~(I)~~(H) "State agency" has the same meaning as in section 9.23 322
of the Revised Code. 323

~~(J)~~(I) "Terminal distributor of dangerous drugs" has the same 324
meaning as in section 4729.01 of the Revised Code. 325

~~(K)~~(J) "Third-party payer" has the same meaning as in section 326
3901.38 of the Revised Code. 327

~~(L)~~(K) "Trade secret" has the same meaning as in section 328
1333.61 of the Revised Code. 329

~~(M)~~(L) "Usual and customary charge" means the amount a 330
participating terminal distributor or the drug mail order system 331
included in the Ohio's best Rx program pursuant to section 173.78 332
of the Revised Code charges when a drug included in the program is 333
purchased by an individual who does not receive a discounted price 334
for the drug pursuant to any drug discount program, including the 335
Ohio's best Rx program or a pharmacy assistance program 336
established by any person or government entity, and for whom no 337
third-party payer or program funded in whole or part with state or 338
federal funds is responsible for all or part of the cost of the 339
drug. 340

Sec. 173.76. (A) To be eligible for the Ohio's best Rx 341
program, an individual must meet all of the following requirements 342
at the time of application for the program: 343

(1) The individual must be a resident of this state. 344

(2) One of the following must be the case: 345

(a) The individual has family income, as determined under 346

rules adopted pursuant to section 173.83 of the Revised Code, that
does not exceed three hundred per cent of the federal poverty
guidelines, as revised annually by the United States department of
health and human services in accordance with section 673(2) of the
"Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42
U.S.C. 9902, as amended;

(b) The individual is sixty years of age or older;

(c) The individual is a person with a disability, as defined
in section 173.06 of the Revised Code.

(3) Except as provided in division (B) of this section, the
individual must not have coverage for outpatient drugs paid for in
whole or in part by any of the following:

(a) A third-party payer, including an employer;

(b) The medicaid program;

(c) The children's health insurance program;

(d) ~~The disability medical assistance program;~~

~~(e)~~ Another health plan or pharmacy assistance program that
uses state or federal funds to pay part or all of the cost of the
individual's outpatient drugs.

(4) The individual must not have had coverage for outpatient
drugs paid for by any of the entities or programs specified in
division (A)(3) of this section during any of the four months
preceding the month in which the application for the Ohio's best
Rx program is made, unless any of the following applies:

(a) The individual is sixty years of age or older.

(b) The third-party payer, including an employer, that paid
for the coverage filed for bankruptcy under federal bankruptcy
laws.

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(c) The individual is no longer eligible for coverage 375
 provided through a retirement plan subject to protection under the 376
 "Employee Retirement Income Security Act of 1974," 88 Stat. 832, 377
 29 U.S.C. 1001, as amended. 378

(d) The individual is no longer eligible for the medicaid 379
 program, or children's health insurance program, ~~or disability~~ 380
~~medical assistance program.~~ 381

(e) The individual is either temporarily or permanently 382
 discharged from employment due to a business reorganization. 383

(B) An individual is not subject to division (A) (3) of this 384
 section if the individual has coverage for outpatient drugs paid 385
 for in whole or in part by either of the following: 386

(1) The workers' compensation program; 387

(2) A medicare prescription drug plan offered pursuant to the 388
 "Medicare Prescription Drug, Improvement, and Modernization Act of 389
 2003," 117 Stat. 2071, 42 U.S.C. 1395w-101, as amended, but only 390
 if all of the following are the case with respect to the 391
 particular drug being purchased through the Ohio's best Rx 392
 program: 393

(a) The individual is responsible for the full cost of the 394
 drug. 395

(b) The drug is not subject to a rebate from the manufacturer 396
 under the individual's medicare prescription drug plan. 397

(c) The manufacturer of the drug has agreed to the Ohio's 398
 best Rx program's inclusion of individuals who have coverage 399
 through a medicare prescription drug plan." 400

Between lines 19322 and 19323, insert: 401

"Sec. 323.01. Except as otherwise provided, as used in 402

Chapter 323. of the Revised Code:	403
(A) "Subdivision" means any county, township, school district, or municipal corporation.	404 405
(B) "Municipal corporation" includes charter municipalities.	406
(C) "Taxes" means the total amount of all charges against an entry appearing on a tax list and the duplicate thereof that was prepared and certified in accordance with section 319.28 of the Revised Code, including taxes levied against real estate; taxes on property whose value is certified pursuant to section 5727.23 of the Revised Code; recoupment charges applied pursuant to section 5713.35 of the Revised Code; all assessments; penalties and interest charged pursuant to section 323.121 of the Revised Code; charges added pursuant to section 319.35 of the Revised Code; and all of such charges which remain unpaid from any previous tax year.	407 408 409 410 411 412 413 414 415 416 417
(D) "Current taxes" means all taxes charged against an entry on the general tax list and duplicate of real and public utility property that have not appeared on such list and duplicate for any prior tax year and any penalty thereon charged by division (A) of section 323.121 of the Revised Code. Current taxes, whether or not they have been certified delinquent, become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty.	418 419 420 421 422 423 424 425
(E) "Delinquent taxes" means:	426
(1) Any taxes charged against an entry on the general tax list and duplicate of real and public utility property that were charged against an entry on such list and duplicate for a prior tax year and any penalties and interest charged against such taxes.	427 428 429 430 431
(2) Any current taxes charged on the general tax list and	432

duplicate of real and public utility property that remain unpaid 433
 after the last day prescribed for payment of the second 434
 installment of such taxes without penalty, whether or not they 435
 have been certified delinquent, and any penalties and interest 436
 charged against such taxes. 437

(F) "Current tax year" means, with respect to particular 438
 taxes, the calendar year in which the first installment of taxes 439
 is due prior to any extension granted under section 323.17 of the 440
 Revised Code. 441

(G) "Liquidated claim" means: 442

(1) Any sum of money due and payable, upon a written 443
 contractual obligation executed between the subdivision and the 444
 taxpayer, but excluding any amount due on general and special 445
 assessment bonds and notes; 446

(2) Any sum of money due and payable, for disability 447
 financial assistance ~~or disability medical assistance~~ provided 448
 under Chapter 5115. of the Revised Code that is furnished to or in 449
 behalf of a subdivision, provided that such claim is recognized by 450
 a resolution or ordinance of the legislative body of such 451
 subdivision; 452

(3) Any sum of money advanced and paid to or received and 453
 used by a subdivision, pursuant to a resolution or ordinance of 454
 such subdivision or its predecessor in interest, and the moral 455
 obligation to repay which sum, when in funds, shall be recognized 456
 by resolution or ordinance by the subdivision." 457

Between lines 19515 and 19516, insert: 458

"Sec. 329.04. (A) The county department of job and family 459
 services shall have, exercise, and perform the following powers 460
 and duties: 461

- (1) Perform any duties assigned by the state department of job and family services regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life: 462-466
- (a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code; 467-468
- (b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code; 469-471
- (c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 472-479
- (d) Duties assigned under section 5111.98 of the Revised Code. 480-481
- (2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code; 482-484
- ~~(3) Administer disability medical assistance, as required by the state department of job and family services under section 5115.13 of the Revised Code;~~ 485-487
- ~~(4)~~ Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 488-490
- ~~(5)~~ (4) Cooperate with state and federal authorities in any 491

matter relating to family services and to act as the agent of such	492
authorities;	493
(6) (5) Submit an annual account of its work and expenses to	494
the board of county commissioners and to the state department of	495
job and family services at the close of each fiscal year;	496
(7) (6) Exercise any powers and duties relating to family	497
services duties or workforce development activities imposed upon	498
the county department of job and family services by law, by	499
resolution of the board of county commissioners, or by order of	500
the governor, when authorized by law, to meet emergencies during	501
war or peace;	502
(8) (7) Determine the eligibility for medical assistance of	503
recipients of aid under Title XVI of the "Social Security Act";	504
(9) (8) If assigned by the state director of job and family	505
services under section 5101.515 or 5101.525 of the Revised Code,	506
determine applicants' eligibility for health assistance under the	507
children's health insurance program part II or part III;	508
(10) (9) Enter into a plan of cooperation with the board of	509
county commissioners under section 307.983, consult with the board	510
in the development of the transportation work plan developed under	511
section 307.985, establish with the board procedures under section	512
307.986 for providing services to children whose families relocate	513
frequently, and comply with the contracts the board enters into	514
under sections 307.981 and 307.982 of the Revised Code that affect	515
the county department;	516
(11) (10) For the purpose of complying with a grant agreement	517
the board of county commissioners enters into under sections	518
307.98 and 5101.21 of the Revised Code, exercise the powers and	519
perform the duties the grant agreement assigns to the county	520
department;	521

~~(12)~~(11) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes."

Between lines 19544 and 19545, insert:

"Sec. 329.051. The county department of job and family services shall make voter registration applications as prescribed by the secretary of state under section 3503.10 of the Revised Code available to persons who are applying for, receiving assistance from, or participating in any of the following:

(A) The disability financial assistance program established under Chapter 5115. of the Revised Code;

~~(B) The disability medical assistance program established under Chapter 5115. of the Revised Code;~~

~~(C)~~ The medical assistance program established under Chapter 5111. of the Revised Code;

~~(D)~~(C) The Ohio works first program established under Chapter 5107. of the Revised Code;

~~(E)~~(D) The prevention, retention, and contingency program

established under Chapter 5108. of the Revised Code."	551
Between lines 29537 and 29538, insert:	552
"Sec. 2305.234. (A) As used in this section:	553
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	554 555 556
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	557 558 559 560
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	561 562
(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person.	563 564 565 566 567 568
(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	569 570 571
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	572 573 574
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife,	575 576 577 578 579

or certified nurse practitioner;	580
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	581 582
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	583 584
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	585 586 587
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	588 589
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	590 591
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	592 593
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	594 595
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	596 597
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	598 599 600 601
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	602 603
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code.	604 605
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other	606 607

health-related care or treatment under the direction of a health
 care professional with the authority to direct that individual's
 activities, including medical technicians, medical assistants,
 dental assistants, orderlies, aides, and individuals acting in
 similar capacities.

(7) "Indigent and uninsured person" means a person who meets
 all of the following requirements:

(a) The person's income is not greater than two hundred per
 cent of the current poverty line as defined by the United States
 office of management and budget and revised in accordance with
 section 673(2) of the "Omnibus Budget Reconciliation Act of 1981,"
 95 Stat. 511, 42 U.S.C. 9902, as amended.

(b) The person is not eligible to receive medical assistance
 under Chapter 5111. ~~disability medical assistance under Chapter~~
~~5115.~~ of the Revised Code or assistance under any other
 governmental health care program.

(c) Either of the following applies:

(i) The person is not a policyholder, certificate holder,
 insured, contract holder, subscriber, enrollee, member,
 beneficiary, or other covered individual under a health insurance
 or health care policy, contract, or plan.

(ii) The person is a policyholder, certificate holder,
 insured, contract holder, subscriber, enrollee, member,
 beneficiary, or other covered individual under a health insurance
 or health care policy, contract, or plan, but the insurer, policy,
 contract, or plan denies coverage or is the subject of insolvency
 or bankruptcy proceedings in any jurisdiction.

(8) "Nonprofit health care referral organization" means an
 entity that is not operated for profit and refers patients to, or
 arranges for the provision of, health-related diagnosis, care, or

treatment by a health care professional or health care worker. 638

(9) "Operation" means any procedure that involves cutting or 639
otherwise infiltrating human tissue by mechanical means, including 640
surgery, laser surgery, ionizing radiation, therapeutic 641
ultrasound, or the removal of intraocular foreign bodies. 642

"Operation" does not include the administration of medication by 643
injection, unless the injection is administered in conjunction 644
with a procedure infiltrating human tissue by mechanical means 645
other than the administration of medicine by injection. 646

"Operation" does not include routine dental restorative 647
procedures, the scaling of teeth, or extractions of teeth that are 648
not impacted. 649

(10) "Tort action" means a civil action for damages for 650
injury, death, or loss to person or property other than a civil 651
action for damages for a breach of contract or another agreement 652
between persons or government entities. 653

(11) "Volunteer" means an individual who provides any 654
medical, dental, or other health-care related diagnosis, care, or 655
treatment without the expectation of receiving and without receipt 656
of any compensation or other form of remuneration from an indigent 657
and uninsured person, another person on behalf of an indigent and 658
uninsured person, any health care facility or location, any 659
nonprofit health care referral organization, or any other person 660
or government entity. 661

(12) "Community control sanction" has the same meaning as in 662
section 2929.01 of the Revised Code. 663

(13) "Deep sedation" means a drug-induced depression of 664
consciousness during which a patient cannot be easily aroused but 665
responds purposefully following repeated or painful stimulation, a 666
patient's ability to independently maintain ventilatory function 667
may be impaired, a patient may require assistance in maintaining a 668

patent airway and spontaneous ventilation may be inadequate, and
cardiovascular function is usually maintained.

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(14) "General anesthesia" means a drug-induced loss of
consciousness during which a patient is not arousable, even by
painful stimulation, the ability to independently maintain
ventilatory function is often impaired, a patient often requires
assistance in maintaining a patent airway, positive pressure
ventilation may be required because of depressed spontaneous
ventilation or drug-induced depression of neuromuscular function,
and cardiovascular function may be impaired.

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(B) (1) Subject to divisions (F) and (G) (3) of this section, a
health care professional who is a volunteer and complies with
division (B) (2) of this section is not liable in damages to any
person or government entity in a tort or other civil action,
including an action on a medical, dental, chiropractic,
optometric, or other health-related claim, for injury, death, or
loss to person or property that allegedly arises from an action or
omission of the volunteer in the provision to an indigent and
uninsured person of medical, dental, or other health-related
diagnosis, care, or treatment, including the provision of samples
of medicine and other medical products, unless the action or
omission constitutes willful or wanton misconduct.

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(2) To qualify for the immunity described in division (B) (1)
of this section, a health care professional shall do all of the
following prior to providing diagnosis, care, or treatment:

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(a) Determine, in good faith, that the indigent and uninsured
person is mentally capable of giving informed consent to the
provision of the diagnosis, care, or treatment and is not subject
to duress or under undue influence;

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(b) Inform the person of the provisions of this section,
including notifying the person that, by giving informed consent to

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the provision of the diagnosis, care, or treatment, the person
cannot hold the health care professional liable for damages in a
tort or other civil action, including an action on a medical,
dental, chiropractic, optometric, or other health-related claim,
unless the action or omission of the health care professional
constitutes willful or wanton misconduct;

(c) Obtain the informed consent of the person and a written
waiver, signed by the person or by another individual on behalf of
and in the presence of the person, that states that the person is
mentally competent to give informed consent and, without being
subject to duress or under undue influence, gives informed consent
to the provision of the diagnosis, care, or treatment subject to
the provisions of this section. A written waiver under division
(B) (2) (c) of this section shall state clearly and in conspicuous
type that the person or other individual who signs the waiver is
signing it with full knowledge that, by giving informed consent to
the provision of the diagnosis, care, or treatment, the person
cannot bring a tort or other civil action, including an action on
a medical, dental, chiropractic, optometric, or other
health-related claim, against the health care professional unless
the action or omission of the health care professional constitutes
willful or wanton misconduct.

(3) A physician or podiatrist who is not covered by medical
malpractice insurance, but complies with division (B) (2) of this
section, is not required to comply with division (A) of section
4731.143 of the Revised Code.

(C) Subject to divisions (F) and (G) (3) of this section,
health care workers who are volunteers are not liable in damages
to any person or government entity in a tort or other civil
action, including an action upon a medical, dental, chiropractic,
optometric, or other health-related claim, for injury, death, or

loss to person or property that allegedly arises from an action or omission of the health care worker in the provision to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, unless the action or omission constitutes willful or wanton misconduct.

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(D) Subject to divisions (F) and (G) (3) of this section, a nonprofit health care referral organization is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the nonprofit health care referral organization in referring indigent and uninsured persons to, or arranging for the provision of, medical, dental, or other health-related diagnosis, care, or treatment by a health care professional described in division (B) (1) of this section or a health care worker described in division (C) of this section, unless the action or omission constitutes willful or wanton misconduct.

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(E) Subject to divisions (F) and (G) (3) of this section and to the extent that the registration requirements of section 3701.071 of the Revised Code apply, a health care facility or location associated with a health care professional described in division (B) (1) of this section, a health care worker described in division (C) of this section, or a nonprofit health care referral organization described in division (D) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the health care professional or

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worker or nonprofit health care referral organization relative to 762
the medical, dental, or other health-related diagnosis, care, or 763
treatment provided to an indigent and uninsured person on behalf 764
of or at the health care facility or location, unless the action 765
or omission constitutes willful or wanton misconduct. 766

(F) (1) Except as provided in division (F) (2) of this section, 767
the immunities provided by divisions (B), (C), (D), and (E) of 768
this section are not available to a health care professional, 769
health care worker, nonprofit health care referral organization, 770
or health care facility or location if, at the time of an alleged 771
injury, death, or loss to person or property, the health care 772
professionals or health care workers involved are providing one of 773
the following: 774

(a) Any medical, dental, or other health-related diagnosis, 775
care, or treatment pursuant to a community service work order 776
entered by a court under division (B) of section 2951.02 of the 777
Revised Code or imposed by a court as a community control 778
sanction; 779

(b) Performance of an operation to which any one of the 780
following applies: 781

(i) The operation requires the administration of deep 782
sedation or general anesthesia. 783

(ii) The operation is a procedure that is not typically 784
performed in an office. 785

(iii) The individual involved is a health care professional, 786
and the operation is beyond the scope of practice or the 787
education, training, and competence, as applicable, of the health 788
care professional. 789

(c) Delivery of a baby or any other purposeful termination of 790
a human pregnancy. 791

(2) Division (F) (1) of this section does not apply when a health care professional or health care worker provides medical, dental, or other health-related diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.

(G) (1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.

(3) This section does not grant an immunity from tort or other civil liability to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location for actions that are outside the scope of authority of health care professionals or health care workers.

(4) This section does not affect any legal responsibility of a health care professional, health care worker, or nonprofit health care referral organization to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety."

Between lines 30075 and 30076, insert: 823

"Sec. 2744.05. Notwithstanding any other provisions of the 824
Revised Code or rules of a court to the contrary, in an action 825
against a political subdivision to recover damages for injury, 826
death, or loss to person or property caused by an act or omission 827
in connection with a governmental or proprietary function: 828

(A) Punitive or exemplary damages shall not be awarded. 829

(B) (1) If a claimant receives or is entitled to receive 830
benefits for injuries or loss allegedly incurred from a policy or 831
policies of insurance or any other source, the benefits shall be 832
disclosed to the court, and the amount of the benefits shall be 833
deducted from any award against a political subdivision recovered 834
by that claimant. No insurer or other person is entitled to bring 835
an action under a subrogation provision in an insurance or other 836
contract against a political subdivision with respect to those 837
benefits. 838

The amount of the benefits shall be deducted from an award 839
against a political subdivision under division (B) (1) of this 840
section regardless of whether the claimant may be under an 841
obligation to pay back the benefits upon recovery, in whole or in 842
part, for the claim. A claimant whose benefits have been deducted 843
from an award under division (B) (1) of this section is not 844
considered fully compensated and shall not be required to 845
reimburse a subrogated claim for benefits deducted from an award 846
pursuant to division (B) (1) of this section. 847

(2) Nothing in division (B) (1) of this section shall be 848
construed to do either of the following: 849

(a) Limit the rights of a beneficiary under a life insurance 850
policy or the rights of sureties under fidelity or surety bonds; 851

(b) Prohibit the department of job and family services from recovering from the political subdivision, pursuant to section 5101.58 of the Revised Code, the cost of medical assistance benefits provided under sections 5101.5211 to 5101.5216 or Chapter 5107., or 5111., ~~or 5115.~~ of the Revised Code.

(C) (1) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.

(2) As used in this division, "the actual loss of the person who is awarded the damages" includes all of the following:

(a) All wages, salaries, or other compensation lost by the person injured as a result of the injury, including wages, salaries, or other compensation lost as of the date of a judgment and future expected lost earnings of the person injured;

(b) All expenditures of the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that were necessary because of the injury;

(c) All expenditures to be incurred in the future, as

determined by the court, by the person injured or another person
 on behalf of the person injured for medical care or treatment, for
 rehabilitation services, or for other care, treatment, services,
 products, or accommodations that will be necessary because of the
 injury;

(d) All expenditures of a person whose property was injured
 or destroyed or of another person on behalf of the person whose
 property was injured or destroyed in order to repair or replace
 the property that was injured or destroyed;

(e) All expenditures of the person injured or of the person
 whose property was injured or destroyed or of another person on
 behalf of the person injured or of the person whose property was
 injured or destroyed in relation to the actual preparation or
 presentation of the claim involved;

(f) Any other expenditures of the person injured or of the
 person whose property was injured or destroyed or of another
 person on behalf of the person injured or of the person whose
 property was injured or destroyed that the court determines
 represent an actual loss experienced because of the personal or
 property injury or property loss.

"The actual loss of the person who is awarded the damages"
 does not include any fees paid or owed to an attorney for any
 services rendered in relation to a personal or property injury or
 property loss, and does not include any damages awarded for pain
 and suffering, for the loss of society, consortium, companionship,
 care, assistance, attention, protection, advice, guidance,
 counsel, instruction, training, or education of the person
 injured, for mental anguish, or for any other intangible loss."

Between lines 32566 and 32567, insert:

"Sec. 3111.04. (A) An action to determine the existence or

nonexistence of the father and child relationship may be brought 913
 by the child or the child's personal representative, the child's 914
 mother or her personal representative, a man alleged or alleging 915
 himself to be the child's father, the child support enforcement 916
 agency of the county in which the child resides if the child's 917
 mother, father, or alleged father is a recipient of public 918
 assistance or of services under Title IV-D of the "Social Security 919
 Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 920
 alleged father's personal representative. 921

(B) An agreement does not bar an action under this section. 922

(C) If an action under this section is brought before the 923
 birth of the child and if the action is contested, all 924
 proceedings, except service of process and the taking of 925
 depositions to perpetuate testimony, may be stayed until after the 926
 birth. 927

(D) A recipient of public assistance or of services under 928
 Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 929
 U.S.C.A. 651, as amended, shall cooperate with the child support 930
 enforcement agency of the county in which a child resides to 931
 obtain an administrative determination pursuant to sections 932
 3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 933
 determination pursuant to sections 3111.01 to 3111.18 of the 934
 Revised Code, of the existence or nonexistence of a parent and 935
 child relationship between the father and the child. If the 936
 recipient fails to cooperate, the agency may commence an action to 937
 determine the existence or nonexistence of a parent and child 938
 relationship between the father and the child pursuant to sections 939
 3111.01 to 3111.18 of the Revised Code. 940

(E) As used in this section, "public assistance" means all of 941
 the following: 942

- (1) Medicaid under Chapter 5111. of the Revised Code; 943
- (2) Ohio works first under Chapter 5107. of the Revised Code; 944
- (3) Disability financial assistance under Chapter 5115. of 945
the Revised Code; 946
- (4) ~~Disability medical assistance under Chapter 5115. of the~~ 947
~~Revised Code;~~ 948
- ~~(5)~~ Children's buy-in program under sections 5101.5211 to 949
5101.5216 of the Revised Code." 950

Between lines 32766 and 32767, insert: 951

"Sec. 3119.54. A party to a child support order issued in 952
accordance with section 3119.30 of the Revised Code shall notify 953
any physician, hospital, or other provider of medical services 954
that provides medical services to the child who is the subject of 955
the child support order of the number of any health insurance or 956
health care policy, contract, or plan that covers the child if the 957
child is eligible for medical assistance under sections 5101.5211 958
to 5101.5216 or Chapter 5111. ~~or 5115.~~ of the Revised Code. The 959
party shall include in the notice the name and address of the 960
insurer. Any physician, hospital, or other provider of medical 961
services for which medical assistance is available under sections 962
5101.5211 to 5101.5216 or Chapter 5111. ~~or 5115.~~ of the Revised 963
Code who is notified under this section of the existence of a 964
health insurance or health care policy, contract, or plan with 965
coverage for children who are eligible for medical assistance 966
shall first bill the insurer for any services provided for those 967
children. If the insurer fails to pay all or any part of a claim 968
filed under this section and the services for which the claim is 969
filed are covered by sections 5101.5211 to 5101.5216 or Chapter 970
5111. ~~or 5115.~~ of the Revised Code, the physician, hospital, or 971
other medical services provider shall bill the remaining unpaid 972

costs of the services in accordance with sections 5101.5211 to 973
 5101.5216 or Chapter 5111. ~~or 5115.~~ of the Revised Code." 974

Between lines 49409 and 49410, insert: 975

"Sec. 3702.74. (A) A primary care physician who has signed a 976
 letter of intent under section 3702.73 of the Revised Code and the 977
 director of health may enter into a contract for the physician's 978
 participation in the physician loan repayment program. The 979
 physician's employer or other funding source may also be a party 980
 to the contract. 981

(B) The contract shall include all of the following 982
 obligations: 983

(1) The primary care physician agrees to provide primary care 984
 services in the health resource shortage area identified in the 985
 letter of intent for at least two years; 986

(2) When providing primary care services in the health 987
 resource shortage area, the primary care physician agrees to do 988
 all of the following: 989

(a) Provide primary care services for a minimum of forty 990
 hours per week, of which at least twenty-one hours will be spent 991
 providing patient care in an outpatient or ambulatory setting; 992

(b) Provide primary care services without regard to a 993
 patient's ability to pay; 994

(c) Meet the conditions prescribed by the "Social Security 995
 Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 996
 department of job and family services for participation in the 997
 medicaid program established under Chapter 5111. of the Revised 998
 Code and enter into a contract with the department to provide 999
 primary care services to recipients of the medical assistance 1000
 program; 1001

~~(d) Meet the conditions established by the department of job and family services for participation in the disability medical assistance program established under Chapter 5115. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of disability medical assistance.~~

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(3) The department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B) (1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;

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(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B) (1) of this section.

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(C) The contract may include any other terms agreed upon by the parties."

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Between lines 61650 and 61651, insert:

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"Sec. 4123.27. Information contained in the annual statement provided for in section 4123.26 of the Revised Code, and such other information as may be furnished to the bureau of workers' compensation by employers in pursuance of that section, is for the exclusive use and information of the bureau in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the bureau is a party to the action or proceeding; but the information contained in the statement may be tabulated and

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published by the bureau in statistical form for the use and 1032
information of other state departments and the public. No person 1033
in the employ of the bureau, except those who are authorized by 1034
the administrator of workers' compensation, shall divulge any 1035
information secured by the person while in the employ of the 1036
bureau in respect to the transactions, property, claim files, 1037
records, or papers of the bureau or in respect to the business or 1038
mechanical, chemical, or other industrial process of any company, 1039
firm, corporation, person, association, partnership, or public 1040
utility to any person other than the administrator or to the 1041
superior of such employee of the bureau. 1042

Notwithstanding the restrictions imposed by this section, the 1043
governor, select or standing committees of the general assembly, 1044
the auditor of state, the attorney general, or their designees, 1045
pursuant to the authority granted in this chapter and Chapter 1046
4121. of the Revised Code, may examine any records, claim files, 1047
or papers in possession of the industrial commission or the 1048
bureau. They also are bound by the privilege that attaches to 1049
these papers. 1050

The administrator shall report to the director of job and 1051
family services or to the county director of job and family 1052
services the name, address, and social security number or other 1053
identification number of any person receiving workers' 1054
compensation whose name or social security number or other 1055
identification number is the same as that of a person required by 1056
a court or child support enforcement agency to provide support 1057
payments to a recipient or participant of public assistance, and 1058
whose name is submitted to the administrator by the director under 1059
section 5101.36 of the Revised Code. The administrator also shall 1060
inform the director of the amount of workers' compensation paid to 1061
the person during such period as the director specifies. 1062

Within fourteen days after receiving from the director of job
 and family services a list of the names and social security
 numbers of recipients or participants of public assistance
 pursuant to section 5101.181 of the Revised Code, the
 administrator shall inform the auditor of state of the name,
 current or most recent address, and social security number of each
 person receiving workers' compensation pursuant to this chapter
 whose name and social security number are the same as that of a
 person whose name or social security number was submitted by the
 director. The administrator also shall inform the auditor of state
 of the amount of workers' compensation paid to the person during
 such period as the director specifies.

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The bureau and its employees, except for purposes of
 furnishing the auditor of state with information required by this
 section, shall preserve the confidentiality of recipients or
 participants of public assistance in compliance with division (A)
 of section 5101.181 of the Revised Code.

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For the purposes of this section, "public assistance" means
 medical assistance provided through the medical assistance program
 established under section 5111.01 of the Revised Code, Ohio works
 first provided under Chapter 5107. of the Revised Code,
 prevention, retention, and contingency benefits and services
 provided under Chapter 5108. of the Revised Code, or disability
 financial assistance provided under Chapter 5115. of the Revised
 Code, ~~or disability medical assistance provided under Chapter~~
~~5115. of the Revised Code.~~

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Between lines 69046 and 69047, insert:

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"Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the
 Revised Code:

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(A) (1) "Clinical laboratory services" means either of the

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following:	1093
(a) Any examination of materials derived from the human body	1094
for the purpose of providing information for the diagnosis,	1095
prevention, or treatment of any disease or impairment or for the	1096
assessment of health;	1097
(b) Procedures to determine, measure, or otherwise describe	1098
the presence or absence of various substances or organisms in the	1099
body.	1100
(2) "Clinical laboratory services" does not include the mere	1101
collection or preparation of specimens.	1102
(B) "Designated health services" means any of the following:	1103
(1) Clinical laboratory services;	1104
(2) Home health care services;	1105
(3) Outpatient prescription drugs.	1106
(C) "Fair market value" means the value in arms-length	1107
transactions, consistent with general market value and:	1108
(1) With respect to rentals or leases, the value of rental	1109
property for general commercial purposes, not taking into account	1110
its intended use;	1111
(2) With respect to a lease of space, not adjusted to reflect	1112
the additional value the prospective lessee or lessor would	1113
attribute to the proximity or convenience to the lessor if the	1114
lessor is a potential source of referrals to the lessee.	1115
(D) "Governmental health care program" means any program	1116
providing health care benefits that is administered by the federal	1117
government, this state, or a political subdivision of this state,	1118
including the medicare program established under Title XVIII of	1119
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,	1120
as amended, health care coverage for public employees, health care	1121

benefits administered by the bureau of workers' compensation, the 1122
 medicaid program established under Chapter 5111. of the Revised 1123
 Code, ~~the disability medical assistance program established under~~ 1124
~~Chapter 5115. of the Revised Code,~~ and the children's buy-in 1125
 program established under sections 5101.5211 to 5101.5216 of the 1126
 Revised Code. 1127

(E) (1) "Group practice" means a group of two or more holders 1128
 of certificates under this chapter legally organized as a 1129
 partnership, professional corporation or association, limited 1130
 liability company, foundation, nonprofit corporation, faculty 1131
 practice plan, or similar group practice entity, including an 1132
 organization comprised of a nonprofit medical clinic that 1133
 contracts with a professional corporation or association of 1134
 physicians to provide medical services exclusively to patients of 1135
 the clinic in order to comply with section 1701.03 of the Revised 1136
 Code and including a corporation, limited liability company, 1137
 partnership, or professional association described in division (B) 1138
 of section 4731.226 of the Revised Code formed for the purpose of 1139
 providing a combination of the professional services of 1140
 optometrists who are licensed, certificated, or otherwise legally 1141
 authorized to practice optometry under Chapter 4725. of the 1142
 Revised Code, chiropractors who are licensed, certificated, or 1143
 otherwise legally authorized to practice chiropractic or 1144
 acupuncture under Chapter 4734. of the Revised Code, psychologists 1145
 who are licensed, certificated, or otherwise legally authorized to 1146
 practice psychology under Chapter 4732. of the Revised Code, 1147
 registered or licensed practical nurses who are licensed, 1148
 certificated, or otherwise legally authorized to practice nursing 1149
 under Chapter 4723. of the Revised Code, pharmacists who are 1150
 licensed, certificated, or otherwise legally authorized to 1151
 practice pharmacy under Chapter 4729. of the Revised Code, 1152
 physical therapists who are licensed, certificated, or otherwise 1153

legally authorized to practice physical therapy under sections 1154
4755.40 to 4755.56 of the Revised Code, occupational therapists 1155
who are licensed, certificated, or otherwise legally authorized to 1156
practice occupational therapy under sections 4755.04 to 4755.13 of 1157
the Revised Code, mechanotherapists who are licensed, 1158
certificated, or otherwise legally authorized to practice 1159
mechanotherapy under section 4731.151 of the Revised Code, and 1160
doctors of medicine and surgery, osteopathic medicine and surgery, 1161
or podiatric medicine and surgery who are licensed, certificated, 1162
or otherwise legally authorized for their respective practices 1163
under this chapter, to which all of the following apply: 1164

(a) Each physician who is a member of the group practice 1165
provides substantially the full range of services that the 1166
physician routinely provides, including medical care, 1167
consultation, diagnosis, or treatment, through the joint use of 1168
shared office space, facilities, equipment, and personnel. 1169

(b) Substantially all of the services of the members of the 1170
group are provided through the group and are billed in the name of 1171
the group and amounts so received are treated as receipts of the 1172
group. 1173

(c) The overhead expenses of and the income from the practice 1174
are distributed in accordance with methods previously determined 1175
by members of the group. 1176

(d) The group practice meets any other requirements that the 1177
state medical board applies in rules adopted under section 4731.70 1178
of the Revised Code. 1179

(2) In the case of a faculty practice plan associated with a 1180
hospital with a medical residency training program in which 1181
physician members may provide a variety of specialty services and 1182
provide professional services both within and outside the group, 1183
as well as perform other tasks such as research, the criteria in 1184

division (E)(1) of this section apply only with respect to 1185
services rendered within the faculty practice plan. 1186

(F) "Home health care services" and "immediate family" have 1187
the same meanings as in the rules adopted under section 4731.70 of 1188
the Revised Code. 1189

(G) "Hospital" has the same meaning as in section 3727.01 of 1190
the Revised Code. 1191

(H) A "referral" includes both of the following: 1192

(1) A request by a holder of a certificate under this chapter 1193
for an item or service, including a request for a consultation 1194
with another physician and any test or procedure ordered by or to 1195
be performed by or under the supervision of the other physician; 1196

(2) A request for or establishment of a plan of care by a 1197
certificate holder that includes the provision of designated 1198
health services. 1199

(I) "Third-party payer" has the same meaning as in section 1200
3901.38 of the Revised Code. 1201

Sec. 4731.71. The auditor of state may implement procedures 1202
to detect violations of section 4731.66 or 4731.69 of the Revised 1203
Code within governmental health care programs administered by the 1204
state. The auditor of state shall report any violation of either 1205
section to the state medical board and shall certify to the 1206
attorney general in accordance with section 131.02 of the Revised 1207
Code the amount of any refund owed to a state-administered 1208
governmental health care program under section 4731.69 of the 1209
Revised Code as a result of a violation. If a refund is owed to 1210
the medicaid program established under Chapter 5111. of the 1211
Revised Code, ~~the disability medical assistance program~~ 1212
~~established under Chapter 5115. of the Revised Code,~~ or the 1213

children's buy-in program established under sections 5101.5211 to 1214
5101.5216 of the Revised Code, the auditor of state also shall 1215
report the amount to the department of job and family services. 1216

The state medical board also may implement procedures to 1217
detect violations of section 4731.66 or 4731.69 of the Revised 1218
Code." 1219

In line 73294, after "(2)" strike through the balance of the 1220
line 1221

Strike through lines 73295 and 73296 1222

In line 73297, strike through "(3)" 1223

In line 73300, strike through "(4)" and insert "(3)" 1224

In line 73303, strike through "(5)" and insert "(4)" 1225

In line 73305, strike through "(6)" and insert "(5)" 1226

In line 73307, strike through "(7)" and insert "(6)" 1227

In line 73315, strike through "Disability medical 1228
assistance;" 1229

In line 73316, strike through "(g)" 1230

Strike through line 73318 1231

In line 73319, strike through "(i)" and insert "(g)" 1232

In line 73321, strike through "(j)" and insert "(h)" 1233

In line 73322, strike through "(8)" and insert "(7)" 1234

In line 73332, strike through "disability medical assistance 1235
and"; strike through "those" and insert "that" 1236

In line 73333, strike through "programs" and insert "program" 1237

Between lines 73468 and 73469, insert: 1238

"Sec. 5101.181. (A) As used in this section and section 1239

5101.182 of the Revised Code, "public assistance" includes, in 1240
addition to Ohio works first, all of the following: 1241

- (1) Prevention, retention, and contingency; 1242
- (2) Medicaid; 1243
- (3) Disability financial assistance; 1244
- (4) ~~Disability medical assistance;~~ 1245
- ~~(5)~~ General assistance provided prior to July 17, 1995, under 1246
former Chapter 5113. of the Revised Code. 1247

(B) As part of the procedure for the determination of 1248
overpayment to a recipient of public assistance under Chapter 1249
5107., 5108., 5111., or 5115. of the Revised Code, the director of 1250
job and family services shall furnish quarterly the name and 1251
social security number of each individual who receives public 1252
assistance to the director of administrative services, the 1253
administrator of the bureau of workers' compensation, and each of 1254
the state's retirement boards. Within fourteen days after 1255
receiving the name and social security number of an individual who 1256
receives public assistance, the director of administrative 1257
services, administrator, or board shall inform the auditor of 1258
state as to whether such individual is receiving wages or 1259
benefits, the amount of any wages or benefits being received, the 1260
social security number, and the address of the individual. The 1261
director of administrative services, administrator, boards, and 1262
any agent or employee of those officials and boards shall comply 1263
with the rules of the director of job and family services 1264
restricting the disclosure of information regarding recipients of 1265
public assistance. Any person who violates this provision shall 1266
thereafter be disqualified from acting as an agent or employee or 1267
in any other capacity under appointment or employment of any state 1268
board, commission, or agency. 1269

(C) The auditor of state may enter into a reciprocal 1270
 agreement with the director of job and family services or 1271
 comparable officer of any other state for the exchange of names, 1272
 current or most recent addresses, or social security numbers of 1273
 persons receiving public assistance under Title IV-A or under 1274
 Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 1275
 U.S.C. 301, as amended. 1276

(D) (1) The auditor of state shall retain, for not less than 1277
 two years, at least one copy of all information received under 1278
 this section and sections 145.27, 742.41, 3307.20, 3309.22, 1279
 4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor 1280
 shall review the information to determine whether overpayments 1281
 were made to recipients of public assistance under Chapters 5107., 1282
 5108., 5111., and 5115. of the Revised Code. The auditor of state 1283
 shall initiate action leading to prosecution, where warranted, of 1284
 recipients who received overpayments by forwarding the name of 1285
 each recipient who received overpayment, together with other 1286
 pertinent information, to the director of job and family services 1287
 and the attorney general, to the district director of job and 1288
 family services of the district through which public assistance 1289
 was received, and to the county director of job and family 1290
 services and county prosecutor of the county through which public 1291
 assistance was received. 1292

(2) The auditor of state and the attorney general or their 1293
 designees may examine any records, whether in computer or printed 1294
 format, in the possession of the director of job and family 1295
 services or any county director of job and family services. They 1296
 shall provide safeguards which restrict access to such records to 1297
 purposes directly connected with an audit or investigation, 1298
 prosecution, or criminal or civil proceeding conducted in 1299
 connection with the administration of the programs and shall 1300

comply with the rules of the director of job and family services 1301
 restricting the disclosure of information regarding recipients of 1302
 public assistance. Any person who violates this provision shall 1303
 thereafter be disqualified from acting as an agent or employee or 1304
 in any other capacity under appointment or employment of any state 1305
 board, commission, or agency. 1306

(3) Costs incurred by the auditor of state in carrying out 1307
 the auditor of state's duties under this division shall be borne 1308
 by the auditor of state." 1309

In line 73499, strike through "Chapters" and insert 1310
 "Chapter"; strike through "and 5115." 1311

Between lines 73508 and 73509, insert: 1312

"Sec. 5101.31. Any record, data, pricing information, or 1313
 other information regarding a drug rebate agreement or a 1314
 supplemental drug rebate agreement for the medicaid program 1315
 established under Chapter 5111. of the Revised Code ~~or the~~ 1316
~~disability medical assistance program established under section~~ 1317
~~5115.10 of the Revised Code~~ that the department of job and family 1318
 services receives from a pharmaceutical manufacturer or creates 1319
 pursuant to negotiation of the agreement is not a public record 1320
 under section 149.43 of the Revised Code and shall be treated by 1321
 the department as confidential information." 1322

Between lines 73619 and 73620, insert: 1323

"Sec. 5101.36. Any application for public assistance gives a 1324
 right of subrogation to the department of job and family services 1325
 for any workers' compensation benefits payable to a person who is 1326
 subject to a support order, as defined in section 3119.01 of the 1327
 Revised Code, on behalf of the applicant, to the extent of any 1328
 public assistance payments made on the applicant's behalf. If the 1329

director of job and family services, in consultation with a child support enforcement agency and the administrator of the bureau of workers' compensation, determines that a person responsible for support payments to a recipient of public assistance is receiving workers' compensation, the director shall notify the administrator of the amount of the benefit to be paid to the department of job and family services.

For purposes of this section, "public assistance" means medical assistance provided through the medical assistance program established under section 5111.01 of the Revised Code; Ohio works first provided under Chapter 5107. of the Revised Code; prevention, retention, and contingency benefits and services provided under Chapter 5108. of the Revised Code; or disability financial assistance provided under Chapter 5115. of the Revised Code; ~~or disability medical assistance provided under Chapter 5115. of the Revised Code.~~

In line 73972, after "(3)" strike through the balance of the line

Strike through line 73973

In line 73974, strike through "(4)"

Between lines 74055 and 74056, insert:

"Sec. 5101.58. (A) The acceptance of public assistance gives an automatic right of recovery to the department of job and family services and a county department of job and family services against the liability of a third party for the cost of medical assistance paid on behalf of the public assistance recipient or participant. When an action or claim is brought against a third party by a public assistance recipient or participant, any payment, settlement or compromise of the action or claim, or any

court award or judgment, is subject to the recovery right of the
 department of job and family services or county department of job
 and family services. Except in the case of a recipient or
 participant who receives medical assistance through a managed care
 organization, the department's or county department's claim shall
 not exceed the amount of medical assistance paid by a department
 on behalf of the recipient or participant. A payment, settlement,
 compromise, judgment, or award that excludes the cost of medical
 assistance paid for by a department shall not preclude a
 department from enforcing its rights under this section.

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(B) In the case of a recipient or participant who receives
 medical assistance through a managed care organization, the amount
 of the department's or county department's claim shall be the
 amount the managed care organization pays for medical assistance
 rendered to the recipient or participant, even if that amount is
 more than the amount a department pays to the managed care
 organization for the recipient's or participant's medical
 assistance.

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(C) A recipient or participant, and the recipient's or
 participant's attorney, if any, shall cooperate with the
 departments. In furtherance of this requirement, the recipient or
 participant, or the recipient's or participant's attorney, if any,
 shall, not later than thirty days after initiating informal
 recovery activity or filing a legal recovery action against a
 third party, provide written notice of the activity or action to
 the ~~appropriate department or departments as follows:~~

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~~(1) To only the department of job and family services when
 medical assistance under medicaid or the children's buy-in program
 has been paid;~~

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~~(2) To the department of job and family services and the~~

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~~appropriate county department of job and family services when~~ 1390
~~medical assistance under the disability medical assistance program~~ 1391
~~has been paid.~~ 1392

(D) The written notice that must be given under division (C) 1393
of this section shall disclose the identity and address of any 1394
third party against whom the recipient or participant has or may 1395
have a right of recovery. 1396

(E) No settlement, compromise, judgment, or award or any 1397
recovery in any action or claim by a recipient or participant 1398
where the departments have a right of recovery shall be made final 1399
without first giving the appropriate departments written notice as 1400
described in division (C) of this section and a reasonable 1401
opportunity to perfect their rights of recovery. If the 1402
departments are not given the appropriate written notice, the 1403
recipient or participant and, if there is one, the recipient's or 1404
participant's attorney, are liable to reimburse the departments 1405
for the recovery received to the extent of medical payments made 1406
by the departments. 1407

(F) The departments shall be permitted to enforce their 1408
recovery rights against the third party even though they accepted 1409
prior payments in discharge of their rights under this section if, 1410
at the time the departments received such payments, they were not 1411
aware that additional medical expenses had been incurred but had 1412
not yet been paid by the departments. The third party becomes 1413
liable to the department of job and family services or county 1414
department of job and family services as soon as the third party 1415
is notified in writing of the valid claims for recovery under this 1416
section. 1417

(G) (1) Subject to division (G) (2) of this section, the right 1418
of recovery of a department does not apply to that portion of any 1419
judgment, award, settlement, or compromise of a claim, to the 1420

extent of attorneys' fees, costs, or other expenses incurred by a
 recipient or participant in securing the judgment, award,
 settlement, or compromise, or to the extent of medical, surgical,
 and hospital expenses paid by such recipient or participant from
 the recipient's or participant's own resources.

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(2) Reasonable attorneys' fees, not to exceed one-third of
 the total judgment, award, settlement, or compromise, plus costs
 and other expenses incurred by the recipient or participant in
 securing the judgment, award, settlement, or compromise, shall
 first be deducted from the total judgment, award, settlement, or
 compromise. After fees, costs, and other expenses are deducted
 from the total judgment, award, settlement, or compromise, the
 department of job and family services or appropriate county
 department of job and family services shall receive no less than
 one-half of the remaining amount, or the actual amount of medical
 assistance paid, whichever is less.

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(H) A right of recovery created by this section may be
 enforced separately or jointly by the department of job and family
 services or the appropriate county department of job and family
 services. To enforce their recovery rights, the departments may do
 any of the following:

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(1) Intervene or join in any action or proceeding brought by
 the recipient or participant or on the recipient's or
 participant's behalf against any third party who may be liable for
 the cost of medical assistance paid;

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(2) Institute and pursue legal proceedings against any third
 party who may be liable for the cost of medical assistance paid;

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(3) Initiate legal proceedings in conjunction with any
 injured, diseased, or disabled recipient or participant or the
 recipient's or participant's attorney or representative.

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(I) A recipient or participant shall not assess attorney fees, costs, or other expenses against the department of job and family services or a county department of job and family services when the department or county department enforces its right of recovery created by this section.

(J) The right of recovery given to the department under this section does not include rights to support from any other person assigned to the state under sections 5107.20 and 5115.07 of the Revised Code, but includes payments made by a third party under contract with a person having a duty to support."

Between lines 78313 and 78314, insert:

"Sec. 5112.03. (A) The director of job and family services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code for the purpose of administering sections 5112.01 to 5112.21 of the Revised Code, including rules that do all of the following:

(1) Define as a "disproportionate share hospital" any hospital included under subsection (b) of section 1923 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r-4(b), as amended, and any other hospital the director determines appropriate;

(2) Prescribe the form for submission of cost reports under section 5112.04 of the Revised Code;

(3) Establish, in accordance with division (A) of section 5112.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section;

(4) Establish schedules for hospitals to pay installments on their assessments under section 5112.06 of the Revised Code and for governmental hospitals to pay installments on their

intergovernmental transfers under section 5112.07 of the Revised Code;	1480 1481
(5) Establish procedures to notify hospitals of adjustments made under division (B) (2) (b) of section 5112.06 of the Revised Code in the amount of installments on their assessment;	1482 1483 1484
(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5112.09 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;	1485 1486 1487 1488 1489
(7) Establish, in accordance with section 5112.08 of the Revised Code, the methodology for paying hospitals under that section.	1490 1491 1492
The director shall consult with hospitals when adopting the rules required by divisions (A) (4) and (5) of this section in order to minimize hospitals' cash flow difficulties.	1493 1494 1495
(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:	1496 1497 1498
(1) Recipients of the medical assistance program;	1499
(2) Recipients of financial assistance provided under Chapter 5115. of the Revised Code;	1500 1501
(3) Recipients of medical assistance provided under Chapter 5115. of the Revised Code;	1502 1503
(4) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;	1504 1505
(5) <u>(4)</u> Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:	1506 1507 1508

(6) (5) Recipients of Title V of the "Social Security Act";	1509
(7) (6) Any other category of costs deemed appropriate by the	1510
director in accordance with Title XIX of the "Social Security Act"	1511
and the rules adopted under that title.	1512
Sec. 5112.08. The director of job and family services shall	1513
adopt rules under section 5112.03 of the Revised Code establishing	1514
a methodology to pay hospitals that is sufficient to expend all	1515
money in the indigent care pool. Under the rules:	1516
(A) The department of job and family services may classify	1517
similar hospitals into groups and allocate funds for distribution	1518
within each group.	1519
(B) The department shall establish a method of allocating	1520
funds to hospitals, taking into consideration the relative amount	1521
of indigent care provided by each hospital or group of hospitals.	1522
The amount to be allocated shall be based on any combination of	1523
the following indicators of indigent care that the director	1524
considers appropriate:	1525
(1) Total costs, volume, or proportion of services to	1526
recipients of the medical assistance program, including recipients	1527
enrolled in health insuring corporations;	1528
(2) Total costs, volume, or proportion of services to	1529
low-income patients in addition to recipients of the medical	1530
assistance program, which may include recipients of Title V of the	1531
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as	1532
amended, and recipients of financial or medical assistance	1533
provided under Chapter 5115. of the Revised Code;	1534
(3) The amount of uncompensated care provided by the hospital	1535
or group of hospitals;	1536
(4) Other factors that the director considers to be	1537

appropriate indicators of indigent care. 1538

(C) The department shall distribute funds to each hospital or 1539
 group of hospitals in a manner that first may provide for an 1540
 additional distribution to individual hospitals that provide a 1541
 high proportion of indigent care in relation to the total care 1542
 provided by the hospital or in relation to other hospitals. The 1543
 department shall establish a formula to distribute the remainder 1544
 of the funds. The formula shall be consistent with section 1923 of 1545
 the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall 1546
 be based on any combination of the indicators of indigent care 1547
 listed in division (B) of this section that the director considers 1548
 appropriate. 1549

(D) The department shall distribute funds to each hospital in 1550
 installments not later than ten working days after the deadline 1551
 established in rules for each hospital to pay an installment on 1552
 its assessment under section 5112.06 of the Revised Code. In the 1553
 case of a governmental hospital that makes intergovernmental 1554
 transfers, the department shall pay an installment under this 1555
 section not later than ten working days after the earlier of that 1556
 deadline or the deadline established in rules for the governmental 1557
 hospital to pay an installment on its intergovernmental transfer. 1558
 If the amount in the hospital care assurance program fund created 1559
 under section 5112.18 of the Revised Code and the portion of the 1560
 health care - federal fund created under section 5111.943 of the 1561
 Revised Code that is credited to that fund pursuant to division 1562
 (B) of section 5112.18 of the Revised Code are insufficient to 1563
 make the total distributions for which hospitals are eligible to 1564
 receive in any period, the department shall reduce the amount of 1565
 each distribution by the percentage by which the amount and 1566
 portion are insufficient. The department shall distribute to 1567
 hospitals any amounts not distributed in the period in which they 1568

are due as soon as moneys are available in the funds. 1569

Sec. 5112.17. (A) As used in this section: 1570

(1) "Federal poverty guideline" means the official poverty 1571
 guideline as revised annually by the United States secretary of 1572
 health and human services in accordance with section 673 of the 1573
 "Community Service Block Grant Act," 95 Stat. 511 (1981), 42 1574
 U.S.C.A. 9902, as amended, for a family size equal to the size of 1575
 the family of the person whose income is being determined. 1576

(2) "Third-party payer" means any private or public entity or 1577
 program that may be liable by law or contract to make payment to 1578
 or on behalf of an individual for health care services. 1579
 "Third-party payer" does not include a hospital. 1580

(B) Each hospital that receives funds distributed under 1581
 sections 5112.01 to 5112.21 of the Revised Code shall provide, 1582
 without charge to the individual, basic, medically necessary 1583
 hospital-level services to individuals who are residents of this 1584
 state, are not recipients of the medical assistance program, and 1585
 whose income is at or below the federal poverty guideline. 1586
 Recipients of disability financial assistance ~~and recipients of~~ 1587
~~disability medical assistance~~ provided under Chapter 5115. of the 1588
 Revised Code qualify for services under this section. The director 1589
 of job and family services shall adopt rules under section 5112.03 1590
 of the Revised Code specifying the hospital services to be 1591
 provided under this section. 1592

(C) Nothing in this section shall be construed to prevent a 1593
 hospital from requiring an individual to apply for eligibility 1594
 under the medical assistance program before the hospital processes 1595
 an application under this section. Hospitals may bill any 1596
 third-party payer for services rendered under this section. 1597
 Hospitals may bill the medical assistance program, in accordance 1598

with Chapter 5111. of the Revised Code and the rules adopted under
that chapter, for services rendered under this section if the
individual becomes a recipient of the program. Hospitals may bill
individuals for services under this section if all of the
following apply:

(1) The hospital has an established post-billing procedure
for determining the individual's income and canceling the charges
if the individual is found to qualify for services under this
section.

(2) The initial bill, and at least the first follow-up bill,
is accompanied by a written statement that does all of the
following:

(a) Explains that individuals with income at or below the
federal poverty guideline are eligible for services without
charge;

(b) Specifies the federal poverty guideline for individuals
and families of various sizes at the time the bill is sent;

(c) Describes the procedure required by division (C) (1) of
this section.

(3) The hospital complies with any additional rules the
department adopts under section 5112.03 of the Revised Code.

Notwithstanding division (B) of this section, a hospital
providing care to an individual under this section is subrogated
to the rights of any individual to receive compensation or
benefits from any person or governmental entity for the hospital
goods and services rendered.

(D) Each hospital shall collect and report to the department,
in the form and manner prescribed by the department, information
on the number and identity of patients served pursuant to this
section.

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(E) This section applies beginning May 22, 1992, regardless
of whether the department has adopted rules specifying the
services to be provided. Nothing in this section alters the scope
or limits the obligation of any governmental entity or program,
including the program awarding reparations to victims of crime
under sections 2743.51 to 2743.72 of the Revised Code and the
program for medically handicapped children established under
section 3701.023 of the Revised Code, to pay for hospital services
in accordance with state or local law."

Between lines 78394 and 78395, insert:

"Sec. 5115.20. (A) The department of job and family services
shall establish a disability advocacy program and each county
department of job and family services shall establish a disability
advocacy program unit or join with other county departments of job
and family services to establish a joint county disability
advocacy program unit. Through the program the department and
county departments shall cooperate in efforts to assist applicants
for and recipients of assistance under the disability financial
assistance program ~~and the disability medical assistance program,~~
who might be eligible for supplemental security income benefits
under Title XVI of the "Social Security Act," 86 Stat. 1475
(1972), 42 U.S.C.A. 1383, as amended, in applying for those
benefits.

As part of their disability advocacy programs, the state
department and county departments may enter into contracts for the
services of persons and government entities that in the judgment
of the department or county department have demonstrated expertise
in representing persons seeking supplemental security income
benefits. Each contract shall require the person or entity with
which a department contracts to assess each person referred to it
by the department to determine whether the person appears to be

eligible for supplemental security income benefits, and, if the
 person appears to be eligible, assist the person in applying and
 represent the person in any proceeding of the social security
 administration, including any appeal or reconsideration of a
 denial of benefits. The department or county department shall
 provide to the person or entity with which it contracts all
 records in its possession relevant to the application for
 supplemental security income benefits. The department shall
 require a county department with relevant records to submit them
 to the person or entity.

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(B) Each applicant for or recipient of disability financial
 assistance ~~or disability medical assistance~~ who, in the judgment
 of the department or a county department might be eligible for
 supplemental security benefits, shall, as a condition of
 eligibility for assistance, apply for such benefits if directed to
 do so by the department or county department.

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(C) With regard to applicants for and recipients of
 disability financial assistance ~~or disability medical assistance~~,
 each county department of job and family services shall do all of
 the following:

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(1) Identify applicants and recipients who might be eligible
 for supplemental security income benefits;

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(2) Assist applicants and recipients in securing
 documentation of disabling conditions or refer them for such
 assistance to a person or government entity with which the
 department or county department has contracted under division (A)
 of this section;

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(3) Inform applicants and recipients of available sources of
 representation, which may include a person or government entity
 with which the department or county department has contracted
 under division (A) of this section, and of their right to

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represent themselves in reconsiderations and appeals of social
 security administration decisions that deny them supplemental
 security income benefits. The county department may require the
 applicants and recipients, as a condition of eligibility for
 assistance, to pursue reconsiderations and appeals of social
 security administration decisions that deny them supplemental
 security income benefits, and shall assist applicants and
 recipients as necessary to obtain such benefits or refer them to a
 person or government entity with which the department or county
 department has contracted under division (A) of this section.

(4) Require applicants and recipients who, in the judgment of
 the county department, are or may be aged, blind, or disabled, to
 apply for medical assistance under Chapter 5111. of the Revised
 Code, make determinations when appropriate as to eligibility for
 medical assistance, and refer their applications when necessary to
 the disability determination unit established in accordance with
 division (F) of this section for expedited review;

(5) Require each applicant and recipient who in the judgment
 of the department or the county department might be eligible for
 supplemental security income benefits, as a condition of
 eligibility for disability financial assistance ~~or disability~~
~~medical assistance~~, to execute a written authorization for the
 secretary of health and human services to withhold benefits due
 that individual and pay to the director of job and family services
 or the director's designee an amount sufficient to reimburse the
 state and county shares of interim assistance furnished to the
 individual. For the purposes of division (C) (5) of this section,
 "benefits" and "interim assistance" have the meanings given in
 Title XVI of the "Social Security Act."

(D) The director of job and family services shall adopt rules
 in accordance with section 111.15 of the Revised Code for the

effective administration of the disability advocacy program. The 1722
rules shall include all of the following: 1723

(1) Methods to be used in collecting information from and 1724
disseminating it to county departments, including the following: 1725

(a) The number of individuals in the county who are disabled 1726
recipients of disability financial assistance ~~or disability~~ 1727
~~medical assistance;~~ 1728

(b) The final decision made either by the social security 1729
administration or by a court for each application or 1730
reconsideration in which an individual was assisted pursuant to 1731
this section. 1732

(2) The type and process of training to be provided by the 1733
department of job and family services to the employees of the 1734
county department of job and family services who perform duties 1735
under this section; 1736

(3) Requirements for the written authorization required by 1737
division (C) (5) of this section. 1738

(E) The department shall provide basic and continuing 1739
training to employees of the county department of job and family 1740
services who perform duties under this section. Training shall 1741
include but not be limited to all processes necessary to obtain 1742
federal disability benefits, and methods of advocacy. 1743

(F) The department shall establish a disability determination 1744
unit and develop guidelines for expediting reviews of applications 1745
for medical assistance under Chapter 5111. of the Revised Code for 1746
persons who have been referred to the unit under division (C) (4) 1747
of this section. The department shall make determinations of 1748
eligibility for medical assistance for any such person within the 1749
time prescribed by federal regulations. 1750

(G) The department may, under rules the director of job and 1751

family services adopts in accordance with section 111.15 of the Revised Code, pay a portion of the federal reimbursement described in division (C)(5) of this section to persons or government entities that assist or represent assistance recipients in reconsiderations and appeals of social security administration decisions denying them supplemental security income benefits.

(H) The director shall conduct investigations to determine whether disability advocacy programs are being administered in compliance with the Revised Code and the rules adopted by the director pursuant to this section.

Sec. 5115.22. (A) If a recipient of disability financial assistance ~~or disability medical assistance~~, or an individual whose income and resources are included in determining the recipient's eligibility for the assistance, becomes possessed of resources or income in excess of the amount allowed to retain eligibility, or if other changes occur that affect the recipient's eligibility or need for assistance, the recipient shall notify the state or county department of job and family services within the time limits specified in rules adopted by the director of job and family services in accordance with section 111.15 of the Revised Code. Failure of a recipient to report possession of excess resources or income or a change affecting eligibility or need within those time limits shall be considered prima-facie evidence of intent to defraud under section 5115.23 of the Revised Code.

(B) As a condition of eligibility for disability financial assistance ~~or disability medical assistance~~, and as a means of preventing or reducing the provision of assistance at public expense, each applicant for or recipient of the assistance shall make reasonable efforts to secure support from persons responsible for the applicant's or recipient's support, and from other sources, including any federal program designed to provide

assistance to individuals with disabilities. The state or county 1783
 department of job and family services may provide assistance to 1784
 the applicant or recipient in securing other forms of financial 1785
 assistance. 1786

Sec. 5115.23. As used in this section, "erroneous payments" 1787
 means disability financial assistance payments ~~or disability~~ 1788
~~medical assistance payments~~ made to persons who are not entitled 1789
 to receive them, including payments made as a result of 1790
 misrepresentation or fraud, and payments made due to an error by 1791
 the recipient or by the county department of job and family 1792
 services that made the payment. 1793

The department of job and family services shall adopt rules 1794
 in accordance with section 111.15 of the Revised Code specifying 1795
 the circumstances under which action is to be taken under this 1796
 section to recover erroneous payments. The department, or a county 1797
 department of job and family services at the request of the 1798
 department, shall take action to recover erroneous payments in the 1799
 circumstances specified in the rules. The department or county 1800
 department may institute a civil action to recover erroneous 1801
 payments. 1802

Whenever disability financial assistance ~~or disability~~ 1803
~~medical assistance~~ has been furnished to a recipient for whose 1804
 support another person is responsible, the other person shall, in 1805
 addition to the liability otherwise imposed, as a consequence of 1806
 failure to support the recipient, be liable for all assistance 1807
 furnished the recipient. The value of the assistance so furnished 1808
 may be recovered in a civil action brought by the county 1809
 department of job and family services. 1810

Each county department of job and family services shall 1811
 retain fifty per cent of the erroneous payments it recovers under 1812
 this section. The department of job and family services shall 1813

receive the remaining fifty per cent." 1814

In line 90795, after "9.03," insert "9.24," 1815

In line 90806, after "127.16," insert "131.23," 1816

In line 90811, after "173.50," insert "173.71, 173.76," 1817

In line 90816, after "321.261," insert "323.01,"; after 1818
"329.03," insert "329.04,"; after "329.042," insert "329.051," 1819

In line 90837, after "2303.201," insert "2305.234," 1820

In line 90838, after "2743.51," insert "2744.05," 1821

In line 90840, after "3105.87," insert "3111.04,"; after 1822
"3119.01," insert "3119.54," 1823

In line 90860, after "3702.61," insert "3702.74," 1824

In line 90878, after "4117.24," insert "4123.27," 1825

In line 90890, after "4731.38," insert "4731.65, 4731.71," 1826

In line 90898, after "5101.162," insert "5101.181,"; after 1827
"5101.26," insert "5101.31," 1828

In line 90899, after "5101.34," insert "5101.36," 1829

In line 90900, after "5101.573," insert "5101.58," 1830

In line 90908, after "5111.971," insert "5112.03, 5112.08, 1831
5112.17,"; after "5112.371," insert "5115.20, 5115.22, 5115.23," 1832

In line 90950, after "5101.072," insert "5115.10, 5115.11, 1833
5115.12, 5115.13, 5115.14," 1834

In line 97795, after "(d)" delete the balance of the line 1835

Delete line 97796 1836

In line 97797, delete "(e)" 1837

In line 97799, delete "(f)" and insert "(e)" 1838

In line 98076, after "agencies" delete the balance of the 1839

line	1840
Delete lines 98077 through 98079	1841
In line 98080, delete "Chapter 5111. of the Revised Code"	1842
In line 98631, delete "Disability Medical Assistance"	1843
In line 98632, delete the first "Program,"	1844
In line 106598, delete "division (D) (34) takes" and insert	1845
"divisions (D) (2) and (34) take"	1846
After line 106654, insert:	1847
"Section 815.20. The amendment of sections 5112.03 and	1848
5112.08 of the Revised Code is not intended to supersede the	1849
earlier repeal, with delayed effective date, of that section."	1850
In line 1 of the title, after "9.03," insert "9.24,"	1851
In line 16 of the title, after "127.16," insert "131.23,"	1852
In line 22 of the title, after "173.50," insert "173.71,	1853
173.76,"	1854
In line 28 of the title, after "321.261," insert "323.01,"	1855
In line 29 of the title, after "329.03," insert "329.04,";	1856
after "329.042," insert "329.051,"	1857
In line 58 of the title, after "2303.201," insert "2305.234,"	1858
In line 59 of the title, after "2743.51," insert "2744.05,"	1859
In line 62 of the title, after "3105.87," insert "3111.04,";	1860
after "3119.01," insert "3119.54,"	1861
In line 90 of the title, after "3702.61," insert "3702.74,"	1862
In line 114 of the title, after "4117.24," insert "4123.27,"	1863
In line 131 of the title, after "4731.38," insert "4731.65,	1864
4731.71,"	1865

In line 142 of the title, after "5101.162," insert 1866
 "5101.181," 1867

In line 143 of the title, after "5101.26," insert "5101.31,"; 1868
 after "5101.34," insert "5101.36," 1869

In line 145 of the title, after "5101.573," insert "5101.58," 1870

In line 154 of the title, after "5111.971," insert "5112.03, 1871
 5112.08, 5112.17" 1872

In line 155 of the title, after "5112.371," insert "5115.20, 1873
 5115.22, 5115.23," 1874

In line 243 of the title, after "5101.072," insert "5115.10, 1875
 5115.11, 5115.12, 5115.13, 5115.14," 1876

The motion was _____ agreed to.

SYNOPSIS

Disability Medical Assistance Program 1877

R.C. 5115.10 to 5115.14 (primary) and R.C. 9.24, 127.16, 1878
 131.23, 173.71, 173.76, 323.01, 329.04, 329.051, 2305.234, 1879
 2744.05, 3111.04, 3119.54, 3702.74, 4123.27, 4731.65, 4731.71, 1880
 5101.16, 5101.181, 5101.26, 5101.31, 5101.36, 5101.571, 5101.58, 1881
 5112.03, 5112.08, 5112.17, 5115.20, 5115.22, and 5115.23 1882

Eliminates the Department of Job and Family Services 1883
 Disability Medical Assistance Program, which provides medical 1884
 assistance to those who are medication dependent and not eligible 1885
 for Medicaid. 1886

Am. Sub. H.B. 1

As Passed by the Senate

CC-4791

BOR097

_____ moved to amend as follows:

In line 341, delete "3301.42," and insert "3301.46,"; after 1
"3302.03," insert "3302.032," 2

In line 343, after "3313.603," insert "3313.6013," 3

In line 350, after "3323.05," insert "3326.02, 3326.03, 4
3326.04, 3326.05, 3326.06, 3326.07, 3326.08,"; after "3326.11," 5
insert "3326.20,"; after "3326.36," insert "3326.51," 6

In line 352, after "3345.011," insert "3345.062," 7

Delete lines 34072 through 34151 and insert: 8

"Sec. 3301.46. Not later than April 30, 2009, the department 9
of education and the chancellor of the Ohio board of regents 10
jointly shall propose a standard method and form for documenting 11
on high school transcripts high school credits earned that are 12
compatible with the standards for credit transfer and articulation 13
adopted ~~by the board of regents~~ under sections 3333.16 and 14
3333.161 of the Revised Code and any electronic clearinghouse for 15
student transcript transfer developed by the ~~board of regents~~ 16
chancellor. The proposal shall be submitted to the state board of 17
education, ~~the chancellor of the board of regents, the partnership~~ 18
~~for continued learning,~~ the governor, the speaker and minority 19

leader of the house of representatives, the president and minority leader of the senate, and the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation." 20
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Between lines 35502 and 35503, insert: 24

"Sec. 3302.032. Not later than June 30, 2012, the state board of education shall select one or more methods of measuring high school graduates' preparedness for higher education and the workforce. The measures may include, but need not be limited to, student performance on the assessments recommended under section 3301.43 of the Revised Code, the percentage of students who earn credit toward a degree from an institution of higher education while enrolled in high school, or the percentage of students who take remedial coursework upon enrollment in an institution of higher education." 25
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The department of education annually shall include the school district's or school building's performance on each applicable measure on the report card issued for that district or building under section 3302.03 of the Revised Code, beginning with the report cards issued for the 2012-2013 school year. The department shall not apply the measures to the school district's or building's rating under division (B) of that section. Prior to selecting the measures, the state board shall consult with the partnership for continued learning and chancellor of the Ohio board of regents." 35
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In line 36881, strike through the first comma and insert "and the chancellor of"; strike through ", and the partnership" 45
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In line 36882, strike through "for continued learning" 47

In line 36929, strike through "partnership for continued" 48

learning" and insert "department of education" 49

In line 36930, strike through "the department of education and"; after the second "the" insert "chancellor of the" 50
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In line 36934, strike through "partnership" and insert "department" 52
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In line 37034, after "with" insert "the chancellor of" 54

In line 37035, strike through "and the partnership for continued learning" 55
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Between lines 37085 and 37086, insert: 57

"Sec. 3313.6013. (A) As used in this section, "dual enrollment program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Dual enrollment programs may include any of the following: 58
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(1) The post-secondary enrollment options program established under Chapter 3365. of the Revised Code; 67
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(2) Advanced placement courses; 69

(3) Any similar program established pursuant to an agreement between a school district or chartered nonpublic high school and an institution of higher education. 70
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(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in a dual enrollment program. For this 73
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purpose, each school district and chartered nonpublic high school 77
 shall offer at least one dual enrollment program in accordance 78
 with division (B)(1) or (2) of this section, as applicable. 79

(1) A city, local, or exempted village school district meets 80
 the requirements of this division through its mandatory 81
 participation in the post-secondary enrollment options program 82
 established under Chapter 3365. of the Revised Code. However, a 83
 city, local, or exempted village school district may offer any 84
 other dual enrollment program, in addition to the post-secondary 85
 enrollment options program, and each joint vocational school 86
 district shall offer at least one other dual enrollment program, 87
 to students in good standing, as defined by the partnership for 88
 continued learning under section 3301.42 of the Revised Code as it 89
existed prior to the effective date of this amendment or as 90
subsequently defined by the department of education. 91

(2) A chartered nonpublic high school that elects to 92
 participate in the post-secondary enrollment options program 93
 established under Chapter 3365. of the Revised Code meets the 94
 requirements of this division. Each chartered nonpublic high 95
 school that elects not to participate in the post-secondary 96
 enrollment options program instead shall offer at least one other 97
 dual enrollment program to students in good standing, as defined 98
 by the partnership for continued learning under section 3301.42 of 99
 the Revised Code as it existed prior to the effective date of this 100
amendment or as subsequently defined by the department of 101
education. 102

(C) Each school district and each chartered nonpublic high 103
 school shall provide information about the dual enrollment 104
 programs offered by the district or school to all students 105
 enrolled in grades eight through eleven." 106

In line 42265, after the first comma insert "and"; strike 107

through ", and the" 108

In line 42266, strike through "partnership for continued 109
learning" 110

Between lines 43394 and 43395, insert: 111

"Sec. 3326.02. There is hereby established a STEM 112
~~subcommittee of the partnership for continued learning~~ committee 113
consisting of the following members: 114

(A) The superintendent of public instruction; 115

(B) The chancellor of the Ohio board of regents; 116

(C) The director of development; 117

(D) Four members of the public, two of whom shall be 118
appointed by the governor, one of whom shall be appointed by the 119
speaker of the house of representatives, and one of whom shall be 120
appointed by the president of the senate. Members of the public 121
shall be appointed based on their expertise in business or in STEM 122
fields ~~and shall not be at large members of the partnership for~~ 123
~~continued learning.~~ The initial members of the ~~subcommittee~~ 124
committee shall be appointed under division (D) of this section 125
not later than forty-five days after ~~the effective date of this~~ 126
~~section June 30, 2007.~~ 127

All members of the ~~subcommittee~~ committee appointed under 128
division (D) of this section shall serve at the pleasure of their 129
appointing authority. 130

Members of the ~~subcommittee~~ committee shall receive no 131
compensation for their services. The department of education shall 132
provide administrative support for the committee. 133

Sec. 3326.03. (A) The STEM ~~subcommittee~~ committee shall 134
authorize the establishment of and award grants to science, 135

technology, engineering, and mathematics schools through a request 136
for proposals. 137

The STEM ~~subcommittee~~ committee may approve up to five STEM 138
schools to operate under this chapter in the school year that 139
begins July 1, 2008. The limit prescribed in this paragraph does 140
not affect the number of schools that may be approved for 141
operation in subsequent school years. 142

No STEM school established under this chapter may open for 143
instruction earlier than July 1, 2008. 144

The ~~subcommittee~~ committee shall determine the criteria for 145
the proposals, accept and evaluate the proposals, and choose which 146
proposals to approve to become a STEM school and to receive 147
grants. In approving proposals for STEM schools, the ~~subcommittee~~ 148
committee shall consider locating the schools in diverse 149
geographic regions of the state so that all students have access 150
to a STEM school. 151

(B) Proposals may be submitted only by a partnership of 152
public and private entities consisting of at least all of the 153
following: 154

(1) A city, exempted village, local, or joint vocational 155
school district; 156

(2) Higher education entities; 157

(3) Business organizations. 158

(C) Each proposal shall include at least the following: 159

(1) Assurances that the STEM school will be under the 160
oversight of a governing body and a description of the members of 161
that governing body and how they will be selected; 162

(2) Assurances that the STEM school will operate in 163
compliance with this chapter and the provisions of the proposal as 164

accepted by the subcommittee <u>committee</u> ;	165
(3) Evidence that the school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades six through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:	166 167 168 169 170
(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	171 172
(b) Incorporates scientific inquiry and technological design;	173
(c) Includes the arts and humanities;	174
(d) Emphasizes personalized learning and teamwork skills.	175
(4) Evidence that the school will attract school leaders who support the curriculum principles of division (C) (3) of this section;	176 177 178
(5) A description of how the school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	179 180 181
(6) Evidence that the school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;	182 183 184
(7) Evidence that the school will operate in collaboration with a partnership that includes institutions of higher education and businesses;	185 186 187
(8) Assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities;	188 189 190
(9) A description of how the school's assets will be distributed if the school closes for any reason.	191 192

Sec. 3326.04. (A) The STEM subcommittee <u>committee</u> shall award	193
grants to support the operation of STEM programs of excellence to	194
serve students in any of grades kindergarten through eight through	195
a request for proposals.	196
(B) Proposals may be submitted by any of the following:	197
(1) The board of education of a city, exempted village, or	198
local school district;	199
(2) The governing authority of a community school established	200
under Chapter 3314. of the Revised Code.	201
(C) Each proposal shall demonstrate to the satisfaction of	202
the STEM subcommittee <u>committee</u> that the program meets at least	203
the following standards:	204
(1) The program will serve all students enrolled in the	205
district or school in the grades for which the program is	206
designed.	207
(2) The program will offer a rigorous and diverse curriculum	208
that is based on scientific inquiry and technological design, that	209
emphasizes personalized learning and teamwork skills, and that	210
will expose students to advanced scientific concepts within and	211
outside the classroom.	212
(3) The program will not limit participation of students on	213
the basis of intellectual ability, measures of achievement, or	214
aptitude.	215
(4) The program will utilize an established capacity to	216
capture and share knowledge for best practices and innovative	217
professional development.	218
(5) The program will operate in collaboration with a	219
partnership that includes institutions of higher education and	220
businesses.	221

(6) The program will include teacher professional development strategies that are augmented by community and business partners.	222 223
(D) The STEM subcommittee <u>committee</u> shall give priority to proposals for new or expanding innovative programs.	224 225
Sec. 3326.05. The partnership for continued learning, through the STEM subcommittee, committee may make recommendations to the general assembly and the governor for the training of STEM educators.	226 227 228 229
Sec. 3326.06. The partnership for continued learning, through the STEM subcommittee, committee shall work with an Ohio-based nonprofit enterprise selected by the subcommittee <u>committee</u> to support the strategic and operational coordination of public and private STEM education initiatives and resources focused on curriculum development, instruction, assessment, teacher quality enhancement, leadership recruitment and training, and community engagement. The nonprofit enterprise selected by the STEM subcommittee <u>committee</u> shall have the proven ability to accumulate resources to enhance education quality across the educational continuum, from preschool to college, shall have experience in large-scale management of science and technology resources, and shall have a documented institutional mission to advance STEM education.	230 231 232 233 234 235 236 237 238 239 240 241 242 243
Sec. 3326.07. Each science, technology, engineering, and mathematics school established under this chapter is a public school, is part of the state's program of education, and may continue in operation for as long as the school is in compliance with the provisions of this chapter and with the proposal for its establishment as approved by the STEM subcommittee <u>committee</u> . If the school closes for any reason, its assets shall be distributed	244 245 246 247 248 249 250

in the manner provided in the proposal for its establishment as 251
 required by division (C) (9) of section 3326.03 of the Revised 252
 Code. 253

Sec. 3326.08. (A) The governing body of each science, 254
 technology, engineering, and mathematics school shall employ and 255
 fix the compensation for the administrative officers, teachers, 256
 and nonteaching employees of the STEM school necessary for the 257
 school to carry out its mission and shall oversee the operations 258
 of the school. The governing body of each STEM school shall employ 259
 a chief administrative officer to serve as the school's 260
 instructional and administrative leader. The chief administrative 261
 officer shall be granted the authority to oversee the recruitment, 262
 retention, and employment of teachers and nonteaching employees. 263

(B) The department of education shall monitor the oversight 264
 of each STEM school exercised by the school's governing body and 265
 shall monitor the school's compliance with this chapter and with 266
 the proposal for the establishment of the school as it was 267
 approved by the STEM ~~subcommittee of the partnership for continued~~ 268
~~learning~~ committee under section 3326.04 of the Revised Code. If 269
 the department finds that the school is not in compliance with 270
 this chapter or with the proposal, the department shall consult 271
 with the STEM ~~subcommittee~~ committee, and the ~~subcommittee~~ 272
committee may order the school to close on the last day of the 273
 school year in which the ~~subcommittee~~ committee issues its order. 274

(C) The governing body of each STEM school shall comply with 276
 sections 121.22 and 149.43 of the Revised Code." 277

Between lines 43411 and 43412, insert: 278

"Sec. 3326.20. (A) As used in this section, "native student" 279
 means a student entitled to attend school in the school district 280

under section 3313.64 or 3313.65 of the Revised Code.	281
(B) Unless the proposal for the establishment of a science,	282
technology, engineering, and mathematics school, as it was	283
approved by the STEM subcommittee of the partnership for continued	284
learning <u>committee</u> under section 3326.03 of the Revised Code,	285
otherwise provides for the transportation of students to and from	286
the STEM school, the board of education of each city, local, and	287
exempted village school district shall provide transportation to	288
and from school for its district's native students enrolled in the	289
STEM school in the same manner that section 3327.01 of the Revised	290
Code requires for its native students enrolled in nonpublic	291
schools."	292
Between lines 43420 and 43421, insert:	293
Sec. 3326.51. (A) As used in this section:	294
(1) "Resident district" has the same meaning as in section	295
3326.31 of the Revised Code.	296
(2) "STEM school sponsoring district" means a municipal,	297
city, local, exempted village, or joint vocational school district	298
that governs and controls a STEM school pursuant to this section.	299
(B) Notwithstanding any other provision of this chapter to	300
the contrary:	301
(1) If a proposal for a STEM school submitted under section	302
3326.03 of the Revised Code proposes that the governing body of	303
the school be the board of education of a municipal, city, local,	304
exempted village, or joint vocational school district that is one	305
of the partners submitting the proposal, and the partnership for	306
continued learning <u>STEM committee</u> approves that proposal, that	307
school district board shall govern and control the STEM school as	308
one of the schools of its district.	309

(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:

(a) The department of education shall make no deductions under section 3326.33 of the Revised Code from the STEM school sponsoring district's state payments.

(b) The STEM school sponsoring district shall ensure that it allocates to the STEM school funds equal to or exceeding the amount that would be calculated pursuant to division (B) of section 3313.981 of the Revised Code for the students attending the school whose resident district is the STEM school sponsoring district.

(c) The STEM school sponsoring district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code.

(d) The STEM school sponsoring district shall provide student transportation in accordance with laws and policies generally applicable to the district.

(4) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall make no payments or deductions under sections 3326.31 to 3326.49 of the Revised Code. Instead, the students shall be considered as open enrollment students and the department shall make payments and deductions in accordance with section 3313.981

of the Revised Code. The STEM school sponsoring district shall
allocate the payments to the STEM school. The STEM school
sponsoring district may enter into financial agreements with the
students' resident districts, which agreements may provide
financial support in addition to the funds received from the open
enrollment calculation. The STEM school sponsoring district shall
allocate all such additional funds to the STEM school.

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(5) Where the department is required to make, deny, reduce,
or adjust payments to a STEM school sponsoring district pursuant
to this section, it shall do so in such a manner that the STEM
school sponsoring district may allocate that action to the STEM
school.

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(6) A STEM school sponsoring district and its board may
assign its district employees to the STEM school, in which case
section 3326.18 of the Revised Code shall not apply. The district
and board may apply any other resources of the district to the
STEM school in the same manner that it applies district resources
to other district schools.

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(7) Provisions of this chapter requiring a STEM school and
its governing body to comply with specified laws as if it were a
school district and in the same manner as a board of education
shall instead require such compliance by the STEM school
sponsoring district and its board of education, respectively, with
respect to the STEM school. Where a STEM school or its governing
body is required to perform a specific duty or permitted to take a
specific action under this chapter, that duty is required to be
performed or that action is permitted to be taken by the STEM
school sponsoring district or its board of education,
respectively, with respect to the STEM school.

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(8) No provision of this chapter limits the authority, as
provided otherwise by law, of a school district and its board of

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education to levy taxes and issue bonds secured by tax revenues. 371

(9) The treasurer of the STEM school sponsoring district or, 372
 if the STEM school sponsoring district is a municipal school 373
 district, the chief financial officer of the district, shall have 374
 all of the respective rights, authority, exemptions, and duties 375
 otherwise conferred upon the treasurer or chief financial officer 376
 by the Revised Code." 377

Between lines 45475 and 45476, insert: 378

"Sec. 3345.062. If the partnership for continued learning, 379
 after consulting with the Ohio board of regents and the state 380
 board of education, does not complete and submit recommendations 381
 for legislative changes for the operation of the post-secondary 382
 enrollment options program, as required by division (B) of section 383
 3301.42 of the Revised Code as it existed prior to the effective 384
date of this amendment, by the deadline prescribed in that 385
 division, each state university, as defined in section 3345.011 of 386
 the Revised Code, shall offer via the internet or interactive 387
 distance learning at least two college level courses, one each in 388
 science and mathematics, by which high school students may earn 389
 both high school and college credit. During such course, the 390
 university may include a single presentation, of not more than two 391
 minutes in length, that describes its other programs and courses. 392
 The university may assess a fee for the course required under this 393
 section of not more than one-tenth of the amount per credit hour 394
 normally assessed by the university for an undergraduate course at 395
 its main campus." 396

In line 90843, delete "3301.42," and insert "3301.46,"; after 397
 "3302.03," insert "3302.032," 398

In line 90845, after "3313.603," insert "3313.6013," 399

In line 90852, after "3323.05," insert "3326.02, 3326.03," 400

3326.04, 3326.05, 3326.06, 3326.07, 3326.08,"; after "3326.11," 401
insert "3326.20,"; after "3326.36," insert "3326.51," 402

In line 90854, after "3345.011," insert "3345.062," 403

In line 90943, after "1711.58," insert "3301.41, 3301.42," 404

In line 93717, delete "\$11,228,147 \$11,228,147" and insert 405
"\$11,078,147 \$11,078,147" 406

In line 93751, subtract \$150,000 from each fiscal year 407

In line 93826, subtract \$150,000 from each fiscal year 408

Delete lines 93834 through 93844 409

In line 65 of the title, delete "3301.42," and insert 410
"3301.46," 411

In line 66 of the title, after "3302.03," insert "3302.032," 412

In line 68 of the title, after "3313.603," insert 413
"3313.6013," 414

In line 77 of the title, after "3323.05," insert "3326.02, 415
3326.03, 3326.04, 3326.05, 3326.06, 3326.07, 3326.08,"; after 416
"3326.11," insert "3326.20," 417

In line 78 of the title, after "3326.36," insert "3326.51," 418

In line 81 of the title, after "3345.011," insert "3345.062," 419

In line 234 of the title, after "1711.58," insert "3301.41, 420
3301.42," 421

The motion was _____ agreed to.

SYNOPSIS

Partnership for Continued Learning

422



Repealed R.C. 3301.41, 3301.42, 3301.43; R.C. 3301.46, 423
3302.032, 3313.603, 3313.6013, 3319.234, 3326.02, 3326.03, 424
3326.04, 3326.05, 3326.06, 3326.07, 3326.08, 3326.20, 3326.51, and 425
3345.062 426

Abolishes the Partnership for Continued Learning. 427

Transfers duties of the Partnership to the Department of 428
Education, as applicable. 429

Replaces, and transfers the responsibilities of, the STEM 430
subcommittee of the Partnership for Continued Learning to an 431
independent STEM committee. 432

Department of Education - Personal Services 433

Sections 265.10 and 265.10.10 434

Decreases GRF appropriation item 200100, Personal Services, 435
by \$150,000 in FY 2010 and FY 2011 and removes earmark of up to 436
\$150,000 in each fiscal year for support of Ohio's Partnership for 437
Continued Learning. 438

Am. Sub. H.B. 1
As Passed by the Senate
CC-4795

_____ moved to amend as follows:

In line 314, after "323.156," insert "323.73, 323.74, 323.77,
323.78," 1
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In line 332, after "1721.211," insert "1724.02," 3

In line 412, after "5721.03," insert "5721.32, 5721.33,
5722.02, 5722.04, 5722.21, 5723.04," 4
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Between lines 19365 and 19366, insert: 6

"Sec. 323.73. (A) Except as provided in division (G) of this 7
section or section 323.78 of the Revised Code, a parcel of 8
abandoned land that is to be disposed of under this section shall 9
be disposed of at a public auction scheduled and conducted as 10
described in this section. At least twenty-one days prior to the 11
date of the public auction, the clerk of court or sheriff of the 12
county shall advertise the public auction in a newspaper of 13
general circulation in the county in which the land is located. 14
The advertisement shall include the date, time, and place of the 15
auction, the permanent parcel number of the land if a permanent 16
parcel number system is in effect in the county as provided in 17
section 319.28 of the Revised Code or, if a permanent parcel 18
number system is not in effect, any other means of identifying the 19
parcel, and a notice stating that the abandoned land is to be sold 20

subject to the terms of sections 323.65 to 323.79 of the Revised Code. 21
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(B) The sheriff of the county or a designee of the sheriff shall conduct the public auction at which the abandoned land will be offered for sale. To qualify as a bidder, a person shall file with the sheriff on a form provided by the sheriff a written acknowledgment that the abandoned land being offered for sale is to be conveyed in fee simple to the successful bidder. At the auction, the sheriff of the county or a designee of the sheriff shall begin the bidding at an amount equal to the total of the impositions against the abandoned land, plus the costs apportioned to the land under section 323.75 of the Revised Code. The abandoned land shall be sold to the highest bidder. The county sheriff or designee may reject any and all bids not meeting the minimum bid requirements specified in this division. 23
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(C) Except as otherwise permitted under section 323.74 of the Revised Code, the successful bidder at a public auction conducted under this section shall pay the sheriff of the county or a designee of the sheriff a deposit of at least ten per cent of the purchase price in cash, or by bank draft or official bank check, at the time of the public auction, and shall pay the balance of the purchase price within thirty days after the day on which the auction was held. Notwithstanding section 321.261 of the Revised Code, with respect to any proceedings initiated pursuant to sections 323.65 to 323.79 of the Revised Code, from the total proceeds arising from the sale, transfer, or redemption of abandoned land, twenty per cent of such proceeds shall be deposited to the credit of the delinquent tax and assessment collection fund to reimburse the fund for costs paid from the fund for the transfer, redemption, or sale of abandoned land at public auction. Not more than one-half of the twenty per cent may be used 36
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by the treasurer for community development, nuisance abatement, 52
foreclosure prevention, demolition, and related services or 53
distributed by the treasurer to a land reutilization corporation. 54
The balance of the proceeds, if any, shall be distributed to the 55
appropriate political subdivisions and other taxing units in 56
proportion to their respective claims for taxes, assessments, 57
interest, and penalties on the land. Upon the sale of foreclosed 58
lands, the clerk of court shall hold any surplus proceeds in 59
excess of the impositions until the clerk receives an order of 60
priority and amount of distribution of the surplus that are 61
adjudicated by a court of competent jurisdiction or receives a 62
certified copy of an agreement between the parties entitled to a 63
share of the surplus providing for the priority and distribution 64
of the surplus. Any party to the action claiming a right to 65
distribution of surplus shall have a separate cause of action in 66
the county or municipal court of the jurisdiction in which the 67
land reposes, provided the board confirms the transfer or 68
regularity of the sale. Any dispute over the distribution of the 69
surplus shall not affect or revive the equity of redemption after 70
the board confirms the transfer or sale. 71

(D) Upon the sale or transfer of abandoned land pursuant to 72
this section, the owner's fee simple interest in the land shall be 73
conveyed to the purchaser. A conveyance under this division is 74
free and clear of any liens and encumbrances of the parties named 75
in the complaint for foreclosure attaching before the sale or 76
transfer, and free and clear of any liens for taxes, except for 77
federal tax liens and covenants and easements of record attaching 78
before the sale. 79
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(E) The county board of revision shall reject the sale of 81
abandoned land to any person if it is shown by a preponderance of 82
the evidence that the person is delinquent in the payment of taxes 83

levied by or pursuant to Chapter 307., 322., 324., 5737., 5739., 84
5741., or 5743. of the Revised Code or any real property taxing 85
provision of the Revised Code. The board also shall reject the 86
sale of abandoned land to any person if it is shown by a 87
preponderance of the evidence that the person is delinquent in the 88
payment of property taxes on any parcel in the county, or to a 89
member of any of the following classes of parties connected to 90
that person: 91

(1) A member of that person's immediate family; 92

(2) Any other person with a power of attorney appointed by 93
that person; 94

(3) A sole proprietorship owned by that person or a member of 95
that person's immediate family; 96

(4) A partnership, trust, business trust, corporation, 97
association, or other entity in which that person or a member of 98
that person's immediate family owns or controls directly or 99
indirectly any beneficial or legal interest. 100

(F) If the purchase of abandoned land sold pursuant to this 101
section or section 323.74 of the Revised Code is for less than the 102
sum of the impositions against the abandoned land and the costs 103
apportioned to the land under division (A) of section 323.75 of 104
the Revised Code, then, upon the sale or transfer, all liens for 105
taxes due at the time the deed of the property is conveyed to the 106
purchaser following the sale or transfer, and liens subordinate to 107
liens for taxes, shall be deemed satisfied and discharged. 108

(G) If the county board of revision finds that the total of 109
the impositions against the abandoned land are greater than the 110
fair market value of the abandoned land as determined by the 111
auditor's then-current valuation of that land, the board, at any 112
final hearing under section 323.70 of the Revised Code, may order 113

the property foreclosed and, without an appraisal or public
 auction, order the sheriff to execute a deed to the certificate
 holder or county land reutilization corporation that filed a
 complaint under section 323.69 of the Revised Code, or to a
 community development organization, school district, municipal
 corporation, county, or township, whichever is applicable, as
 provided in section 323.74 of the Revised Code, ~~except that no
 deed shall be transferred to a county land reutilization
 corporation after two years following the filing of its articles
 of incorporation by the secretary of state.~~ Upon a transfer under
 this division, all liens for taxes due at the time the deed of the
 property is transferred to the certificate holder, community
 development organization, school district, municipal corporation,
 county, or township following the conveyance, and liens
 subordinate to liens for taxes, shall be deemed satisfied and
 discharged.

Sec. 323.74. (A) If a public auction is held for abandoned
 land pursuant to section 323.73 of the Revised Code, but the land
 is not sold at the public auction, the county board of revision
 may order the disposition of the abandoned land in accordance with
 division (B) or (C) of this section.

(B) The abandoned land offered for sale at a public auction
 as described in section 323.73 of the Revised Code, but not sold
 at the auction, may be offered for sale in any usual and customary
 manner by the sheriff as otherwise provided by law. The subsequent
 public auction may be held in the same manner as the public
 auction was held under section 323.73 of the Revised Code, but the
 minimum bid at an auction held under this division shall be the
 lesser of fifty per cent of fair market value of the abandoned
 land as currently shown by the county auditor's latest valuation,
 or the sum of the impositions against the abandoned land plus the

costs apportioned to the land under section 323.75 of the Revised Code. Notice of any subsequent sale pursuant to this section may be given in the original notice of sale listing the time, date, and place of the subsequent sale.

(C) Upon certification from the sheriff that abandoned land was offered for sale at a public auction as described in section 323.73 of the Revised Code but was not purchased, a community development organization or any school district, municipal corporation, county, or township in which the land is located may request that title to the land be transferred to the community development organization, school district, municipal corporation, county, or township at the time described in this division. The request shall be delivered to the board of revision at any time from the date the complaint for foreclosure is filed under section 323.69 of the Revised Code, but not later than sixty days after the date on which the land was first offered for sale. ~~A county land reutilization corporation may not submit such a request, and the board of revision shall not accept such a request submitted, after two years following the filing of the corporation's articles of incorporation by the secretary of state.~~ The request shall include a representation that the organization, district, or political subdivision, not later than thirty days after receiving legal title to the abandoned land, will begin basic exterior improvements that will protect the land from further unreasonable deterioration. The improvements shall include, but are not limited to, the removal of trash and refuse from the exterior of the premises and the securing of open, vacant, or vandalized areas on the exterior of the premises. The representation shall be deemed to have been given if the notice is supplied by an electing subdivision as defined in section 5722.01 of the Revised Code.

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(D) The county board of revision, upon any adjudication of foreclosure and forfeiture against the abandoned land, may order the sheriff to dispose of the abandoned land as prescribed in sections 323.65 to 323.79 of the Revised Code, ~~except that no interest in such abandoned lands shall be transferred to a county land reutilization corporation after two years following the filing of its articles of incorporation by the secretary of state.~~ The order by the board shall include instructions to the sheriff to transfer the land to the specified community development organization, school district, municipal corporation, county, or township after payment of the costs of disposing of the abandoned land pursuant to section 323.75 of the Revised Code or, if any negotiated price has been agreed to between the county treasurer and the community development organization, school district, municipal corporation, county, or township, after payment of that negotiated price as certified by the board to the sheriff.

(E) Upon receipt of payment under this section, the sheriff shall convey by sheriff's deed the fee simple interest in, and to, the abandoned land. If the abandoned land is transferred pursuant to division (D) of this section and the county treasurer reasonably determines that the transfer will result in the property being occupied, the county treasurer may waive, but is not required to waive, some or all of the impositions against the abandoned land or costs apportioned to the land under section 323.75 of the Revised Code.

(F) Upon a transfer under this section, all liens for taxes due at the time the deed of the property is conveyed to a purchaser or transferred to a community development organization, school district, municipal corporation, county, or township, and liens subordinate to liens for taxes, shall be deemed satisfied

and discharged. 207

(G) Any parcel that has been advertised and offered for sale 208
pursuant to foreclosure proceedings and has not sold for want of 209
bidders or been otherwise transferred under sections 323.65 to 210
323.79 of the Revised Code shall be forfeited or otherwise 211
disposed of in the same manner as lands under section 323.25 or 212
5721.18 or Chapter 5723. of the Revised Code. 213

Sec. 323.77. (A) As used in this section, "electing 214
subdivision" has the same meaning as in section 5722.01 of the 215
Revised Code. 216

(B) At any time from the date the complaint for foreclosure 217
is filed under section 323.69 of the Revised Code, but not later 218
than sixty days after the date on which the land was first offered 219
for sale, an electing subdivision or a county land reutilization 220
corporation may give the county treasurer, prosecuting attorney, 221
or board of revision notice in writing that it seeks to acquire 222
any parcel of abandoned land, identified by parcel number, from 223
the abandoned land list. If any such parcel of abandoned land 224
identified under this section is offered for sale pursuant to 225
section 323.73 of the Revised Code, but is not sold for want of a 226
minimum bid, the electing subdivision or a county land 227
reutilization corporation that identified that parcel of abandoned 228
land shall be deemed to have appeared at the sale and submitted 229
the winning bid at the auction, and the parcel of abandoned land 230
shall be sold to the electing subdivision or corporation for no 231
consideration other than the costs prescribed in section 323.75 of 232
the Revised Code or those costs to which the electing subdivision 233
or corporation and the county treasurer mutually agree. No 234
~~interest in such abandoned lands shall be transferred to a county~~ 235
~~land reutilization corporation under this section after two years~~ 236
~~following the filing of its articles of incorporation by the~~ 237

~~secretary of state.~~ The conveyance shall be confirmed, and any 238
 common law or statutory right of redemption forever terminated, 239
 upon the filing with the clerk of court the order of confirmation 240
 based on the adjudication of foreclosure by the county board of 241
 revision, which the clerk shall enter upon the journal of the 242
 court or a separate journal. 243

If a county land reutilization corporation and an electing 244
 subdivision both request to acquire the parcel, the electing 245
 subdivision shall have priority to acquire the parcel. 246
 Notwithstanding its prior notice to the county treasurer under 247
 this section that it seeks to acquire the parcel of abandoned 248
 land, if a county land reutilization corporation has also 249
 requested to acquire the parcel, the electing subdivision may 250
 withdraw the notice before confirmation of the conveyance, in 251
 which case the parcel shall be conveyed to the county land 252
 reutilization corporation. 253

Sec. 323.78. Notwithstanding anything in Chapters 323., 254
 5721., and 5723. of the Revised Code, if the county treasurer of a 255
 county having a population of more than one million two hundred 256
 thousand as of the most recent decennial census, in any petition 257
 for foreclosure of abandoned lands, elects to invoke the 258
 alternative redemption period, then upon any adjudication of 259
 foreclosure by any court or the board of revision in any 260
 proceeding under section 323.25, sections 323.65 to 323.79, or 261
 section 5721.18 of the Revised Code, the following apply: 262

(A) Unless otherwise ordered by a motion of the court or 263
 board of revision, the petition shall assert, and any notice of 264
 final hearing shall include, that upon foreclosure of the parcel, 265
 the equity of redemption in any parcel by its owner shall be 266
 forever terminated after the expiration of the alternative 267
 redemption period, that the parcel thereafter may be sold at 268

sheriff's sale either by itself or together with other parcels as 269
 permitted by law; or that the parcel may, by order of the court or 270
 board of revision, be transferred directly to a municipal 271
 corporation, township, county, school district, or county land 272
 reutilization corporation without appraisal and without a sale, 273
 free and clear of all impositions and any other liens on the 274
 property, which shall be deemed forever satisfied and discharged. 275

(B) After the expiration of the alternative redemption period 276
 following an adjudication of foreclosure, by order of the court or 277
 board of revision, any equity of redemption is forever 278
 extinguished, and the parcel may be transferred individually or in 279
 lots with other tax-foreclosed properties to a municipal 280
 corporation, township, county, school district, or county land 281
 reutilization corporation without appraisal and without a sale, 282
 upon which all impositions and any other liens subordinate to 283
 liens for impositions due at the time the deed to the property is 284
 conveyed to a purchaser or transferred to a community development 285
 organization, county land reutilization corporation, municipal 286
 corporation, county, township, or school district, shall be deemed 287
 satisfied and discharged. Other than the order of the court or 288
 board of revision so ordering the transfer of the parcel, no 289
 further act of confirmation or other order shall be required for 290
 such a transfer, or for the extinguishment of any right of 291
 redemption. ~~No such parcel shall be transferred to a county land 292~~
~~reutilization corporation after two years following the filing of 293~~
~~its articles of incorporation by the secretary of state. 294~~

(C) Upon the expiration of the alternative redemption period 295
 in cases to which the alternative redemption period has been 296
 ordered, if no community development organization, county land 297
 reutilization corporation, municipal corporation, county, 298
 township, or school district has requested title to the parcel, 299

the court or board of revision may order the property sold as
 otherwise provided in Chapters 323. and 5721. of the Revised Code,
 and, failing any bid at any such sale, the parcel shall be
 forfeited to the state and otherwise disposed of pursuant to
 Chapter 5723. of the Revised Code."

Between lines 27282 and 27283, insert:

"Sec. 1724.02. In furtherance of the purposes set forth in
 section 1724.01 of the Revised Code, a community improvement
 corporation shall have the following powers:

(A) (1) To borrow money for any of the purposes of the
 community improvement corporation by means of loans, lines of
 credit, or any other financial instruments or securities,
 including the issuance of its bonds, debentures, notes, or other
 evidences of indebtedness, whether secured or unsecured, and to
 secure the same by mortgage, pledge, deed of trust, or other lien
 on its property, franchises, rights, and privileges of every kind
 and nature or any part thereof or interest therein; and

(2) If the community improvement corporation is a county land
 reutilization corporation, the corporation may request, by
 resolution:

(a) That the board of county commissioners of the county
 served by the corporation pledge a specifically identified source
 or sources of revenue pursuant to division (C) of section 307.78
 of the Revised Code as security for such borrowing by the
 corporation; and

(b) (i) If the land subject to reutilization is located within
 an unincorporated area of the county, that the board of county
 commissioners issue notes under section 307.082 of the Revised
 Code for the purpose of constructing public infrastructure

improvements and take other actions as the board determines are in the interest of the county and are authorized under sections 5709.78 to 5709.81 of the Revised Code or bonds or notes under section 5709.81 of the Revised Code for the refunding purposes set forth in that section; or

(ii) If the land subject to reutilization is located within the corporate boundaries of a municipal corporation, that the municipal corporation issue bonds for the purpose of constructing public infrastructure improvements and take such other actions as the municipal corporation determines are in its interest and are authorized under sections 5709.40 to 5709.43 of the Revised Code.

(B) To make loans to any person, firm, partnership, corporation, joint stock company, association, or trust, and to establish and regulate the terms and conditions with respect to any such loans; provided that an economic development corporation shall not approve any application for a loan unless and until the person applying for said loan shows that the person has applied for the loan through ordinary banking or commercial channels and that the loan has been refused by at least one bank or other financial institution. Nothing in this division shall preclude a county land reutilization corporation from making revolving loans to community development corporations or groups for the purposes contained in the corporation's plan under section 1724.10 of the Revised Code.

(C) To purchase, receive, hold, manage, lease, lease-purchase, or otherwise acquire and to sell, convey, transfer, lease, sublease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including but not restricted to, any real or personal property acquired by the community improvement corporation from time to

time in the satisfaction of debts or enforcement of obligations, 361
 and to enter into contracts with third parties, including the 362
 federal government, the state, any political subdivision, or any 363
 other entity. A county land reutilization corporation shall not 364
 acquire an interest in real property if such acquisition causes 365
 the percentage of unoccupied real property held by the corporation 366
 to become less than seventy-five per cent of all real property 367
 held by the corporation for reutilization, reclamation, or 368
 rehabilitation. For the purposes of this division, "unoccupied" 369
 has the same meaning as in section 323.65 of the Revised Code. ~~No~~ 370
~~interest in real property shall be acquired by a county land~~ 371
~~reutilization corporation after two years following the filing of~~ 372
~~its articles of incorporation by the secretary of state.~~ 373

(D) To acquire the good will, business, rights, real and 374
 personal property, and other assets, or any part thereof, or 375
 interest therein, of any persons, firms, partnerships, 376
 corporations, joint stock companies, associations, or trusts, and 377
 to assume, undertake, or pay the obligations, debts, and 378
 liabilities of any such person, firm, partnership, corporation, 379
 joint stock company, association, or trust; to acquire, reclaim, 380
 manage, or contract for the management of improved or unimproved 381
 and underutilized real estate for the purpose of constructing 382
 industrial plants, other business establishments, or housing 383
 thereon, or causing the same to occur, for the purpose of 384
 assembling and enhancing utilization of the real estate, or for 385
 the purpose of disposing of such real estate to others in whole or 386
 in part for the construction of industrial plants, other business 387
 establishments, or housing; and to acquire, reclaim, manage, 388
 contract for the management of, construct or reconstruct, alter, 389
 repair, maintain, operate, sell, convey, transfer, lease, 390
 sublease, or otherwise dispose of industrial plants, business 391
 establishments, or housing. ~~No interest in real property shall be~~ 392

~~acquired by a county land reutilization corporation after two~~ 393
~~years following the filing of its articles of incorporation by the~~ 394
~~secretary of state.~~ 395

(E) To acquire, subscribe for, own, hold, sell, assign, 396
transfer, mortgage, pledge, or otherwise dispose of the stock, 397
shares, bonds, debentures, notes, or other securities and 398
evidences of interest in, or indebtedness of, any person, firm, 399
corporation, joint stock company, association, or trust, and while 400
the owner or holder thereof, to exercise all the rights, powers, 401
and privileges of ownership, including the right to vote therein, 402
provided that no tax revenue, if any, received by a community 403
improvement corporation shall be used for such acquisition or 404
subscription. 405

(F) To mortgage, pledge, or otherwise encumber any property 406
acquired pursuant to the powers contained in divisions (C), (D), 407
or (E) of this section. 408

(G) Nothing in this section shall limit the right of a 409
community improvement corporation to become a member of or a 410
stockholder in a corporation formed under Chapter 1726. of the 411
Revised Code. 412

(H) To serve as an agent for grant applications and for the 413
administration of grants, or to make applications as principal for 414
grants for county land reutilization corporations. 415

(I) To exercise the powers enumerated under Chapter 5722. of 416
the Revised Code on behalf of a county that organizes or contracts 417
with a county land reutilization corporation. 418

(J) To engage in code enforcement and nuisance abatement, 419
including, but not limited to, cutting grass and weeds, boarding 420
up vacant or abandoned structures, and demolishing condemned 421
structures on properties that are subject to a delinquent tax or 422
assessment lien, or property for which a municipal corporation or 423

township has contracted with a county land reutilization 424
 corporation to provide code enforcement or nuisance abatement 425
 assistance. 426

(K) To charge fees or exchange in-kind goods or services for 427
 services rendered to political subdivisions and other persons or 428
 entities for whom services are rendered. 429

(L) To employ and provide compensation for an executive 430
 director who shall manage the operations of a county land 431
 reutilization corporation and employ others for the benefit of the 432
 corporation as approved and funded by the board of directors. No 433
 employee of the corporation is or shall be deemed to be an 434
 employee of the political subdivision for whose benefit the 435
 corporation is organized solely because the employee is employed 436
 by the corporation; 437

(M) To purchase tax certificates at auction, negotiated sale, 438
 or from a third party who purchased and is a holder of one or more 439
 tax certificates issued pursuant to sections 5721.30 to 5721.43 of 440
 the Revised Code; 441

(N) To be assigned a mortgage on real property from a 442
 mortgagee in lieu of acquiring such real property subject to a 443
~~mortgage. No mortgage shall be transferred or assigned to a county~~ 444
~~land reutilization corporation after two years following the~~ 445
~~filing of its articles of incorporation by the secretary of state.~~ 446

(O) To do all acts and things necessary or convenient to 447
 carry out the purposes of section 1724.01 of the Revised Code and 448
 the powers especially created for a community improvement 449
 corporation in Chapter 1724. of the Revised Code, including, but 450
 not limited to, contracting with the federal government, the state 451
 or any political subdivision, and any other party, whether 452
 nonprofit or for-profit. 453

The powers enumerated in this chapter shall not be construed 454
to limit the general powers of a community improvement 455
corporation. The powers granted under this chapter are in addition 456
to those powers granted by any other chapter of the Revised Code, 457
but, as to a county land reutilization corporation, shall be used 458
only for the purposes enumerated under division (B)(2) of section 459
1724.01 of the Revised Code. ~~Notwithstanding any other provision~~ 460
~~in the Revised Code granting such authority, a county land~~ 461
~~reutilization corporation may not acquire any interest in real~~ 462
~~property after two years following the filing of its articles of~~ 463
~~incorporation by the secretary of state."~~ 464

Between lines 82541 and 82542, insert: 465

"Sec. 5721.32. (A) The sale of tax certificates by public 466
auction may be conducted at any time after completion of the 467
advertising of the sale under section 5721.31 of the Revised Code, 468
on the date and at the time and place designated in the 469
advertisements, and may be continued from time to time as the 470
county treasurer directs. The county treasurer may offer the tax 471
certificates for sale in blocks of tax certificates, consisting of 472
any number of tax certificates as determined by the county 473
treasurer. 474

(B)(1) The sale of tax certificates under this section shall 475
be conducted at a public auction by the county treasurer or a 476
designee of the county treasurer. 477

(2) No person shall be permitted to bid without completing a 478
bidder registration form, in the form prescribed by the tax 479
commissioner, and without filing the form with the county 480
treasurer prior to the start of the auction, together with 481
remittance of a registration fee, in cash, of five hundred 482
dollars. The bidder registration form shall include a tax 483

identification number of the registrant. The registration fee is 484
refundable at the end of bidding on the day of the auction, unless 485
the registrant is the winning bidder for one or more tax 486
certificates or one or more blocks of tax certificates, in which 487
case the fee may be applied toward the deposit required by this 488
section. 489

(3) The county treasurer may require a person who wishes to 490
bid on one or more parcels to submit a letter from a financial 491
institution stating that the bidder has sufficient funds available 492
to pay the purchase price of the parcels and a written 493
authorization for the treasurer to verify such information with 494
the financial institution. The county treasurer may require 495
submission of the letter and authorization sufficiently in advance 496
of the auction to allow for verification. No person who fails to 497
submit the required letter and authorization, or whose financial 498
institution fails to provide the requested verification, shall be 499
permitted to bid. 500

(C) At the public auction, the county treasurer or the 501
treasurer's designee or agent shall begin the bidding at eighteen 502
per cent per year simple interest, and accept lower bids in even 503
increments of one-fourth of one per cent to the rate of zero per 504
cent. The county treasurer, designee, or agent shall award the tax 505
certificate to the person bidding the lowest certificate rate of 506
interest. The county treasurer shall decide which person is the 507
winning bidder in the event of a tie for the lowest bid offered, 508
or if a person contests the lowest bid offered. The county 509
treasurer's decision is not appealable. 510

(D) (1) The winning bidder shall pay the county treasurer a 511
cash deposit of at least ten per cent of the certificate purchase 512
price not later than the close of business on the day of the sale. 513
The winning bidder shall pay the balance and the fee required 514

under division (H) of this section not later than five business days after the day on which the certificate is sold. Except as provided under division (D) (2) of this section, if the winning bidder fails to pay the balance and fee within the prescribed time, the bidder forfeits the deposit, and the county treasurer shall retain the tax certificate and may attempt to sell it at any auction conducted at a later date.

(2) At the request of a winning bidder, the county treasurer may release the bidder from the bidder's tax certificate purchase obligation. The county treasurer may retain all or any portion of the deposit of a bidder granted a release. After granting a release under this division, the county treasurer may award the tax certificate to the person that submitted the second lowest bid at the auction.

(3) The county treasurer shall deposit the deposit forfeited or retained under divisions (D) (1) or (2) of this section in the county treasury to the credit of the tax certificate administration fund.

(E) Upon receipt of the full payment of the certificate purchase price from the purchaser, the county treasurer shall issue the tax certificate and record the tax certificate sale by entering into a tax certificate register the certificate purchase price, the certificate rate of interest, the date the certificate was sold, the name and address of the certificate holder, and any other information the county treasurer considers necessary. The county treasurer may keep the tax certificate register in a hard-copy format or in an electronic format. The name and address of the certificate holder may be, upon receipt of instructions from the purchaser, that of the secured party of the actual purchaser, or an agent or custodian for the purchaser or secured party. The county treasurer also shall transfer the tax

certificate to the certificate holder. The county treasurer shall
 apportion the part of the proceeds from the sale representing
 taxes, penalties, and interest among the several taxing districts
 in the same proportion that the amount of taxes levied by each
 district against the certificate parcel in the preceding tax year
 bears to the taxes levied by all such districts against the
 certificate parcel in the preceding tax year, and credit the part
 of the proceeds representing assessments and other charges to the
 items of assessments and charges in the order in which those items
 became due. Upon issuing a tax certificate, the delinquent taxes
 that make up the certificate purchase price are transferred, and
 the superior lien of the state and its taxing districts for those
 delinquent taxes is conveyed intact to the certificate holder.

(F) If a tax certificate is offered for sale under this
 section but is not sold, the county treasurer may strike the
 corresponding certificate parcel from the list of parcels selected
 for tax certificate sales. The lien for taxes, assessments,
 charges, penalties, and interest against a parcel stricken from
 the list thereafter may be foreclosed in the manner prescribed by
 section 323.25, sections 323.65 to 323.79, or section 5721.14 or
 5721.18 of the Revised Code unless, prior to the institution of
 such proceedings against the parcel, the county treasurer restores
 the parcel to the list of parcels selected for tax certificate
 sales.

(G) A certificate holder shall not be liable for damages
 arising from a violation of sections 3737.87 to 3737.891 or
 Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or
 6111. of the Revised Code, or a rule adopted or order, permit,
 license, variance, or plan approval issued under any of those
 chapters, that is or was committed by another person in connection
 with the parcel for which the tax certificate is held.

(H) When selling a tax certificate under this section, the county treasurer shall charge a fee to the purchaser of the certificate. The county treasurer shall set the fee at a reasonable amount that covers the treasurer's costs of administering the sale of the tax certificate. The county treasurer shall deposit the fee in the county treasury to the credit of the tax certificate administration fund.

(I) After selling a tax certificate under this section, the county treasurer shall send written notice by certified mail to the owner of the certificate parcel at the owner's last known tax-mailing address. The notice shall inform the owner that the tax certificate was sold, shall describe the owner's options to redeem the parcel, including entering into a redemption payment plan under division (C) (1) of section 5721.38 of the Revised Code, and shall name the certificate holder and its secured party, if any. However, the county treasurer is not required to send a notice under this division if the treasurer previously has attempted to send a notice to the owner of the parcel at the owner's last known tax-mailing address, and the postal service has returned the notice as undeliverable.

(J) A tax certificate shall not be sold to the owner of the certificate parcel. ~~A tax certificate shall not be sold to a county land reutilization corporation after two years following the filing of its articles of incorporation by the secretary of state.~~

Sec. 5721.33. (A) A county treasurer may, in the treasurer's discretion, negotiate the sale or transfer of any number of tax certificates with one or more persons, including a county land reutilization corporation. ~~No tax certificate shall be sold or transferred to a county land reutilization corporation after two years following the filing of its articles of incorporation by the~~

~~secretary of state.~~ Terms that may be negotiated include, without
limitation, any of the following:

(1) A premium to be added to or discount to be subtracted
from the certificate purchase price for the tax certificates;

(2) Different time frames under which the certificate holder
may initiate a foreclosure action than are otherwise allowed under
sections 5721.30 to 5721.43 of the Revised Code, not to exceed six
years after the date the tax certificate was sold or transferred;

(3) The amount to be paid in private attorney's fees related
to tax certificate foreclosures, subject to section 5721.371 of
the Revised Code;

(4) Any other terms of the sale or transfer that the county
treasurer, in the treasurer's discretion, determines appropriate
or necessary for the sale or transfer.

(B) The sale or transfer of tax certificates under this
section shall be governed by the criteria established by the
county treasurer pursuant to division (E) of this section.

(C) The county treasurer may execute a tax certificate
sale/purchase agreement and other necessary agreements with a
designated purchaser or purchasers to complete a negotiated sale
or transfer of tax certificates.

(D) The tax certificate may be sold at a premium to or
discount from the certificate purchase price. The county treasurer
may establish as one of the terms of the negotiated sale the
portion of the certificate purchase price, plus any applicable
premium or less any applicable discount, that the purchaser or
purchasers shall pay in cash on the date the tax certificates are
sold and the portion, if any, of the certificate purchase price,
plus any applicable premium or less any applicable discount, that
the purchaser or purchasers shall pay in noncash consideration and

the nature of that consideration.

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The county treasurer shall sell such tax certificates at a certificate purchase price, plus any applicable premium and less any applicable discount, and at a certificate rate of interest that, in the treasurer's determination, are in the best interests of the county.

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(E) (1) The county treasurer shall adopt rules governing the eligibility of persons to purchase tax certificates or to otherwise participate in a negotiated sale under this section. The rules may provide for precertification of such persons, including a requirement for disclosure of income, assets, and any other financial information the county treasurer determines appropriate. The rules also may prohibit any person that is delinquent in the payment of any tax to the county or to the state, or that is in default in or on any other obligation to the county or to the state, from purchasing a tax certificate or otherwise participating in a negotiated sale of tax certificates under this section. The rules may also authorize the purchase of certificates by a county land reutilization corporation, and authorize the county treasurer to receive notes in lieu of cash, with such notes being payable to the treasurer upon the receipt or enforcement of such taxes, assessments, charges, costs, penalties, and interest, and as otherwise further agreed between the corporation and the treasurer. ~~A county land reutilization corporation may not purchase any such certificate after two years following the filing of its articles of incorporation by the secretary of state.~~ The eligibility information required shall include the tax identification number of the purchaser and may include the tax identification number of the participant. The county treasurer, upon request, shall provide a copy of the rules adopted under this section.

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(2) Any person that intends to purchase a tax certificate in a negotiated sale shall submit an affidavit to the county treasurer that establishes compliance with the applicable eligibility criteria and includes any other information required by the treasurer. Any person that fails to submit such an affidavit is ineligible to purchase a tax certificate. Any person that knowingly submits a false or misleading affidavit shall forfeit any tax certificate or certificates purchased by the person at a sale for which the affidavit was submitted, shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, of the tax certificate or certificates, and shall be disqualified from participating in any tax certificate sale conducted in the county during the next five years.

(3) A tax certificate shall not be sold to the owner of the certificate parcel or to any corporation, partnership, or association in which such owner has an interest. No person that purchases a tax certificate in a negotiated sale shall assign or transfer the tax certificate to the owner of the certificate parcel or to any corporation, partnership, or association in which the owner has an interest. Any person that knowingly or negligently transfers or assigns a tax certificate to the owner of the certificate parcel or to any corporation, partnership, or association in which such owner has an interest shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, and shall not be entitled to a refund of any amount paid. Such tax certificate shall be deemed void and the tax lien sold under the tax certificate shall revert to the county as if no sale of the tax certificate had occurred.

(F) The purchaser in a negotiated sale under this section

shall deliver the certificate purchase price or other
consideration, plus any applicable premium and less any applicable
discount and including any noncash consideration, to the county
treasurer not later than the close of business on the date the tax
certificates are delivered to the purchaser. The certificate
purchase price, less any applicable discount, or portion of the
price, that is paid in cash shall be deposited in the county's
general fund to the credit of the account to which ad valorem real
property taxes are credited and further credited as provided in
division (G) of this section. Any applicable premium that is paid
shall be, at the discretion of the county treasurer, apportioned
to and deposited in any authorized county fund. The purchaser also
shall pay on the date the tax certificates are delivered to the
purchaser the fee, if any, negotiated under division (J) of this
section. If the purchaser fails to pay the certificate purchase
price, plus any applicable premium and less any applicable
discount, and any such fee, within the time periods required by
this section, the county treasurer shall retain the tax
certificate and may attempt to sell it at any auction or
negotiated sale conducted at a later date.

(G) Upon receipt of the full payment from the purchaser of
the certificate purchase price or other agreed-upon consideration,
plus any applicable premium and less any applicable discount, and
the negotiated fee, if any, the county treasurer, or a qualified
trustee whom the treasurer has engaged for such purpose, shall
issue the tax certificate and record the tax certificate sale by
entering into a tax certificate register the certificate purchase
price, any premium paid or discount taken, the certificate rate of
interest, the date the certificates were sold, the name and
address of the certificate holder or, in the case of issuance of
the tax certificates in a book-entry system, the name and address
of the nominee, and any other information the county treasurer

considers necessary. The county treasurer may keep the tax certificate register in a hard-copy format or an electronic format. The name and address of the certificate holder or nominee may be, upon receipt of instructions from the purchaser, that of the secured party of the actual purchaser, or an agent or custodian for the purchaser or secured party. The county treasurer also shall transfer the tax certificates to the certificate holder. The county treasurer shall apportion the part of the cash proceeds from the sale representing taxes, penalties, and interest among the several taxing districts in the same proportion that the amount of taxes levied by each district against the certificate parcels in the preceding tax year bears to the taxes levied by all such districts against the certificate parcels in the preceding tax year, and credit the part of the proceeds representing assessments and other charges to the items of assessments and charges in the order in which those items became due. If the cash proceeds from the sale are not sufficient to fully satisfy the items of taxes, assessments, penalties, interest, and charges on the certificate parcels against which tax certificates were sold, the county treasurer shall credit the cash proceeds to such items pro rata based upon the proportion that each item of taxes, assessments, penalties, interest, and charges bears to the aggregate of all such items, or by any other method that the county treasurer, in the treasurer's sole discretion, determines is equitable. Upon issuing the tax certificates, the delinquent taxes that make up the certificate purchase price are transferred, and the superior lien of the state and its taxing districts for those delinquent taxes is conveyed intact to the certificate holder or holders.

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(H) If a tax certificate is offered for sale under this section but is not sold, the county treasurer may strike the corresponding certificate parcel from the list of parcels selected

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for tax certificate sales. The lien for taxes, assessments, 765
charges, penalties, and interest against a parcel stricken from 766
the list thereafter may be foreclosed in the manner prescribed by 767
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 768
prior to the institution of such proceedings against the parcel, 769
the county treasurer restores the parcel to the list of parcels 770
selected for tax certificate sales. 771

(I) Neither a certificate holder nor its secured party, if 772
any, shall be liable for damages arising from a violation of 773
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 774
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 775
or a rule adopted or order, permit, license, variance, or plan 776
approval issued under any of those chapters, that is or was 777
committed by another person in connection with the parcel for 778
which the tax certificate is held. 779

(J) When selling or transferring a tax certificate under this 780
section, the county treasurer may negotiate with the purchaser of 781
the certificate for fees paid by the purchaser to the county 782
treasurer to reimburse the treasurer for any part or all of the 783
treasurer's costs of preparing for and administering the sale of 784
the tax certificate and any fees set forth by the county treasurer 785
in the tax certificate sale/purchase agreement. Such fees, if any, 786
shall be added to the certificate purchase price and shall be paid 787
by the purchaser on the date of delivery of the tax certificate. 788
The county treasurer shall deposit the fees in the county treasury 789
to the credit of the tax certificate administration fund. 790

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(K) After selling tax certificates under this section, the 792
county treasurer shall send written notice by certified mail to 793
the last known tax-mailing address of the owner of the certificate 794
parcel. The notice shall inform the owner that a tax certificate 795

with respect to such owner's parcel was sold or transferred and 796
 shall describe the owner's options to redeem the parcel, including 797
 entering into a redemption payment plan under division (C) (2) of 798
 section 5721.38 of the Revised Code. However, the county treasurer 799
 is not required to send a notice under this division if the 800
 treasurer previously has attempted to send a notice to the owner 801
 of the parcel at the owner's last known tax-mailing address and 802
 the postal service has returned the notice as undeliverable. 803
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Sec. 5722.02. (A) Any municipal corporation, county, or 805
 township may elect to adopt and implement the procedures set forth 806
 in sections 5722.02 to 5722.15 of the Revised Code to facilitate 807
 the effective reutilization of nonproductive land situated within 808
 its boundaries. Such election shall be made by ordinance in the 809
 case of a municipal corporation, and by resolution in the case of 810
 a county or township. The ordinance or resolution shall state that 811
 the existence of nonproductive land within its boundaries is such 812
 as to necessitate the implementation of a land reutilization 813
 program to foster either the return of such nonproductive land to 814
 tax revenue generating status or the devotion thereof to public 815
 use. 816

(B) Any county adopting a resolution under division (A) of 817
 this section may direct in the resolution that a county land 818
 reutilization corporation be organized under Chapter 1724. of the 819
 Revised Code to act on behalf of and cooperate with the county in 820
 exercising the powers and performing the duties of the county 821
 under this chapter. The powers extended to a county land 822
 reutilization corporation shall not be construed as a limitation 823
 on the powers granted to a county land reutilization corporation 824
 under Chapter 1724. of the Revised Code, but shall be construed as 825
 additional powers, ~~except that a county land reutilization~~ 826

~~corporation may not acquire any interest in real property under
this chapter after two years following the filing of its articles
of incorporation by the secretary of state.~~

(C) An electing subdivision shall promptly deliver certified
copies of such ordinance or resolution to the auditor, treasurer,
and the prosecutor of each county in which the electing
subdivision is situated. On and after the effective date of such
ordinance or resolution, the foreclosure, sale, management, and
disposition of all nonproductive land situated within the electing
subdivision's boundaries shall be governed by the procedures set
forth in sections 5722.02 to 5722.15 of the Revised Code, and, in
the case of a county land reutilization corporation, as authorized
under Chapter 1724. of the Revised Code. When a county adopts a
resolution organizing a county land reutilization corporation
pursuant to this chapter, the county shall deliver a copy of the
resolution to the county auditor, county treasurer, and county
prosecuting attorney.

(D) A county, a county land reutilization corporation, and a
municipal corporation or township may enter into an agreement to
implement the procedures in sections 5722.02 to 5722.15 of the
Revised Code within the boundaries of the municipal corporation or
township if the county and the township or municipal corporation
are electing subdivisions and the county has, by resolution,
designated a county land reutilization corporation to act on its
behalf under this chapter.

Any property acquired by a county land reutilization
corporation in a transaction other than the tax foreclosure
procedures in Chapter 323., 5721., or 5723. of the Revised Code
shall be subject to a priority right of acquisition by a municipal
corporation or township in which the property is located for a
period of thirty days after the county land reutilization

corporation first records the deed evidencing acquisition of such property with the county recorder. A municipal corporation or township claiming a priority right of acquisition shall file, and the county recorder shall record, an instrument evidencing such right within the thirty-day period. The instrument shall include the name and address of the applicable municipal corporation or township, the parcel or other identifying number and an affirmative statement by the municipal corporation or township that it intends to acquire the property. If the municipal corporation or township records such an instrument within the thirty-day period, then the priority right of acquisition shall be effective for a period of ninety days after the instrument is recorded. If the municipal corporation or township does not record the instrument expressing its intent to acquire the property or, if having timely recorded such instrument does not thereafter acquire and record a deed within the ninety-day period following the recording of its intent to acquire the property, then the county land reutilization corporation may dispose of such property free and clear of any claim or interest of such municipal corporation or township. If a municipal corporation or township does not record an instrument of intent to acquire property within the thirty-day period, or if a municipal corporation or township, after timely recording an instrument of intent to acquire a parcel, does not thereafter acquire the parcel within ninety days and record a deed thereto with the county recorder, the municipal corporation or township has no statutory, legal, or equitable claim or estate in property acquired by the county land reutilization corporation. This section shall not be construed to constitute an exception to free and clear title to the property held by a county land reutilization corporation or any of its subsequent transferees; or to preclude a county land reutilization corporation and any municipal corporation or township from

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entering into an agreement that disposes of property on terms to 890
 which they may thereafter mutually agree. 891

Sec. 5722.04. (A) Upon receipt of an ordinance or resolution 892
 adopted pursuant to section 5722.02 of the Revised Code, the 893
 county auditor shall deliver to the electing subdivision a list of 894
 all delinquent lands within an electing subdivision's boundaries 895
 that have been forfeited to the state pursuant to section 5723.01 896
 of the Revised Code and thereafter shall notify the electing 897
 subdivision of any additions to or deletions from such list. 898

The electing subdivision shall select from such lists the 899
 forfeited lands that constitute nonproductive lands that the 900
 subdivision wishes to acquire, and shall notify the county auditor 901
 of its selection prior to the advertisement and sale of such 902
 lands. Notwithstanding the sales price provisions of division 903
 (A) (1) of section 5723.06 of the Revised Code, the selected 904
 nonproductive lands shall be advertised for sale and be sold to 905
 the highest bidder for an amount at least sufficient to pay the 906
 amount determined under division (A) (2) of section 5721.16 of the 907
 Revised Code. All nonproductive lands forfeited to the state and 908
 selected by an electing subdivision, when advertised for sale 909
 pursuant to the relevant procedures set forth in Chapter 5723. of 910
 the Revised Code, shall be advertised separately from the 911
 advertisement applicable to other forfeited lands. The 912
 advertisement relating to the selected nonproductive lands also 913
 shall include a statement that the lands have been selected by the 914
 electing subdivision as nonproductive lands that it wishes to 915
 acquire and that, if at the forfeiture sale no bid for the sum of 916
 the taxes, assessments, charges, penalties, interest, and costs 917
 due on the parcel as determined under division (A) (1) (a) of 918
 section 5723.06 of the Revised Code is received, the lands shall 919
 be sold to the electing subdivision. 920

(B) If any nonproductive land that has been forfeited to the state and selected by an electing subdivision is advertised and offered for sale by the auditor pursuant to Chapter 5723. of the Revised Code, but no minimum bid is received, the electing subdivision shall be deemed to have submitted the winning bid, and the land is deemed sold to the electing subdivision for no consideration other than the fee charged under division (C) of this section. If both a county and a township in that county have adopted a resolution pursuant to section 5722.02 of the Revised Code and both subdivisions select the same parcel or parcels of land, the electing subdivision deemed to have submitted the winning bid under this division shall be determined pursuant to division (D) of section 5722.03 of the Revised Code.

The auditor shall announce the bid at the sale and shall declare the selected nonproductive land to be sold to the electing subdivision. The auditor shall deliver to the electing subdivision a certificate of sale.

(C) On the returning of the certificate of sale to the auditor, the auditor shall execute and file for recording a deed conveying title to the selected nonproductive land and, once the deed has been recorded, deliver it to the electing subdivision. Thereupon, all previous title is extinguished, and the title in the electing subdivision is incontestable and free and clear from all liens and encumbrances, except taxes and special assessments that are not due at the time of the sale and any easements and covenants of record running with the land and created prior to the time at which the taxes or assessments, for the nonpayment of which the nonproductive land was forfeited, became due and payable. At the time of the sale, the auditor shall collect and the electing subdivision shall pay the fee required by law for transferring and recording of deeds.

Upon delivery of a deed conveying any nonproductive land to 952
an electing subdivision, the county auditor shall charge all costs 953
incurred in any proceeding instituted under section 5721.14 or 954
5721.18 of the Revised Code or incurred as a result of the 955
forfeiture and sale of the nonproductive land to the taxing 956
districts, including the electing subdivision, in direct 957
proportion to their interest in the taxes, assessments, charges, 958
interest, and penalties on the nonproductive land due and payable 959
at the time the land was sold at the forfeiture sale. The interest 960
of each taxing district in the taxes, assessments, charges, 961
penalties, and interest on the nonproductive land shall bear the 962
same proportion to the amount of those taxes, assessments, 963
charges, penalties, and interest that the amount of taxes levied 964
by each district against the nonproductive land in the preceding 965
tax year bears to the taxes levied by all such districts against 966
the nonproductive land in the preceding tax year. For the purposes 967
of this division, a county land reutilization corporation shall be 968
deemed to have the proportionate interest as the county 969
designating or organizing such corporation in the taxes, 970
assessments, charges, penalties, and interest on the nonproductive 971
land in the county. In making a semiannual apportionment of funds, 972
the auditor shall retain at the next apportionment the amount 973
charged to each such taxing district, except for a county land 974
reutilization corporation acting on behalf of a county, the 975
auditor shall invoice the corporation the amount charged to it. 976

(D) Where no political subdivision has requested to purchase 977
a parcel of land at a foreclosure sale, any lands otherwise 978
forfeited to the state for want of a bid at the foreclosure sale 979
may, upon the request of a county land reutilization corporation, 980
be transferred directly to the corporation without appraisal or 981
public bidding, ~~except that no interest in real property may be~~ 982
~~transferred to a county land reutilization corporation under this~~ 983

~~section after two years following the filing of its articles of~~ 984
~~incorporation by the secretary of state.~~ 985

Sec. 5722.21. (A) As used in this section: 986

(1) "Eligible delinquent land" means delinquent land or 987
delinquent vacant land, as defined in section 5721.01 of the 988
Revised Code, included in a delinquent tax list or delinquent 989
vacant land tax list that has been certified delinquent within the 990
meaning of section 5721.03 of the Revised Code, excluding any 991
certificate parcel as defined in section 5721.30 of the Revised 992
Code. 993

(2) "Delinquent taxes" means the cumulative amount of unpaid 994
taxes, assessments, recoupment charges, penalties, and interest 995
charged against eligible delinquent land that became delinquent 996
before transfer of title to a county, municipal corporation, 997
township, or county land reutilization corporation under this 998
section. 999

(3) "Foreclosure costs" means the sum of all costs or other 1000
charges of publication, service of notice, prosecution, or other 1001
proceedings against the land under sections 323.25 to 323.28, 1002
323.65 to 323.79, or Chapter 5721. of the Revised Code as may 1003
pertain to delinquent land or be fairly apportioned to it by the 1004
county treasurer. 1005

(4) "Tax foreclosure sale" means a sale of delinquent land 1006
pursuant to foreclosure proceedings under sections 323.25 to 1007
323.28, 323.65 to 323.79, or section 5721.14 or 5721.18 of the 1008
Revised Code. 1009

(5) "Taxing authority" means the legislative authority of any 1010
taxing unit, as defined in section 5705.01 of the Revised Code, in 1011
which is located a parcel of eligible delinquent land acquired or 1012
to be acquired by a county, municipal corporation, township, or 1013

county land reutilization corporation in which a declaration under 1014
division (B) of this section is in effect. 1015

(B) The legislative authority of a municipal corporation may 1016
declare by ordinance, or a board of county commissioners, a board 1017
of township trustees, or the board of directors of a county land 1018
reutilization corporation may declare by resolution, that it is in 1019
the public interest for the county, municipal corporation, 1020
township, or county land reutilization corporation to acquire 1021
tax-delinquent real property within the county, municipal 1022
corporation, or township for the public purpose of redeveloping 1023
the property or otherwise rendering it suitable for productive, 1024
tax-paying use. In any county, municipal corporation, or township 1025
in which such a declaration is in effect, the county, municipal 1026
corporation, township, or county land reutilization corporation 1027
may purchase or otherwise acquire title to eligible delinquent 1028
land, other than by appropriation, and the title shall pass free 1029
and clear of the lien for delinquent taxes as provided in division 1030
(D) of this section. The authority granted by this section is 1031
supplemental to the authority granted under sections 5722.01 to 1032
5722.15 of the Revised Code. ~~A county land reutilization 1033
corporation may not acquire an interest in real property under 1034
this section after two years following the filing of its articles 1035
of incorporation by the secretary of state. 1036~~

(C) With respect to any parcel of eligible delinquent land 1037
purchased or acquired by a county, municipal corporation, 1038
township, or county land reutilization corporation in which a 1039
declaration is in effect under this section, the county, municipal 1040
corporation, or township may obtain the consent of each taxing 1041
authority for release of any claim on the delinquent taxes and 1042
associated costs attaching to that property at the time of 1043
conveyance to the county, municipal corporation, or township. 1044

Consent shall be obtained in writing, and shall be certified by
the taxing authority granting consent or by the fiscal officer or
other person authorized by the taxing authority to provide such
consent. Consent may be obtained before or after title to the
eligible delinquent land is transferred to the county, municipal
corporation, or township. A county that has organized and
designated a county land reutilization corporation for purposes of
this chapter is not required to obtain such consent. Upon
conveyance to a county land reutilization corporation, the consent
shall be deemed to have been given to the extent that the
corporation requires consent.

The taxing authority of a taxing unit and a county, municipal
corporation, or township in which a declaration is in effect under
this section may enter into an agreement whereby the taxing
authority consents in advance to release of the taxing authority's
claim on delinquent taxes and associated costs with respect to all
or a specified number of parcels of eligible delinquent land that
may be purchased or acquired by the county, municipal corporation,
or township for the purposes of this section. The agreement shall
provide for any terms and conditions on the release of such claim
as are mutually agreeable to the taxing authority and county,
municipal corporation, or township, including any notice to be
provided by the county, municipal corporation, or township to the
taxing authority of the purchase or acquisition of eligible
delinquent land situated in the taxing unit; any option vesting in
the taxing authority to revoke its release with respect to any
parcel of eligible delinquent land before the release becomes
effective; and the manner in which notice of such revocation shall
be effected. Nothing in this section or in such an agreement shall
be construed to bar a taxing authority from revoking its advance
consent with respect to any parcels of eligible delinquent land
purchased or acquired by the county, municipal corporation, or

township before the county, municipal corporation, or township
enters into a purchase or other agreement for acquisition of the
parcels.

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A county that has organized and designated a county land
reutilization corporation is not required to enter into such an
agreement with a taxing authority.

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(D) The lien for the delinquent taxes and associated costs
for which all of the taxing authorities have consented to release
their claims under this section is hereby extinguished, and the
transfer of title to such delinquent land to the county, municipal
corporation, or township shall be transferred free and clear of
the lien for such taxes and costs. If a taxing authority does not
consent to the release of its claim on delinquent taxes and
associated costs, the entire amount of the lien for such taxes and
costs shall continue as otherwise provided by law until paid or
otherwise discharged according to law. If a county land
reutilization corporation acquires title to eligible delinquent
land under this section, the lien for delinquent taxes and costs
with respect to land acquired by the corporation shall be
extinguished simultaneously with the transfer of title to the
corporation, notwithstanding that the taxing authorities have not
consented to release their claims under this section.

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(E) All eligible delinquent land acquired by a county,
municipal corporation, township, or county land reutilization
corporation under this section is real property held for a public
purpose and is exempted from taxation until the county, municipal
corporation, township, or county land reutilization corporation
sells or otherwise disposes of property.

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(F) If a county, municipal corporation, township, or county
land reutilization corporation sells or otherwise disposes of

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delinquent land it purchased or acquired and for which all or a 1108
 portion of a taxing authority's claim for delinquent taxes was 1109
 released under this section, whether by consent of the taxing 1110
 authority or pursuant to division (D) of this section, the net 1111
 proceeds from such sale or disposition shall be used for such 1112
 redevelopment purposes the board of county commissioners, the 1113
 legislative authority of the municipal corporation, the board of 1114
 township trustees, or the board of directors of the county land 1115
 reutilization corporation considers necessary or appropriate. 1116

Sec. 5723.04. (A) The county auditor shall maintain a list of 1117
 forfeited lands and shall offer such lands for sale annually, or 1118
 more frequently if the auditor determines that more frequent sales 1119
 are necessary. 1120

(B) Notwithstanding division (A) of this section, upon the 1121
 request of a county land reutilization corporation organized under 1122
 Chapter 1724. of the Revised Code, the county auditor shall 1123
 promptly transfer to such corporation, by auditor's deed, the fee 1124
 simple title to a parcel on the list of forfeited lands, which 1125
 shall pass to such corporation free and clear of all taxes, 1126
 assessments, charges, penalties, interest, and costs. Any 1127
 subordinate liens shall be deemed fully and forever satisfied and 1128
 discharged. Upon such request, the land is deemed sold by the 1129
 state for no consideration. The county land reutilization 1130
 corporation shall file the deed for recording. ~~A county land 1131
 reutilization corporation may not acquire an interest in a parcel 1132
 under this section after two years following the filing of its 1133
 articles of incorporation by the secretary of state."~~ 1134

In line 90816, after "323.156," insert "323.73, 323.74, 1135
 323.77, 323.78," 1136

In line 90834, after "1721.211," insert "1724.02," 1137

In line 90914, after "5721.03," insert "5721.32, 5721.33,	1138
5722.02, 5722.04, 5722.21, 5723.04,"	1139

In line 29 of the title, after "323.156," insert "323.73,	1140
323.74, 323.77, 323.78,"	1141

In line 54 of the title, after "1721.211," insert "1724.02,"	1142
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In line 163 of the title, after "5721.03," insert "5721.32,	1143
5721.33, 5722.02, 5722.04, 5722.21, 5723.04,"	1144

The motion was _____ agreed to.

SYNOPSIS

County Land Banking: Land Acquisition	1145
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R.C. 323.73, 323.74, 323.77, 323.78, 1724.02, 5721.32,	1146
5721.33, 5722.02, 5722.04, 5722.21, and 5723.04	1147

Eliminates the restriction under current law that prohibits	1148
County Land Reutilization Corporations (CLRCs) from acquiring real	1149
property and tax certificates more than two years after a CLRC is	1150
formed.	1151

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Am. Sub. H.B. 1
As Passed by the Senate
CC-4799
LSC-5

6 _____ moved to amend as follows:

7 In line 102714, delete "do all of the"

8 In line 102715, delete "following:"

9 In line 102716, delete "(1) Develop" and insert "develop";

10 delete "managing one-time revenues" and insert "balancing the

11 state budget for fiscal years 2012 and 2013."

12 Delete lines 102717 through 102721

13 In line 102728, delete "June" and insert "November"

14 In line 102730, delete "June" and insert "November"

15 The motion was _____ agreed to.

16 SYNOPSIS

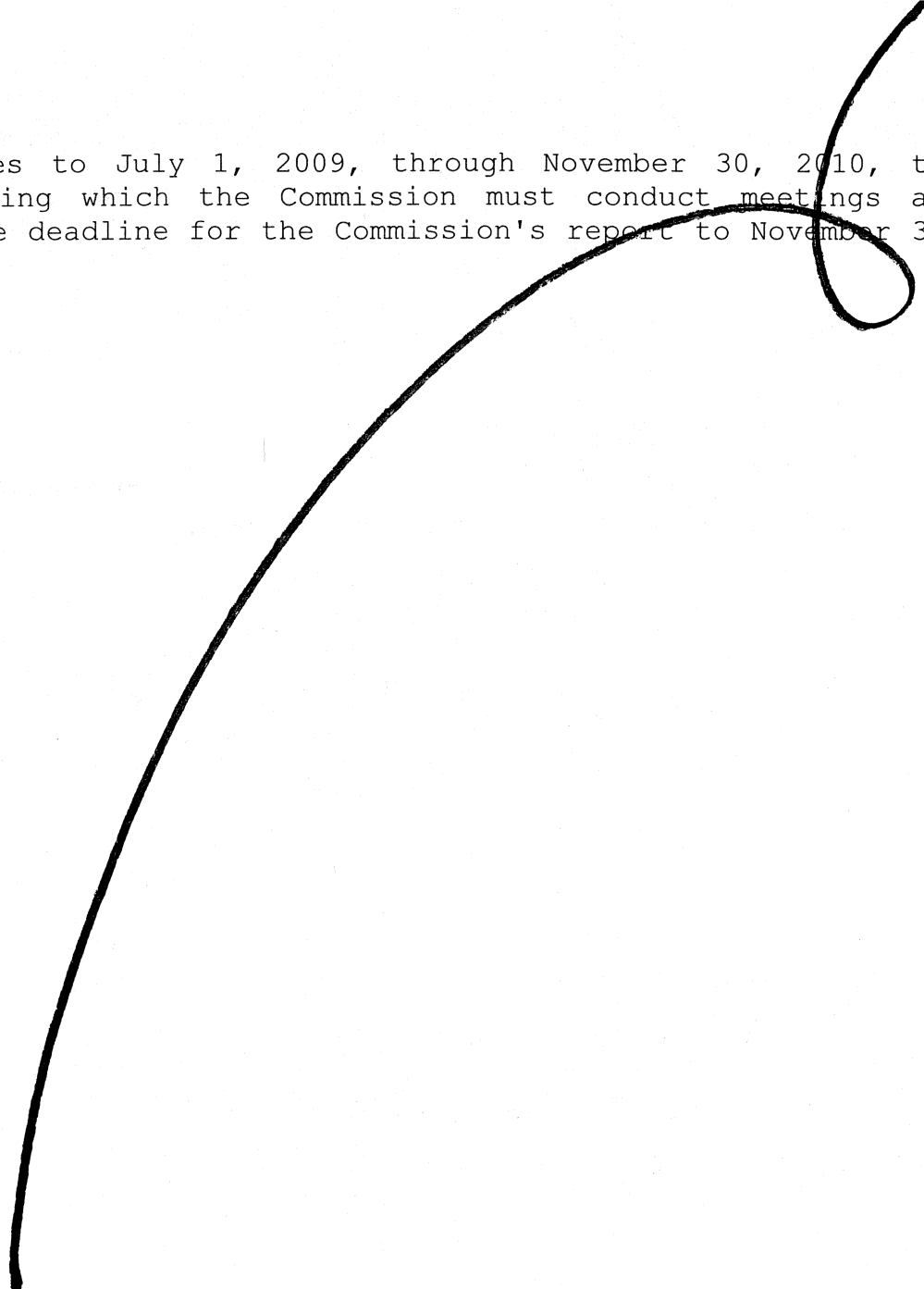
17 **Budget Planning and Management Commission**

18 **Section 509.10**

19 Requires the Budget Planning and Management Commission,
20 when developing its recommendations, to develop a strategy for
21 balancing the state budget for fiscal years 2012 and 2013.

22 Removes the requirements that the Commission develop a
23 strategy for managing one-time revenues and determine whether to
24 recommend establishing a statutory spending limit for them.

25 Changes to July 1, 2009, through November 30, 2010, the
26 period during which the Commission must conduct meetings and
27 extends the deadline for the Commission's report to November 30,
28 2010.



Am. Sub. H.B. 1
As Passed by the Senate
CC-4801-4

_____ moved to amend as follows:

In line 315, after "504.21," insert "711.001, 711.05, 711.10, 711.131," 1
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In line 419, after "6109.21," insert "6111.04,"; after "6111.044," insert "6111.44," 3
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Between lines 20019 and 20020, insert: 5

"Sec. 711.001. As used in this chapter: 6

(A) "Plat" means a map of a tract or parcel of land. 7

(B) "Subdivision" means either of the following: 8

(1) The division of any parcel of land shown as a unit or as 9
contiguous units on the last preceding general tax list and 10
duplicate of real and public utility property, into two or more 11
parcels, sites, or lots, any one of which is less than five acres 12
for the purpose, whether immediate or future, of transfer of 13
ownership, provided, however, that the following are exempt: 14

(a) A division or partition of land into parcels of more than 15
five acres not involving any new streets or easements of access; 16

(b) The sale or exchange of parcels between adjoining lot 17
owners, where that sale or exchange does not create additional 18
building sites; 19

(c) If the planning authority adopts a rule in accordance 20
 with section 711.133 of the Revised Code that exempts from 21
 division (B)(1) of this section any parcel of land that is four 22
 acres or more, parcels in the size range delineated in that rule. 23

(2) The improvement of one or more parcels of land for 24
 residential, commercial, or industrial structures or groups of 25
 structures involving the division or allocation of land for the 26
 opening, widening, or extension of any public or private street or 27
 streets, except private streets serving industrial structures, or 28
 involving the division or allocation of land as open spaces for 29
 common use by owners, occupants, or leaseholders or as easements 30
 for the extension and maintenance of public or private sewer, 31
 water, storm drainage, or other similar facilities. 32

(C) "Household sewage treatment system" has the same meaning 33
as in section 3709.091 of the Revised Code. 34

Sec. 711.05. (A) Upon the submission of a plat for approval, 35
 in accordance with section 711.041 of the Revised Code, the board 36
 of county commissioners shall certify on it the date of the 37
 submission. Within five days of submission of the plat, the board 38
 shall schedule a meeting to consider the plat and send a written 39
 notice by regular mail to the fiscal officer of the board of 40
 township trustees of the township in which the plat is located and 41
 the board of health of the health district in which the plat is 42
 located. The notice shall inform the trustees and the board of 43
 health of the submission of the plat and of the date, time, and 44
 location of any meeting at which the board of county commissioners 45
 will consider or act upon the proposed plat. The meeting shall 46
 take place within thirty days of submission of the plat, and no 47
 meeting shall be held until at least seven days have passed from 48
 the date the notice was sent by the board of county commissioners. 49
 The approval of the board required by section 711.041 of the 50

Revised Code or the refusal to approve shall take place within 51
 thirty days from the date of submission or such further time as 52
 the applying party may agree to in writing; otherwise, the plat is 53
 deemed approved and may be recorded as if bearing such approval. 54

(B) The board may adopt general rules governing plats and 55
 subdivisions of land falling within its jurisdiction, to secure 56
 and provide for the coordination of the streets within the 57
 subdivision with existing streets and roads or with existing 58
 county highways, for the proper amount of open spaces for traffic, 59
 circulation, and utilities, and for the avoidance of future 60
 congestion of population detrimental to the public health, safety, 61
 or welfare, but shall not impose a greater minimum lot area than 62
 forty-eight hundred square feet. Before the board may amend or 63
 adopt rules, it shall notify all the townships in the county of 64
 the proposed amendments or rules by regular mail at least thirty 65
 days before the public meeting at which the proposed amendments or 66
 rules are to be considered. 67

The rules may require the board of health to review and 68
 comment on a plat before the board of county commissioners acts 69
 upon it and may also require proof of compliance with any 70
 applicable zoning resolutions, and with rules governing household 71
 sewage treatment ~~rules adopted under section 3718.02 of the~~ 72
~~Revised Code~~ systems, as a basis for approval of a plat. Where 73
 under section 711.101 of the Revised Code the board of county 74
 commissioners has set up standards and specifications for the 75
 construction of streets, utilities, and other improvements for 76
 common use, the general rules may require the submission of 77
 appropriate plans and specifications for approval. The board shall 78
 not require the person submitting the plat to alter the plat or 79
 any part of it as a condition for approval, as long as the plat is 80
 in accordance with general rules governing plats and subdivisions 81
 of land, adopted by the board as provided in this section, in 82

effect at the time the plat was submitted and the plat is in 83
accordance with any standards and specifications set up under 84
section 711.101 of the Revised Code, in effect at the time the 85
plat was submitted. 86

(C) The ground of refusal to approve any plat, submitted in 87
accordance with section 711.041 of the Revised Code, shall be 88
stated upon the record of the board, and, within sixty days 89
thereafter, the person submitting any plat that the board refuses 90
to approve may file a petition in the court of common pleas of the 91
county in which the land described in the plat is situated to 92
review the action of the board. A board of township trustees is 93
not entitled to appeal a decision of the board of county 94
commissioners under this section. 95

Sec. 711.10. (A) Whenever a county planning commission or a 96
regional planning commission adopts a plan for the major streets 97
or highways of the county or region, no plat of a subdivision of 98
land within the county or region, other than land within a 99
municipal corporation or land within three miles of a city or one 100
and one-half miles of a village as provided in section 711.09 of 101
the Revised Code, shall be recorded until it is approved by the 102
county or regional planning commission under division (C) of this 103
section and the approval is endorsed in writing on the plat. 104

(B) A county or regional planning commission may require the 105
submission of a preliminary plan for each plat sought to be 106
recorded. If the commission requires this submission, it shall 107
provide for a review process for the preliminary plan. Under this 108
review process, the planning commission shall give its approval, 109
its approval with conditions, or its disapproval of each 110
preliminary plan. The commission's decision shall be in writing, 111
shall be under the signature of the secretary of the commission, 112
and shall be issued within thirty-five business days after the 113

submission of the preliminary plan to the commission. The 114
disapproval of a preliminary plan shall state the reasons for the 115
disapproval. A decision of the commission under this division is 116
preliminary to and separate from the commission's decision to 117
approve, conditionally approve, or refuse to approve a plat under 118
division (C) of this section. 119

(C) Within five calendar days after the submission of a plat 120
for approval under this division, the county or regional planning 121
commission shall schedule a meeting to consider the plat and send 122
a notice by regular mail or by electronic mail to the fiscal 123
officer of the board of township trustees of the township in which 124
the plat is located and the board of health of the health district 125
in which the plat is located. The notice shall inform the trustees 126
and the board of health of the submission of the plat and of the 127
date, time, and location of any meeting at which the county or 128
regional planning commission will consider or act upon the plat. 129
The meeting shall take place within thirty calendar days after 130
submission of the plat, and no meeting shall be held until at 131
least seven calendar days have passed from the date the planning 132
commission sent the notice. 133

The approval of the county or regional planning commission, 134
the commission's conditional approval as described in this 135
division, or the refusal of the commission to approve shall be 136
endorsed on the plat within thirty calendar days after the 137
submission of the plat for approval under this division or within 138
such further time as the applying party may agree to in writing; 139
otherwise that plat is deemed approved, and the certificate of the 140
commission as to the date of the submission of the plat for 141
approval under this division and the failure to take action on it 142
within that time shall be sufficient in lieu of the written 143
endorsement or evidence of approval required by this division. 144

A county or regional planning commission may grant conditional approval under this division to a plat by requiring a person submitting the plat to alter the plat or any part of it, within a specified period after the end of the thirty calendar days, as a condition for final approval under this division. Once all the conditions have been met within the specified period, the commission shall cause its final approval under this division to be endorsed on the plat. No plat shall be recorded until it is endorsed with the commission's final or unconditional approval under this division.

The ground of refusal of approval of any plat submitted under this division, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the county or regional planning commission. Within sixty calendar days after the refusal under this division, the person submitting any plat that the commission refuses to approve under this division may file a petition in the court of common pleas of the proper county, and the proceedings on the petition shall be governed by section 711.09 of the Revised Code as in the case of the refusal of a planning authority to approve a plat. A board of township trustees is not entitled to appeal a decision of the commission under this division.

A county or regional planning commission shall adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the county or regional plan, for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air, and for the avoidance of congestion of population. The rules may provide for their modification by the commission in

specific cases where unusual topographical and other exceptional 176
 conditions require the modification. The rules may require the 177
 board of health to review and comment on a plat before the 178
 commission acts upon it and also may require proof of compliance 179
 with any applicable zoning resolutions, and with rules governing 180
 household sewage treatment ~~rules adopted under section 3718.02 of~~ 181
~~the Revised Code~~ systems, as a basis for approval of a plat. 182

Before adoption of its rules or amendment of its rules, the 183
 commission shall hold a public hearing on the adoption or 184
 amendment. Notice of the public hearing shall be sent to all 185
 townships in the county or region by regular mail or electronic 186
 mail at least thirty business days before the hearing. No county 187
 or regional planning commission shall adopt any rules requiring 188
 actual construction of streets or other improvements or facilities 189
 or assurance of that construction as a condition precedent to the 190
 approval of a plat of a subdivision unless the requirements have 191
 first been adopted by the board of county commissioners after a 192
 public hearing. A copy of the rules shall be certified by the 193
 planning commission to the county recorders of the appropriate 194
 counties. 195

After a county or regional street or highway plan has been 196
 adopted as provided in this section, the approval of plats and 197
 subdivisions provided for in this section shall be in lieu of any 198
 approvals provided for in other sections of the Revised Code, 199
 insofar as the territory within the approving jurisdiction of the 200
 county or regional planning commission, as provided in this 201
 section, is concerned. Approval of a plat shall not be an 202
 acceptance by the public of the dedication of any street, highway, 203
 or other way or open space shown upon the plat. 204

No county or regional planning commission shall require a 205
 person submitting a plat to alter the plat or any part of it as 206

long as the plat is in accordance with the general rules governing 207
 plats and subdivisions of land, adopted by the commission as 208
 provided in this section, in effect at the time the plat is 209
 submitted. 210

A county or regional planning commission and a city or 211
 village planning commission, or platting commissioner or 212
 legislative authority of a village, with subdivision regulation 213
 jurisdiction over unincorporated territory within the county or 214
 region may cooperate and agree by written agreement that the 215
 approval of a plat by the city or village planning commission, or 216
 platting commissioner or legislative authority of a village, as 217
 provided in section 711.09 of the Revised Code, shall be 218
 conditioned upon receiving advice from or approval by the county 219
 or regional planning commission. 220

(D) As used in this section, "business day" means a day of 221
 the week excluding Saturday, Sunday, or a legal holiday as defined 222
 in section 1.14 of the Revised Code. 223

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 224
 of the Revised Code and except as provided in division (C) of this 225
 section, unless the rules adopted under section 711.05, 711.09, or 226
 711.10 of the Revised Code are amended pursuant to division (B) of 227
 this section, a proposed division of a parcel of land along an 228
 existing public street, not involving the opening, widening, or 229
 extension of any street or road, and involving no more than five 230
 lots after the original tract has been completely subdivided, may 231
 be submitted to the planning authority having approving 232
 jurisdiction of plats under section 711.05, 711.09, or 711.10 of 233
 the Revised Code for approval without plat. If the authority 234
 acting through a properly designated representative finds that a 235
 proposed division is not contrary to applicable platting, 236
 subdividing, zoning, health, sanitary, or access management 237

regulations, regulations adopted under division (B)(3) of section 238
 307.37 of the Revised Code regarding existing surface or 239
 subsurface drainage, or rules governing household sewage treatment 240
~~rules adopted under section 3718.02 of the Revised Code~~ systems, 241
 it shall approve the proposed division within seven business days 242
 after its submission and, on presentation of a conveyance of the 243
 parcel, shall stamp the conveyance "approved by (planning 244
 authority); no plat required" and have it signed by its clerk, 245
 secretary, or other official as may be designated by it. The 246
 planning authority may require the submission of a sketch and 247
 other information that is pertinent to its determination under 248
 this division. 249

(B) For a period of up to two years after April 15, 2005, the 250
 rules adopted under section 711.05, 711.09, or 711.10 of the 251
 Revised Code may be amended within that period to authorize the 252
 planning authority involved to approve proposed divisions of 253
 parcels of land without plat under this division. If an authority 254
 so amends its rules, it may approve no more than five lots without 255
 a plat from an original tract as that original tract exists on the 256
 effective date of the amendment to the rules. The authority shall 257
 make the findings and approve a proposed division in the time and 258
 manner specified in division (A) of this section. 259

(C) This section does not apply to parcels subject to section 260
 711.133 of the Revised Code. 261

(D) As used in this section, "business day" means a day of 262
 the week excluding Saturday, Sunday, or a legal holiday as defined 263
 in section 1.14 of the Revised Code." 264

In line 69727, strike through "3718.," 265

In line 69734, after "to" insert "home sewage"; after 266
 "control" insert an underlined comma 267

Between lines 89912 and 89913, insert: 268

"Sec. 6111.04. (A) Both of the following apply except as otherwise provided in division (A) or (F) of this section:	269 270
(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.	271 272 273 274
(2) Such an action prohibited under division (A) (1) of this section is hereby declared to be a public nuisance.	275 276
Divisions (A) (1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.	277 278 279 280 281 282 283
(B) If the director of environmental protection administers a sludge management program pursuant to division (S) of section 6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section:	284 285 286 287
(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials.	288 289 290
(2) An action prohibited under division (B) (1) of this section is hereby declared to be a public nuisance.	291 292
Divisions (B) (1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of	293 294 295 296 297

such a permit is pending. 298

(C) No person to whom a permit has been issued shall place or 299
discharge, or cause to be placed or discharged, in any waters of 300
the state any sewage, sludge, sludge materials, industrial waste, 301
or other wastes in excess of the permissive discharges specified 302
under an existing permit without first receiving a permit from the 303
director to do so. 304

(D) No person to whom a sludge management permit has been 305
issued shall place on the land or release into the air of the 306
state any sludge or sludge materials in excess of the permissive 307
amounts specified under the existing sludge management permit 308
without first receiving a modification of the existing sludge 309
management permit or a new sludge management permit to do so from 310
the director. 311

(E) The director may require the submission of plans, 312
specifications, and other information that the director considers 313
relevant in connection with the issuance of permits. 314

(F) This section does not apply to any of the following: 315

(1) Waters used in washing sand, gravel, other aggregates, or 316
mineral products when the washing and the ultimate disposal of the 317
water used in the washing, including any sewage, industrial waste, 318
or other wastes contained in the waters, are entirely confined to 319
the land under the control of the person engaged in the recovery 320
and processing of the sand, gravel, other aggregates, or mineral 321
products and do not result in the pollution of waters of the 322
state; 323

(2) Water, gas, or other material injected into a well to 324
facilitate, or that is incidental to, the production of oil, gas, 325
artificial brine, or water derived in association with oil or gas 326
production and disposed of in a well, in compliance with a permit 327

issued under Chapter 1509. of the Revised Code, or sewage, 328
industrial waste, or other wastes injected into a well in 329
compliance with an injection well operating permit. Division 330
(F) (2) of this section does not authorize, without a permit, any 331
discharge that is prohibited by, or for which a permit is required 332
by, regulation of the United States environmental protection 333
agency. 334

(3) Application of any materials to land for agricultural 335
purposes or runoff of the materials from that application or 336
pollution by animal waste or soil sediment, including attached 337
substances, resulting from farming, silvicultural, or earthmoving 338
activities regulated by Chapter 307. or 1511. of the Revised Code. 339
Division (F) (3) of this section does not authorize, without a 340
permit, any discharge that is prohibited by, or for which a permit 341
is required by, the Federal Water Pollution Control Act or 342
regulations adopted under it. 343

(4) The excrement of domestic and farm animals defecated on 344
land or runoff therefrom into any waters of the state. Division 345
(F) (4) of this section does not authorize, without a permit, any 346
discharge that is prohibited by, or for which a permit is required 347
by, the Federal Water Pollution Control Act or regulations adopted 348
under it. 349

(5) On and after the date on which the United States 350
environmental protection agency approves the NPDES program 351
submitted by the director of agriculture under section 903.08 of 352
the Revised Code, any discharge that is within the scope of the 353
approved NPDES program submitted by the director of agriculture; 354

(6) The discharge of sewage, industrial waste, or other 355
wastes into a sewerage system tributary to a treatment works. 356
Division (F) (6) of this section does not authorize any discharge 357
into a publicly owned treatment works in violation of a 358

pretreatment program applicable to the publicly owned treatment works. 359
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~~(7) A household sewage treatment system or a small flow on-site sewage treatment system, as applicable, as defined in section 3718.01 of the Revised Code that is installed Septic tanks or other disposal systems for the disposal or treatment of sewage from single-family, two-family, or three-family dwellings in compliance with Chapter 3718. the sanitary code and section 3707.01 of the Revised Code and rules adopted under it. Division (F) (7) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.~~ 361
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(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F) (8) of this section, "exceptional quality sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code. 372
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(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program 377
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submitted by the director of agriculture."	390
Between lines 90147 and 90148, insert:	391
"Sec. 6111.44. (A) Except as otherwise provided in division	392
(B) of this section, in section 6111.14 of the Revised Code, or in	393
rules adopted under division (G) of section 6111.03 of the Revised	394
Code, no municipal corporation, county, public institution,	395
corporation, or officer or employee thereof or other person shall	396
provide or install sewerage or treatment works for sewage, sludge,	397
or sludge materials disposal or treatment or make a change in any	398
sewerage or treatment works until the plans therefor have been	399
submitted to and approved by the director of environmental	400
protection. Sections 6111.44 to 6111.46 of the Revised Code apply	401
to sewerage and treatment works of a municipal corporation or part	402
thereof, an unincorporated community, a county sewer district, or	403
other land outside of a municipal corporation or any publicly or	404
privately owned building or group of buildings or place, used for	405
the assemblage, entertainment, recreation, education, correction,	406
hospitalization, housing, or employment of persons.	407
In granting an approval, the director may stipulate	408
modifications, conditions, and rules that the public health and	409
prevention of pollution may require. Any action taken by the	410
director shall be a matter of public record and shall be entered	411
in the director's journal. Each period of thirty days that a	412
violation of this section continues, after a conviction for the	413
violation, constitutes a separate offense.	414
(B) Sections 6111.45 and 6111.46 of the Revised Code and	415
division (A) of this section do not apply to any of the following:	416
(1) Sewerage or treatment works for sewage installed or to be	417
installed for the use of a private residence or dwelling;	418
(2) Sewerage systems, treatment works, or disposal systems	419

for storm water from an animal feeding facility or manure, as 420
 "animal feeding facility" and "manure" are defined in section 421
 903.01 of the Revised Code; 422

(3) Animal waste treatment or disposal works and related 423
 management and conservation practices that are subject to rules 424
 adopted under division (E) (2) of section 1511.02 of the Revised 425
 Code; 426

~~(4) Sewerage or treatment works for the on lot disposal or 427
 treatment of sewage from a small flow on site sewage treatment 428
 system, as defined in section 3718.01 of the Revised Code, if the 429
 board of health of a city or general health district has notified 430
 the director of health and the director of environmental 431
 protection under section 3718.021 of the Revised Code that the 432
 board has chosen to regulate the system, provided that the board 433
 remains in compliance with the rules adopted under division 434
 (A) (13) of section 3718.02 of the Revised Code. 435~~

The exclusions established in divisions (B) (2) and (3) of 436
 this section do not apply to the construction or installation of 437
 disposal systems, as defined in section 6111.01 of the Revised 438
 Code, that are located at an animal feeding facility and that 439
 store, treat, or discharge wastewaters that do not include storm 440
 water or manure or that discharge to a publicly owned treatment 441
 works." 442

In line 90817, after "504.21," insert "711.001, 711.05, 443
 711.10, 711.131," 444

In line 90921, after "6109.21," insert "6111.04," 445

In line 90922, after "6111.044," insert "6111.44," 446

In line 104809, delete the first comma and insert "and"; 447
 delete ", and 120.05" 448

In line 104813, strike through "July" and insert "January"; 449

delete "2011" and insert "2010" 450

In line 104815, strike through "July" and insert "January"; 451
delete "2011" and insert "2010" 452

In line 105053, strike through "July" and insert "January"; 453
delete "2011" and insert "2010" 454

In line 105057, strike through "July" and insert "January"; 455
delete "2011" and insert "2010" 456

Delete lines 105060 and 105061 457

In line 105062, delete the first comma and insert "and"; 458
delete ", and" 459

In line 105063, delete "120.05" 460

Between lines 105064 and 105065, insert: 461

"**Section 640.22.** That sections 711.001, 711.05, 711.10, 462
711.131, 4736.01, 6111.04, and 6111.44 of the Revised Code be 463
amended to read as follows: 464

Sec. 711.001. As used in this chapter: 465

(A) "Plat" means a map of a tract or parcel of land. 466

(B) "Subdivision" means either of the following: 467

(1) The division of any parcel of land shown as a unit or as 468
contiguous units on the last preceding general tax list and 469
duplicate of real and public utility property, into two or more 470
parcels, sites, or lots, any one of which is less than five acres 471
for the purpose, whether immediate or future, of transfer of 472
ownership, provided, however, that the following are exempt: 473

(a) A division or partition of land into parcels of more than 474
five acres not involving any new streets or easements of access; 475

(b) The sale or exchange of parcels between adjoining lot 476

owners, where that sale or exchange does not create additional 477
building sites; 478

(c) If the planning authority adopts a rule in accordance 479
with section 711.133 of the Revised Code that exempts from 480
division (B) (1) of this section any parcel of land that is four 481
acres or more, parcels in the size range delineated in that rule. 482

(2) The improvement of one or more parcels of land for 483
residential, commercial, or industrial structures or groups of 484
structures involving the division or allocation of land for the 485
opening, widening, or extension of any public or private street or 486
streets, except private streets serving industrial structures, or 487
involving the division or allocation of land as open spaces for 488
common use by owners, occupants, or leaseholders or as easements 489
for the extension and maintenance of public or private sewer, 490
water, storm drainage, or other similar facilities. 491

~~(C) "Household sewage treatment system" has the same meaning 492
as in section 3709.091 of the Revised Code. 493~~

Sec. 711.05. (A) Upon the submission of a plat for approval, 494
in accordance with section 711.041 of the Revised Code, the board 495
of county commissioners shall certify on it the date of the 496
submission. Within five days of submission of the plat, the board 497
shall schedule a meeting to consider the plat and send a written 498
notice by regular mail to the fiscal officer of the board of 499
township trustees of the township in which the plat is located and 500
the board of health of the health district in which the plat is 501
located. The notice shall inform the trustees and the board of 502
health of the submission of the plat and of the date, time, and 503
location of any meeting at which the board of county commissioners 504
will consider or act upon the proposed plat. The meeting shall 505
take place within thirty days of submission of the plat, and no 506

meeting shall be held until at least seven days have passed from 507
the date the notice was sent by the board of county commissioners. 508
The approval of the board required by section 711.041 of the 509
Revised Code or the refusal to approve shall take place within 510
thirty days from the date of submission or such further time as 511
the applying party may agree to in writing; otherwise, the plat is 512
deemed approved and may be recorded as if bearing such approval. 513

(B) The board may adopt general rules governing plats and 514
subdivisions of land falling within its jurisdiction, to secure 515
and provide for the coordination of the streets within the 516
subdivision with existing streets and roads or with existing 517
county highways, for the proper amount of open spaces for traffic, 518
circulation, and utilities, and for the avoidance of future 519
congestion of population detrimental to the public health, safety, 520
or welfare, but shall not impose a greater minimum lot area than 521
forty-eight hundred square feet. Before the board may amend or 522
adopt rules, it shall notify all the townships in the county of 523
the proposed amendments or rules by regular mail at least thirty 524
days before the public meeting at which the proposed amendments or 525
rules are to be considered. 526

The rules may require the board of health to review and 527
comment on a plat before the board of county commissioners acts 528
upon it and may also require proof of compliance with any 529
applicable zoning resolutions, and with ~~rules governing~~ household 530
sewage treatment ~~systems~~ rules adopted under section 3718.02 of 531
the Revised Code, as a basis for approval of a plat. Where under 532
section 711.101 of the Revised Code the board of county 533
commissioners has set up standards and specifications for the 534
construction of streets, utilities, and other improvements for 535
common use, the general rules may require the submission of 536
appropriate plans and specifications for approval. The board shall 537
not require the person submitting the plat to alter the plat or 538

any part of it as a condition for approval, as long as the plat is 539
in accordance with general rules governing plats and subdivisions 540
of land, adopted by the board as provided in this section, in 541
effect at the time the plat was submitted and the plat is in 542
accordance with any standards and specifications set up under 543
section 711.101 of the Revised Code, in effect at the time the 544
plat was submitted. 545

(C) The ground of refusal to approve any plat, submitted in 546
accordance with section 711.041 of the Revised Code, shall be 547
stated upon the record of the board, and, within sixty days 548
thereafter, the person submitting any plat that the board refuses 549
to approve may file a petition in the court of common pleas of the 550
county in which the land described in the plat is situated to 551
review the action of the board. A board of township trustees is 552
not entitled to appeal a decision of the board of county 553
commissioners under this section. 554

Sec. 711.10. (A) Whenever a county planning commission or a 555
regional planning commission adopts a plan for the major streets 556
or highways of the county or region, no plat of a subdivision of 557
land within the county or region, other than land within a 558
municipal corporation or land within three miles of a city or one 559
and one-half miles of a village as provided in section 711.09 of 560
the Revised Code, shall be recorded until it is approved by the 561
county or regional planning commission under division (C) of this 562
section and the approval is endorsed in writing on the plat. 563

(B) A county or regional planning commission may require the 564
submission of a preliminary plan for each plat sought to be 565
recorded. If the commission requires this submission, it shall 566
provide for a review process for the preliminary plan. Under this 567
review process, the planning commission shall give its approval, 568
its approval with conditions, or its disapproval of each 569

preliminary plan. The commission's decision shall be in writing, 570
 shall be under the signature of the secretary of the commission, 571
 and shall be issued within thirty-five business days after the 572
 submission of the preliminary plan to the commission. The 573
 disapproval of a preliminary plan shall state the reasons for the 574
 disapproval. A decision of the commission under this division is 575
 preliminary to and separate from the commission's decision to 576
 approve, conditionally approve, or refuse to approve a plat under 577
 division (C) of this section. 578

(C) Within five calendar days after the submission of a plat 579
 for approval under this division, the county or regional planning 580
 commission shall schedule a meeting to consider the plat and send 581
 a notice by regular mail or by electronic mail to the fiscal 582
 officer of the board of township trustees of the township in which 583
 the plat is located and the board of health of the health district 584
 in which the plat is located. The notice shall inform the trustees 585
 and the board of health of the submission of the plat and of the 586
 date, time, and location of any meeting at which the county or 587
 regional planning commission will consider or act upon the plat. 588
 The meeting shall take place within thirty calendar days after 589
 submission of the plat, and no meeting shall be held until at 590
 least seven calendar days have passed from the date the planning 591
 commission sent the notice. 592

The approval of the county or regional planning commission, 593
 the commission's conditional approval as described in this 594
 division, or the refusal of the commission to approve shall be 595
 endorsed on the plat within thirty calendar days after the 596
 submission of the plat for approval under this division or within 597
 such further time as the applying party may agree to in writing; 598
 otherwise that plat is deemed approved, and the certificate of the 599
 commission as to the date of the submission of the plat for 600

approval under this division and the failure to take action on it 601
 within that time shall be sufficient in lieu of the written 602
 endorsement or evidence of approval required by this division. 603

A county or regional planning commission may grant 604
 conditional approval under this division to a plat by requiring a 605
 person submitting the plat to alter the plat or any part of it, 606
 within a specified period after the end of the thirty calendar 607
 days, as a condition for final approval under this division. Once 608
 all the conditions have been met within the specified period, the 609
 commission shall cause its final approval under this division to 610
 be endorsed on the plat. No plat shall be recorded until it is 611
 endorsed with the commission's final or unconditional approval 612
 under this division. 613

The ground of refusal of approval of any plat submitted under 614
 this division, including citation of or reference to the rule 615
 violated by the plat, shall be stated upon the record of the 616
 county or regional planning commission. Within sixty calendar days 617
 after the refusal under this division, the person submitting any 618
 plat that the commission refuses to approve under this division 619
 may file a petition in the court of common pleas of the proper 620
 county, and the proceedings on the petition shall be governed by 621
 section 711.09 of the Revised Code as in the case of the refusal 622
 of a planning authority to approve a plat. A board of township 623
 trustees is not entitled to appeal a decision of the commission 624
 under this division. 625

A county or regional planning commission shall adopt general 626
 rules, of uniform application, governing plats and subdivisions of 627
 land falling within its jurisdiction, to secure and provide for 628
 the proper arrangement of streets or other highways in relation to 629
 existing or planned streets or highways or to the county or 630
 regional plan, for adequate and convenient open spaces for 631

traffic, utilities, access of firefighting apparatus, recreation, 632
light, and air, and for the avoidance of congestion of population. 633
The rules may provide for their modification by the commission in 634
specific cases where unusual topographical and other exceptional 635
conditions require the modification. The rules may require the 636
board of health to review and comment on a plat before the 637
commission acts upon it and also may require proof of compliance 638
with any applicable zoning resolutions, and with ~~rules governing~~ 639
household sewage treatment ~~systems~~ rules adopted under section 640
3718.02 of the Revised Code, as a basis for approval of a plat. 641

Before adoption of its rules or amendment of its rules, the 642
commission shall hold a public hearing on the adoption or 643
amendment. Notice of the public hearing shall be sent to all 644
townships in the county or region by regular mail or electronic 645
mail at least thirty business days before the hearing. No county 646
or regional planning commission shall adopt any rules requiring 647
actual construction of streets or other improvements or facilities 648
or assurance of that construction as a condition precedent to the 649
approval of a plat of a subdivision unless the requirements have 650
first been adopted by the board of county commissioners after a 651
public hearing. A copy of the rules shall be certified by the 652
planning commission to the county recorders of the appropriate 653
counties. 654

After a county or regional street or highway plan has been 655
adopted as provided in this section, the approval of plats and 656
subdivisions provided for in this section shall be in lieu of any 657
approvals provided for in other sections of the Revised Code, 658
insofar as the territory within the approving jurisdiction of the 659
county or regional planning commission, as provided in this 660
section, is concerned. Approval of a plat shall not be an 661
acceptance by the public of the dedication of any street, highway, 662

or other way or open space shown upon the plat. 663

No county or regional planning commission shall require a 664
person submitting a plat to alter the plat or any part of it as 665
long as the plat is in accordance with the general rules governing 666
plats and subdivisions of land, adopted by the commission as 667
provided in this section, in effect at the time the plat is 668
submitted. 669

A county or regional planning commission and a city or 670
village planning commission, or platting commissioner or 671
legislative authority of a village, with subdivision regulation 672
jurisdiction over unincorporated territory within the county or 673
region may cooperate and agree by written agreement that the 674
approval of a plat by the city or village planning commission, or 675
platting commissioner or legislative authority of a village, as 676
provided in section 711.09 of the Revised Code, shall be 677
conditioned upon receiving advice from or approval by the county 678
or regional planning commission. 679

(D) As used in this section, "business day" means a day of 680
the week excluding Saturday, Sunday, or a legal holiday as defined 681
in section 1.14 of the Revised Code. 682

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 683
of the Revised Code and except as provided in division (C) of this 684
section, unless the rules adopted under section 711.05, 711.09, or 685
711.10 of the Revised Code are amended pursuant to division (B) of 686
this section, a proposed division of a parcel of land along an 687
existing public street, not involving the opening, widening, or 688
extension of any street or road, and involving no more than five 689
lots after the original tract has been completely subdivided, may 690
be submitted to the planning authority having approving 691
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 692

the Revised Code for approval without plat. If the authority 693
 acting through a properly designated representative finds that a 694
 proposed division is not contrary to applicable platting, 695
 subdividing, zoning, health, sanitary, or access management 696
 regulations ~~or~~ regulations adopted under division (B)(3) of 697
 section 307.37 of the Revised Code regarding existing surface or 698
 subsurface drainage, or ~~rules governing~~ household sewage treatment 699
~~systems~~ rules adopted under section 3718.02 of the Revised Code, 700
 it shall approve the proposed division within seven business days 701
 after its submission and, on presentation of a conveyance of the 702
 parcel, shall stamp the conveyance "approved by (planning 703
 authority); no plat required" and have it signed by its clerk, 704
 secretary, or other official as may be designated by it. The 705
 planning authority may require the submission of a sketch and 706
 other information that is pertinent to its determination under 707
 this division. 708

(B) For a period of up to two years after ~~April 15, 2005~~ the 709
effective date of this amendment, the rules adopted under section 710
 711.05, 711.09, or 711.10 of the Revised Code may be amended 711
 within that period to authorize the planning authority involved to 712
 approve proposed divisions of parcels of land without plat under 713
 this division. If an authority so amends its rules, it may approve 714
 no more than five lots without a plat from an original tract as 715
 that original tract exists on the effective date of the amendment 716
 to the rules. The authority shall make the findings and approve a 717
 proposed division in the time and manner specified in division (A) 718
 of this section. 719

(C) This section does not apply to parcels subject to section 720
 711.133 of the Revised Code. 721

(D) As used in this section, "business day" means a day of 722
 the week excluding Saturday, Sunday, or a legal holiday as defined 723

in section 1.14 of the Revised Code.

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Sec. 4736.01. As used in this chapter:

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(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.

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(B) "Sanitarian" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.

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(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter.

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(D) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with this chapter.

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(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following:

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(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 3733. of the Revised Code;

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(2) Chapter 3734. of the Revised Code as it pertains to solid

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waste; 753

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 754
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 755

(4) Rules adopted under section 3701.34 of the Revised Code 756
pertaining to ~~home sewage~~, rabies control, or swimming pools; 757

(5) Rules adopted under section 3701.935 of the Revised Code 758
for school health and safety network inspections and rules adopted 759
under section 3707.26 of the Revised Code for sanitary 760
inspections. 761

"Practice of environmental health" does not include sampling, 762
testing, controlling of vectors, reporting of observations, or 763
other duties that do not require application of specialized 764
knowledge and skills in environmental health science performed 765
under the supervision of a registered sanitarian. 766

The state board of sanitarian registration may further define 767
environmental health science in relation to specific functions in 768
the practice of environmental health through rules adopted by the 769
board under Chapter 119. of the Revised Code. 770

Sec. 6111.04. (A) Both of the following apply except as 771
otherwise provided in division (A) or (F) of this section: 772

(1) No person shall cause pollution or place or cause to be 773
placed any sewage, sludge, sludge materials, industrial waste, or 774
other wastes in a location where they cause pollution of any 775
waters of the state. 776

(2) Such an action prohibited under division (A) (1) of this 777
section is hereby declared to be a public nuisance. 778

Divisions (A) (1) and (2) of this section do not apply if the 779
person causing pollution or placing or causing to be placed wastes 780
in a location in which they cause pollution of any waters of the 781

state holds a valid, unexpired permit, or renewal of a permit, 782
governing the causing or placement as provided in sections 6111.01 783
to 6111.08 of the Revised Code or if the person's application for 784
renewal of such a permit is pending. 785

(B) If the director of environmental protection administers a 786
sludge management program pursuant to division (S) of section 787
6111.03 of the Revised Code, both of the following apply except as 788
otherwise provided in division (B) or (F) of this section: 789

(1) No person, in the course of sludge management, shall 790
place on land located in the state or release into the air of the 791
state any sludge or sludge materials. 792

(2) An action prohibited under division (B)(1) of this 793
section is hereby declared to be a public nuisance. 794

Divisions (B)(1) and (2) of this section do not apply if the 795
person placing or releasing the sludge or sludge materials holds a 796
valid, unexpired permit, or renewal of a permit, governing the 797
placement or release as provided in sections 6111.01 to 6111.08 of 798
the Revised Code or if the person's application for renewal of 799
such a permit is pending. 800

(C) No person to whom a permit has been issued shall place or 801
discharge, or cause to be placed or discharged, in any waters of 802
the state any sewage, sludge, sludge materials, industrial waste, 803
or other wastes in excess of the permissive discharges specified 804
under an existing permit without first receiving a permit from the 805
director to do so. 806

(D) No person to whom a sludge management permit has been 807
issued shall place on the land or release into the air of the 808
state any sludge or sludge materials in excess of the permissive 809
amounts specified under the existing sludge management permit 810
without first receiving a modification of the existing sludge 811

management permit or a new sludge management permit to do so from the director. 812
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(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits. 814
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(F) This section does not apply to any of the following: 817

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state; 818
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(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F) (2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency. 826
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(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by animal waste or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 1511. of the Revised Code. Division (F) (3) of this section does not authorize, without a 837
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permit, any discharge that is prohibited by, or for which a permit
 is required by, the Federal Water Pollution Control Act or
 regulations adopted under it.

(4) The excrement of domestic and farm animals defecated on
 land or runoff therefrom into any waters of the state. Division
 (F) (4) of this section does not authorize, without a permit, any
 discharge that is prohibited by, or for which a permit is required
 by, the Federal Water Pollution Control Act or regulations adopted
 under it.

(5) On and after the date on which the United States
 environmental protection agency approves the NPDES program
 submitted by the director of agriculture under section 903.08 of
 the Revised Code, any discharge that is within the scope of the
 approved NPDES program submitted by the director of agriculture;

(6) The discharge of sewage, industrial waste, or other
 wastes into a sewerage system tributary to a treatment works.
 Division (F) (6) of this section does not authorize any discharge
 into a publicly owned treatment works in violation of a
 pretreatment program applicable to the publicly owned treatment
 works.

~~(7) Septic tanks or other disposal systems for the disposal~~
~~or treatment of sewage from single family, two family, or~~
~~three family dwellings~~ A household sewage treatment system or a
small flow on-site sewage treatment system, as applicable, as
defined in section 3718.01 of the Revised Code that is installed
in compliance with the sanitary code and section 3707.01 Chapter
3718. of the Revised Code and rules adopted under it. Division
 (F) (7) of this section does not authorize, without a permit, any
 discharge that is prohibited by, or for which a permit is required
 by, regulation of the United States environmental protection
 agency.

(8) Exceptional quality sludge generated outside of this 874
state and contained in bags or other containers not greater than 875
one hundred pounds in capacity. As used in division (F)(8) of this 876
section, "exceptional quality sludge" has the same meaning as in 877
division (Y) of section 3745.11 of the Revised Code. 878

(G) The holder of a permit issued under section 402 (a) of 879
the Federal Water Pollution Control Act need not obtain a permit 880
for a discharge authorized by the permit until its expiration 881
date. Except as otherwise provided in this division, the director 882
of environmental protection shall administer and enforce those 883
permits within this state and may modify their terms and 884
conditions in accordance with division (J) of section 6111.03 of 885
the Revised Code. On and after the date on which the United States 886
environmental protection agency approves the NPDES program 887
submitted by the director of agriculture under section 903.08 of 888
the Revised Code, the director of agriculture shall administer and 889
enforce those permits within this state that are issued for any 890
discharge that is within the scope of the approved NPDES program 891
submitted by the director of agriculture. 892

Sec. 6111.44. (A) Except as otherwise provided in division 893
(B) of this section, in section 6111.14 of the Revised Code, or in 894
rules adopted under division (G) of section 6111.03 of the Revised 895
Code, no municipal corporation, county, public institution, 896
corporation, or officer or employee thereof or other person shall 897
provide or install sewerage or treatment works for sewage, sludge, 898
or sludge materials disposal or treatment or make a change in any 899
sewerage or treatment works until the plans therefor have been 900
submitted to and approved by the director of environmental 901
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 902
to sewerage and treatment works of a municipal corporation or part 903
thereof, an unincorporated community, a county sewer district, or 904

other land outside of a municipal corporation or any publicly or 905
privately owned building or group of buildings or place, used for 906
the assemblage, entertainment, recreation, education, correction, 907
hospitalization, housing, or employment of persons. 908

In granting an approval, the director may stipulate 909
modifications, conditions, and rules that the public health and 910
prevention of pollution may require. Any action taken by the 911
director shall be a matter of public record and shall be entered 912
in the director's journal. Each period of thirty days that a 913
violation of this section continues, after a conviction for the 914
violation, constitutes a separate offense. 915

(B) Sections 6111.45 and 6111.46 of the Revised Code and 916
division (A) of this section do not apply to any of the following: 917

(1) Sewerage or treatment works for sewage installed or to be 918
installed for the use of a private residence or dwelling; 919

(2) Sewerage systems, treatment works, or disposal systems 920
for storm water from an animal feeding facility or manure, as 921
"animal feeding facility" and "manure" are defined in section 922
903.01 of the Revised Code; 923

(3) Animal waste treatment or disposal works and related 924
management and conservation practices that are subject to rules 925
adopted under division (E) (2) of section 1511.02 of the Revised 926
Code; 927

(4) Sewerage or treatment works for the on-lot disposal or 928
treatment of sewage from a small flow on-site sewage treatment 929
system, as defined in section 3718.01 of the Revised Code, if the 930
board of health of a city or general health district has notified 931
the director of health and the director of environmental 932
protection under section 3718.021 of the Revised Code that the 933
board has chosen to regulate the system, provided that the board 934
remains in compliance with the rules adopted under division 935

<u>(A) (13) of section 3718.02 of the Revised Code.</u>	936
The exclusions established in divisions (B) (2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.	937 938 939 940 941 942 943
Section 640.23. That existing sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 of the Revised Code are hereby repealed.	944 945 946
Section 640.24. Sections 640.22 and 640.23 take effect on January 1, 2010."	947 948
Between lines 106548 and 106549, insert:	949
"The amendment by this act of sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.044 of the Revised Code as amended by Sections 101.01 and 101.02 takes effect immediately when this act becomes law."	950 951 952 953
In line 106562, delete the first comma and insert "and"; delete ", and 120.05"	954 955
In line 106563, delete "July 1,"	956
In line 106564, delete "2009" and insert "immediately when this act becomes law"	957 958
In line 30 of the title, after "504.21," insert "711.001, 711.05, 711.10, 711.131,"	959 960
In line 173 of the title, after "6109.21," insert "6111.04,"; after "6111.044," insert "6111.44,"	961 962
In line 250 of the title, delete the first comma and insert	963

"and"; delete ", and 120.05" 964

In line 273 of the title, after the semicolon insert "to 965
further amend sections 711.001, 711.05, 711.10, 711.131, 4736.01, 966
6111.04, and 6111.44 of the Revised Code effective January 1, 967
2010;" 968

The motion was _____ agreed to.

SYNOPSIS

Sewage Treatment Systems 969

R.C. 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 970
6111.44; Sections 640.20, 640.21, 640.22, 640.23, and 640.24 971

Amends and extends the termination date of provisions of Am. 972
Sub. H.B. 119 of the 127th General Assembly that temporarily 973
suspended the operation of certain provisions of the Household and 974
Small Flow On-Site Sewage Treatment Systems Law and that enacted 975
temporary provisions regarding that Law; extends the termination 976
of that suspension and temporary law from July 1, 2009, to January 977
1, 2010, rather than from July 1, 2009, to July 1, 2011, as in the 978
bill; and restores until that date provisions of law related to 979
household sewage disposal systems that existed prior to that Law's 980
enactment. 981